

PLANNING ADVISORY COMMISSION AGENDA

January 28, 2019

Mason County Building 1 - Commission Chambers
411 N. 5th Street, Shelton, WA 98584

1. 6:00pm - Call to Order

- a. Roll Call
- b. Approval of Meeting Summary(s) – December 18, 2018
- c. Approval of Changes to Agenda by Commissioners or Staff (if any)
- d. Conflict of Interest Inquiry
- e. Next Meeting Date – February 25, 2019—Joint Meeting w/ BOCC
- f. Committee/Staff Updates
- g. Other Business

2. 6:15pm— Public Comment on topics associated with the mission of the Planning Commission for which a public hearing is not being held. Please limit comments to 3 minutes.

3. 6:30pm –Public Hearings: Voluntary Stewardship Program (amendment to Title 8, Chapter 8.52), Standards for Fire Apparatus Access Roads (amendment to Title 14 Chapter 14.17) and Proposed rezone from Rural Residential 5 (RR5) to Rural Commercial 3 (RC3) for parcel number 32031-14-00000

- Staff Presentation/Brief
- Questions for Staff
- Public Testimony
- Commissioner Deliberation
- Commissioner Vote

What is the Planning Commission?

The Mason County Planning Commission is a citizen advisory commission that is appointed by and advisory to the Mason County Commission on the preparation and amendment of land use plans and implementing ordinances such as zoning.

- The actions tonight are not final decisions; they are Commission recommendations to the Board of County Commissioners who must ultimately make the final decision. If you have any questions or suggestions on ways the Planning Commission can serve you better, please contact the Planning Office at 360-427-9670.

Americans with Disabilities Act (ADA) accommodations will be provided upon request, with reasonable, adequate notice.

Agendas are subject to change, please contact the Planning Office for the most recent version. The agenda was last printed on 1/16/2019 9:04 AM

STAFF REPORT
A PUBLIC HEARING for proposed amendments
to Title 8, Chapter 8.52 relating to Voluntary Stewardship Program

1. Contact Person

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2. Background

Through an Interlocal Agreement with Mason County, Mason Conservation District was assigned lead entity to establish the Voluntary Stewardship Program (VSP) including forming a Work Group to develop and administer a Work Plan (see attachment).

The District is proposing amendments to the Mason County Code Title 8 Chapter 8.52 (Resource Ordinance) relating to the implementation of the VSP Work Plan.

Barbara Adkins from the Mason Conservation District will be at the PAC public hearing to introduce the VSP, amendments to Title 8, Chapter 8.52 and answer questions.

3. Recommendation

Staff asks that the PAC review and discuss the proposed amendments to Title 8, Chapter 8.52 and recommend approval to the Board of County Commissioners for adoption.

4. Attachments

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- Mason Conservation District staff report
 - Title 8, Chapter 8.52 with markup



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Proposed Text Amendments – Mason County Resource Ordinance VOLUNTARY STEWARDSHIP PROGRAM

LEGISLATION

Enabled under the Washington State Growth Management Act (RCW 36.70A.700¹) in 2011, the Voluntary Stewardship Program (VSP) is an alternative to traditional critical areas regulations. Administered at a watershed level, the VSP uses a stakeholder-driven process to identify, coordinate, and build on existing programs and practices that address agricultural effects on critical areas. The Program is designed to rely on voluntary actions by agricultural operators for the protection and enhancement of critical areas, while also maintaining the long-term viability of agriculture and reducing the conversion of farmland to other uses. In 2012, under Resolution #07-12, the Board of County Commissioners opted in to the Voluntary Stewardship Program and nominated all five Water Resource Inventory Areas (WRIAs) for participation. Under this new statute, counties electing to participate in the VSP were eligible to receive funding for implementation as it became available from the State. Mason County received grant funding from the Washington Conservation Commission on December 7, 2015.

PROGRAM

The Program requires a Work Group be formed to develop and administer a Work Plan that designates technical assistance providers, identifies outreach and implementation approaches, sets goals and benchmarks, and establishes a monitoring plan, regular reporting, and adaptive management. The Group continues to remain active for the life of the Program and meet as necessary to implement Work Plan.

¹(1) *The purpose of chapter 360, Laws of 2011 is to establish the voluntary stewardship program as recommended in the report submitted by the William D. Ruckelshaus Center to the legislature as required by chapter 353, Laws of 2007 and chapter 203, Laws of 2010.*

(2) *It is the intent of chapter 360, Laws of 2011 to:*

- (a) *Promote plans to protect and enhance critical areas within the area where agricultural activities are conducted, while maintaining and improving the long-term viability of agriculture in the state of Washington and reducing the conversion of farmland to other uses;*
- (b) *Focus and maximize voluntary incentive programs to encourage good riparian and ecosystem stewardship as an alternative to historic approaches used to protect critical areas;*
- (c) *Rely upon RCW 36.70A.060 for the protection of critical areas for those counties that do not choose to participate in this program;*
- (d) *Leverage existing resources by relying upon existing work and plans in counties and local watersheds, as well as existing state and federal programs to the maximum extent practicable to achieve program goals;*
- (e) *Encourage and foster a spirit of cooperation and partnership among county, tribal, environmental, and agricultural interests to better assure the program success;*
- (f) *Improve compliance with other laws designed to protect water quality and fish habitat; and*
- (g) *Rely upon voluntary stewardship practices as the primary method of protecting critical areas and not require the cessation of agricultural activities.*

Funding for the VSP comes through grants provided by the Washington Conservation Commission (WCC) directly to Mason County, provided it is approved in the State's budget. An Interlocal Agreement between Mason County and the Mason Conservation District assigns the District as Lead Entity in this project and the funding received then reimburses the District for services provided. As Lead Entity, the District solicited and organized Work Group members, and began facilitating group meetings in June of 2016. The Work Group's initial task was the creation of a Work Plan as mandated in RCW 36.70A.720, and after a two-step review process with the Washington Conservation Commission, a Work Plan was approved in June of 2018. The next phase of this program is the Plan's implementation which includes public outreach, individual stewardship plans, monitoring and adaptive management.

IMPLEMENTATION

Mason County's Work Plan includes goals, benchmarks, monitoring and adaptive management for protecting and enhancing critical areas through voluntary, site-specific stewardship practices. It is also focused on maintaining and enhancing the long-term viability of agriculture and reducing the conversion of farmland to other uses. Specifically the Plan has four goals:

GOAL 1 - protect critical area functions and values on agricultural lands at a watershed level as they existed as of July 22, 2011.

GOAL 2 - enhance critical area functions and values through voluntary, incentive-based measures.

GOAL 3 - ensure the viability of agriculture and reduce the conversion of agricultural land into other uses.

GOAL 4 - establish baseline monitoring program to measure benchmarks over a ten year period.

The Plan establishes measurable Benchmarks to assess progress toward achieving these goals, and a threshold for adaptive management to allow the District to evaluate how they are meeting goals and adjust for future decision making.

The VSP statute sets two main reporting requirements during the implementation of an approved VSP work plan: one report at the end of each biennium, and a five year status report. At the end of the state of Washington's biennium, the Work Group must provide a written report of the status of its Work Plan and accomplishments to the County and to the Commission. The due date for this report is August 30, 2019 and each biennium after that. At five year intervals from the date of receipt of funding, the County's Work Group must submit a report to the Commission and the County on whether it has met the work plan's protection and enhancement goals and benchmarks. Mason County's due date is November 24, 2020 for its five year status report, and recurring on that date every five years thereafter.

AMENDMENTS

While the VSP is a function of the Growth Management Act, it is administered differently than the Act's earlier sections. At the State level the Program is administered by the Washington Conservation Commission and not the Washington Department of Commerce or Ecology. In addition, the Work Plan is not adopted by the Board of County Commissioners but approved by the WCC, and then

administered by the Work Group. Because of these variations from the normal process it can be more challenging for citizens, who would normally seek County guidance, to be aware of the Program. Providing links on the County's homepage where information on VSP can be found on the WCC's website as well as the District's, would be extremely helpful for citizen outreach and education. Additionally, having references within Mason County's Recourse Code acknowledging the existence of the Voluntary Stewardship Program is something to be considered by the Board of Commissioners.

The District met with the Board of County Commissioners throughout this initial process and most recently in August of 2018 to discuss the information provided herein, including suggestions for public outreach and code amendments. The Board was fully supportive of providing VSP information portals for the community, and was as considering amendments to the Resource Ordinance.

The code amendments require following traditional GMA process including public notice and two public hearings. A proposed Ordinance and Attachment "A" are provided for consideration in a "track changes" format to identify the edits made. It is not the intent of these amendments to change any regulations with respect to critical areas, but to inform the public as well as current and future staff, of the Programs existence and how it impacts the code's application.

SECTION CHANGES

The following outlines the proposed changes as found in Attachment "A". Some or all of them may be incorporated at the will of the Commissioners. The revisions are designed to make notification of the existence of the VSP in each section where it applies, and not just in an administrative section where it may be not been seen. The idea is to make finding the information easy and without a lot of cumbersome searching through regulations that can already be difficult to navigate.

SECTION 8.52.020 – PURPOSE. A new paragraph was added that speaks specifically to agricultural lands and uses.

SECTION 8.52.021 – APPLICABILITY. This section is completely new and intended to illustrate how and where the Resource Ordinance is applied, and includes reference to exempted agricultural activities eligible under the VSP.

SECTION 8.52.030 – DEFINITIONS. Added a definition and statutory citation for Voluntary Stewardship Program.

SECTION 8.52.050 – RELATIONSHIP TO OTHER REGULATIONS. The addition of paragraph (E) to acknowledge additional legislation to be applied in resource areas.

SECTION 8.52.061 – AGRICULTURAL RESOURCE LANDS. The addition of paragraph (F) to acknowledge the Program and its application.

SECTION 8.52.110 – WETLANDS. Revised paragraph (D) to reference the exemption of eligible agricultural activities in areas where wetlands and wetland buffers are located. This paragraph was inserted prior to Land Uses and not at the end of the section so that it would not be missed. (Paragraph re-lettering/re-numbering where appropriate.)

SECTION 8.52.120 – CRITICAL AQUIFER RECHARGE AREAS. Revised paragraph (C) to reference the exemption of eligible agricultural activities in critical aquifer recharge areas. This paragraph was

inserted prior to Pre-existing Uses and not at the end of the section so that it would not be missed. (Paragraph re-lettering/re-numbering where appropriate.)

SECTION 8.52.130 – FREQUENTLY FLOODED AREAS. The addition of paragraph (E) to acknowledge the VSP, however agricultural activities in these areas are NOT exempt under the Program. The statute allows Counties to maintain portions of their resource regulations necessary to meet the overall goals of the Program. The nature and inherent risks associated with flood areas require that regulations to protection life and property remain in place, and therefore Mason County’s VSP does not exempt agricultural activities from those regulations.

SECTION 8.52.140 – GEOLOGICALLY HAZARDOUS AREAS. This section of the Resource Ordinance was previously title “Landslide Hazard Areas”, and is referenced as such in the Work Plan. The name change occurred during the drafting of the Plan and was not discovered until the after approval. The addition of paragraph (C) to acknowledge the VSP, however agricultural activities in these areas are NOT exempt under the Program. (Paragraph re-lettering/re-numbering where appropriate.)

SECTION 8.52.150 – SEISMIC HAZARD AREAS. The addition of paragraph (E) to acknowledge the VSP, however agricultural activities in these areas are NOT exempt under the Program.

SECTION 8.52.160 – EROSION HAZARD AREAS. Revised paragraph (D) to reference the exemption of eligible agricultural activities in erosion hazard areas.

8.52.170 – FISH AND WILDLIFE HABITAT CONSERVATION AREAS. Revised paragraph (D) to reference the exemption of eligible agricultural activities in areas of priority species habitat and habitat buffers. This paragraph was inserted prior to the Establishment of Buffers and not at the end of the section so that it would not be missed. (Paragraph re-lettering/re-numbering where appropriate.)

8.52.200 – GENERAL EXEMPTIONS. Addition of paragraph (10) exempting eligible agricultural activities.

ATTACHMENT “A”

An Ordinance Amending Title 8, Chapter 8.52 of the Mason County Code to Incorporate the Voluntary Stewardship Program

Mason County
Resource Ordinance
Title 8.52 MCC

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8.52.010 - Authority.

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

(Ord. 77-93 (part), 1993).

8.52.020 – Purpose.

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

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

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

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

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

Encourage the voluntary enrollment of agricultural lands and uses into the Open Space Tax Program and agricultural activities into the Voluntary Stewardship Program.

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

8.52.021 – Applicability.

- (A) Except as provided in subsections 3 and 4 below, the provisions of this Chapter shall apply to any alteration or development within the unincorporated portion of Mason County, and outside of the shoreline jurisdiction, as determined by the Shoreline Master Program (MCC 17.50). No development shall be constructed, located, extended, modified, converted, or altered, or land subdivided without full compliance with this Chapter.
- (B) Compliance with these regulations does not remove any applicant's obligation to comply with applicable provisions of any other federal, state, or local law or regulation.
- (C) Agricultural activities as defined in Section 8.52.030 specific to the Voluntary Stewardship Plan conducted on any unincorporated lands in Mason County are regulated by the Mason County Voluntary Stewardship Program and not this Chapter as long as the County remains opted into the Program and the Program remains active.
- (D) Any activities, alterations or development located with any Shoreline of the State within the unincorporated portion of Mason County are subject to the provisions of the Shoreline Master Program (MCC 17.50).

8.52.030 - Definitions.

For the purposes of this chapter:

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

Administrator: The Director of Mason County Community Services Department, or his/her designee.

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

Agricultural Activities and Existing and Ongoing Agriculture: 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 Lands: Lands primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has a long term commercial significance for agricultural production.

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

Anaerobic: Living or functioning in the absence of oxygen.

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

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

Approval Authority: The authority for all administrative decisions under this chapter is the Director of Community Services, or his/her designee. The approval authority for all decisions subject to public review is the hearing examiner.

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

NOTE: Pages 7-20 removed from this copy as no changes were made

- (7) Farm or residential UST systems of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale).
- (8) UST systems used for storage of heating oil for consumptive use on the premises where stored; except that such systems which store in excess of one thousand one hundred gallons are subject to release reporting requirements of WAC 173-360-372.
- (9) Septic tanks.
- (10) Any pipeline facility (including gathering lines) regulated under:
 - (a) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.); or
 - (b) The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.); or
 - (c) Which is an intrastate pipeline facility regulated under state laws comparable to the provision of the law referred to in (x)(a) or (b) of this subsection.
- (11) Surface impoundments, pits, ponds, and lagoons.
- (12) Stormwater or wastewater collection systems.
- (13) Flow-through processing tanks.
- (14) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations.
- (15) Storage tanks situated in an underground area (such as a basement, cellar, vault, mineworking drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

Variance: A grant of relief from the specific requirements of this chapter which permits use of property in a manner that would otherwise be prohibited by this chapter.

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

“Voluntary Stewardship Program” was enabled under the Washington State Growth Management Act (RCW 36.70A) to: (a) Promote plans to protect and enhance critical areas within the area where agricultural activities are conducted, while maintaining and improving the long-term viability of agriculture in the state of Washington and reducing the conversion of farmland to other uses; (b) Focus and maximize voluntary incentive programs to encourage good riparian and ecosystem stewardship as an alternative to historic approaches used to protect critical areas; (c) Rely upon RCW 36.70A.060 for the protection of critical areas for those counties that do not choose to participate in this program; (d) Leverage existing resources by relying upon existing work and plans in counties and local watersheds, as well as existing state and federal programs to the maximum extent practicable to achieve program goals; (e) Encourage and foster a spirit of cooperation and partnership among county, tribal, environmental, and agricultural interests to better assure the program success; (f) Improve compliance with other laws designed to protect water quality and fish habitat; and (g) Rely upon voluntary stewardship practices as the primary method of protecting critical areas and not require the cessation of agricultural activities. (RCW 36.70A.700 (2))

WAC: Washington Administrative Code.

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

- (e) Parcels legally described as 1/16th of a section shall be equivalent to forty acres (16.12 hectares).
 - (f) Parcels legally described as 1/8th of a section shall be equivalent to eighty acres (32.24 hectares).
 - (g) Property legally described as one section shall be equivalent to six hundred forty acres (257.92 hectares).
- (5) Preferential Right to Manage Resources — "Right to Forestry," "Right to Farm," "Right to Mine." Description of Preferential Rights.
- (a) No resource use or any of its component activities shall be or become a nuisance, private or public, by any changed conditions in or about the locality thereof after the same has been in operation for more than five years, when such operation was not a nuisance at the time the operation began; provided that the provisions of this subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such operation or its component activities, and the property owner follows the standards of this chapter.
 - (b) A resource operation shall not be found to be a public or private nuisance if the operation conforms to local, state, and federal law and best management practices.
 - (c) A farm or forest operation shall not be restricted to time of day or days of the week, but shall be conducted according to best management practices pursuant to state law.
 - (d) A farm or forest operation shall be free from excessive or arbitrary regulation.

(Ord. 138-06 (part), 2006; Ord. 118-99, Attachment B § 2, 1999; Ord. 56-97 (part), 1997; Ord. 77-93 (part), 1993).

8.52.050 - Relationship to Other Regulations.

(A) General Provision.

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

(B) State Environmental Policy Act.

This chapter is an officially adopted land use policy of the county and shall be a basis for analyzing development proposals pursuant to 43.21c RCW. The areas described on adopted critical area maps, pursuant to Section 8.52.040(c)(1), are declared sensitive areas under provisions of WAC 197-11-908.

(C) County Policies and Regulations.

- (1) The following adopted county policies and regulations shall be enforced consistent with the terms of this chapter:
 - (a) International Building & Residential Code;
 - (b) International Fire Code;
 - (c) Mason County Health Code;
 - (d) Mason County Environmental Policy Ordinance;

- (e) Mason County Mobile Home and Recreational Vehicle Ordinance;
- (f) Mason County Six-year Transportation Improvement Program;
- (g) Title 16, Mason County Subdivision Ordinance including Large Lot Requirements;
- (h) Parking Standards Ordinance;
- (i) Other adopted ordinances by Mason County;

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

- (2) Responsibilities of county departments of Community Services (Building Environmental Health, and Planning Divisions) and Public Works.

For all development applications under the preview of the county Building Official, Environmental Health Manager, and/or Public Works Director, and in the course of their respective standard site inspection programs, a site inspection shall be performed to determine whether the site has lands, waters or shorelands that are likely to meet the designation criteria for one or more county resource lands or critical areas. If a site is found likely to contain such lands, the building official, Environmental Health Manager and/or Public Works Director shall notify the Planning Manager of that interpretation and any permit under their authority shall not be approved until:

- (a) The Planning Manager finds that the site does not contain any lands, shorelands, or waters subject to regulations under this chapter; or
- (b) The Planning Manager finds that the site does contain lands, shorelands, or waters subject to regulations under this chapter and the proposed development is in compliance with all regulatory and procedural requirements of this chapter.

(D) Shoreline Master Program and Flood Damage Prevention Regulations.

- (1) Mason County intends for the policies and regulations of this chapter to be compatible and consistent with the following adopted county policies and regulations:
 - (a) Mason County Flood Damage Prevention Ordinance (MCFDPO);
 - (b) Mason County Shoreline Master Program (MCSMP) 17.50 MCC.
- (2) While there are no inherent conflicts between this chapter and the MCFDPO, and the MCSMP, there may be sections that overlap as in the case of Section 8.52.140. Where such sections overlap, the more restrictive policy or regulation between either of the above documents and this chapter shall prevail, except where substantive or procedural requirements are specified in the SMP.
- (3) All activities and developments that are subject to approval under provisions of this chapter that also require approval of the MCFDPO, shall be processed under provisions of the MCFDPO and shall meet all the standards of this chapter. Granting of approval of the MCFDPO shall constitute compliance with this chapter.

- (4) All activities and developments that are subject to approval under provisions of this chapter that also require approval of the MCSMP, shall be processed concurrently with provisions of the MCSMP and shall meet all the requirements of this chapter. Where provisions of the MCFDPO and the MCSMP conflict, the more restrictive provisions shall apply. Applications that are processed as a Mason Environmental Permit per MCC 8.52.190(C), and do not require a Shoreline Variance, Shoreline Substantial Development Permit, or Shoreline Conditional Use shall instead be processed as a Shoreline Exemption.
- (5) The general exemptions in section 8.52.200 do not apply within Shoreline Jurisdiction. For exemptions to the SMP, see section 17.50.060(E) and WAC 173-27-045. For exemptions from the Substantial Development Permit process, see section 17.50.400(B)(1) and WAC 173-27-040.

(E) Voluntary Stewardship Program.

Under Resolution #07-12, Mason County opted into the Voluntary Stewardship Program pursuant to RCW 3.70A.700-760. Agricultural activities conducted within critical areas will be addressed through the County's implementation of the VSP. Compliance with VSP, however, does not constitute compliance with other Federal, State, and local regulations and permitting requirements.

(Ord. 77-93 (part), 1993).

8.52.060 – Long-Term Commercial Forest Lands.

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

(A) Classification.

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

- (1) Property tax classification: Property is enrolled, as of January 31, 1992 in the Open Space - Timber or Designated Forest or Classified Forest property tax classification program pursuant to Chapter 84.33 or 84.34 RCW, or is owned by a state or local governmental body with long-term forest management as its primary use; and
- (2) Minimum block size is 5000 acres (2015 hectares) which shall consist of a minimum parcel size of 80 acres within said block, and which can be in multiple ownerships; and
- (3) In any one block, no more than 5% is used for non-resource use; and
- (4) The property is greater than 2 miles (3220 meters) from the city limits of Shelton or outside any designated urban growth boundaries in Mason County, when so established by the County; and
- (5) 50% or more of an ownership parcel shall have a Douglas Fir Site Index of 118 (Land Grade 2) or better pursuant to WAC 458-40-530. In addition, those property owners who have more than 4000 acres of property within Mason County that meet that criterion, shall also include all properties with a Douglas Fir Site Index of 99 (Land Grade 3) or better pursuant to WAC 458-40-530; and

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

8.52.061 - Agricultural Resource Lands.

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

(A) Classification.

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

- (1) The property has an existing commercial agricultural use (as of the date of designation) or where the property was used for agricultural purposes as of January 1991, where identified by property tax classification in the open space - agriculture property tax classification program pursuant to Chapter 84.34 RCW or where agricultural use has been identified as the principal use of the property, are presumed to meet this criteria;
- (2) The property has a minimum parcel size of ten (10) acres;
- (3) The parcel has prime farmland soils;
- (4) The property is surrounded by or adjacent to lands qualifying under classification criteria (1) to (3) above;
- (5) The property is an upland fin-fish hatchery. Provided that, property owners may apply to have their land designated as Agricultural Resource Lands upon a showing that the property is eligible for and participates in the open space - agricultural property tax classification program pursuant to Chapter 84.34 and upon a showing that either that the property has prime farmland soils or that, in some other fashion, the agricultural use has long-term commercial significance. Such applications shall be reviewed by the county as provided for in the annual amendment process for the county Comprehensive Plan and Development Regulations.

(B) Designation.

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

(C) Land Uses.

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

- (1) Accessory uses that support, promote, or sustain agricultural operations and production, are allowed and shall comply with the following standards:
 - (a) Accessory uses shall be located, designed, and operated so as not to interfere with natural resource land uses and shall be accessory to the growing of crops or raising of animals;
 - (b) Accessory commercial or retail uses shall predominately produce, store, or sell regionally produced agricultural products from one or more producers, products derived from regional agricultural production, agriculturally related experiences, or products produced on-site. Accessory commercial and retail uses shall offer for sale predominantly products or services produced on-site; and
 - (c) Accessory uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of existing agricultural buildings on the site but shall not otherwise convert agricultural land to nonagricultural uses.

- (2) Accessory uses may include compatible commercial or retail uses including, but not limited to, the following:
 - (a) Storage and refrigeration of regional agricultural products;
 - (b) Production, sales, and marketing of value-added agricultural products derived from regional sources;
 - (c) Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;
 - (d) Support services that facilitate the production, marketing, and distribution of agricultural products; and
 - (e) Off-farm and on-farm sales and marketing of predominately regional agricultural products and experiences, locally made art and arts and crafts, and ancillary retail sales or service activities.

(D) Development Standards.

- (1) Development Standards for Proposed Land Uses.
 - (a) Front yard setback: twenty-five feet.
 - (b) Side and rear yard setbacks: side and rear yard setbacks for the residential dwelling is twenty feet, for accessory buildings shall be twenty feet, for accessory structures used for agricultural purposes or home occupations shall be fifty feet, and for buildings of nonresidential land uses shall be fifty feet.
 - (c) Floor Area Ratio: one is to twenty, except for fire stations.
 - (d) Size: five thousand sq. ft. maximum (or up to seven thousand five hundred sq. ft. with a special use permit) for nonagricultural and accessory buildings except for dwellings and agricultural buildings.
 - (e) Height: thirty-five feet except for agricultural buildings, cell towers, antennas or water tanks.

- (2) Proposed land uses shall meet the review standards for land uses established in the Mason County development regulations, including Section 17.03.020 (Matrix of Permitted Uses) and Section 17.03.021 (Cottage Industries).

(E) Preferential Right to Manage Resources and Resource Use Notices.

- (1) For land owners who have land designated as Agricultural Resource Lands, provisions of "Right to Farm" provided under Section 8.52.040(C)(5) shall fully apply.
- (2) All plats, short plats, large lot subdivision, development permits, and building permits issued for activities on, or within five hundred feet of lands designated as Agricultural Resource Lands shall contain the following notification: "This property is within or near designated Agricultural Resource Lands on which a variety of commercial activities may occur at times and that are not compatible with residential development. Residents of this property may be subject to inconvenience or discomfort associated with these activities including, but not limited to: dust, odor, noise, and chemical applications."

(F) Voluntary Stewardship Program. Mason County elected under Resolution #07-12 to enroll the entirety of unincorporated Mason County to include all five water resource inventory areas (WRIAs), specifically Kennedy-Goldsborough (WRIA14), Kitsap (WRIA 15), Skokomish-Dosewallips (WRIA 16), Queets-Quinault (WRIA 21), and Lower Chehalis (WRIA 22) in the Voluntary Stewardship Program established by Engrossed Substitute House Bill 1886. Mason County intends the Voluntary Stewardship Program, in conjunction with the provisions of this Section and Chapter, to protect critical areas in areas of agricultural activity.

(Ord. 52-00, Attachment B, 2000; Res. 91-99 (part), 1999; Ord. 152-97 (part), 1997). (Ord. 108-05 Attach. B (part), 2005).

8.52.070 - Inholding Lands.

The purpose of this section is to mitigate potential incompatible land uses between the long-term commercial forest lands and the neighboring Inholding Lands.

(A) Classification.

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

- (1) Lands that as a block are surrounded on all sides by designated long-term commercial forest lands; or in the case of properties abutting another county on at least one side, lands that are surrounded in the county by properties designated long-term commercial forest lands; and maximum block size is less than six hundred forty acres (257.92 hectares) in size; and lands that do not meet the classification criteria for long-term commercial forest lands.
- (2) Lands which meet the criteria for long-term commercial forest lands pursuant to Section 8.52.060(A) of this chapter and are within four hundred feet of the Cloquallum/Lake Communities border as of the effective date of this chapter. The border to be that defined on the official map of "Mason County Long-Term Commercial Forest Lands and Inholding Lands."

The intent of this classification is to mitigate potential incompatible land uses between the long-term commercial forest land and the neighboring Inholding Lands.

- (b) Strict adherence to the standards of the Uniform Fire Code as determined by the County Fire Marshal; and
 - (c) Maximum roadway grade serving two or more non-resource properties shall not exceed twelve percent (12%); and
 - (d) For rights-of-way serving two or more non-resource properties, a maintenance agreement is recorded with the County Auditor identifying owners responsible for maintaining said rights-of-way to the above standards.
- (2) The County Engineer may impose additional roadway development standards if he/she determines they are necessary for public health and safety.

(B) Water Supply Standards.

- (1) When residential or other structural uses are intended to be supplied with potable water from off-site sources, written permission shall be obtained from the property owners supplying the water prior to plat approval or building permit issuance, as applicable.
- (2)d New residential or recreational domestic water supplies shall be certified by the County or State of Washington as appropriate, and shall not be located within one hundred (100) feet (30.5 meters) of adjacent property without written consent or easement of the adjacent property owner.
- (3)d Domestic water supplies shall be in compliance with State and County health codes.

8.52.110 - Wetlands.

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

(A) Classification. The following shall be classified as wetland areas:

Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. However, wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands, if permitted by the county.

(B) Designations.

- (1) The following lands, shorelands, and waters of Mason County are hereby designated under RCW 36.70A.060 and RCW 36.70A.170 as wetland critical areas requiring immediate protection from incompatible land uses:

- (a) All areas described in subsection (A) of this section;
 - (b) Ponds less than twenty acres;
 - (c) Wetlands created as mitigation, and those modified for approved land use activities, including their submerged aquatic beds.
- (2) The following are designated as non-regulated wetlands:
- (a) Artificial man-made wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway.
 - (b) Exempt wetlands that are isolated and less than one thousand square feet in area where it has been shown by the applicant that they are not associated with a riparian corridor or a shoreline of the state, they are not part of a wetland mosaic, and do not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife.
- (3) Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements, as required by WAC 173-22-035. All areas within the county meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter.
- (4) Owners and applicants with non-regulated wetlands are strongly urged to cooperate voluntarily in this plan of wetland protection, using the guidelines in this ordinance and in materials provided by the Department of Community Services.

(C) Procedures.

- (1) Responsibilities for the determination of wetland boundaries:
- (a) Formal determination of wetland boundaries is the responsibility of the county. The responsibility to provide all necessary and accurate data to the county for its determination rests with the applicant. This information will include a field delineation by a qualified wetland professional applying the current approved federal wetland delineation manual and applicable regional supplements. When, in the opinion of the Director, sufficient information exists from the county's wetland inventory, or other sources, the requirement for a full or partial delineation may be waived. For instance, in some cases, the applicant may only be required to determine the wetland boundary, or portion thereof, of the wetland system. The Director shall determine when a permit application is required and what additional information may be necessary. Wetland delineations shall be performed in accordance with the procedures as specified in the current approved federal wetland delineation manual and applicable regional supplements. Evidence documenting the results of any boundary survey, or other submitted data, may be required by the Director.
 - (b) Mason County, at a fee, when requested by the applicant, or the affected party, may perform the delineation in lieu of direct action by the applicant. Mason County may use hydrology, soils, plant species, and other data, and consult with biologists,

hydrologists, soil scientists, or other experts, as needed, to perform the delineation. The county shall make a good faith effort to provide this service, consistent with budgetary constraints and available in-house expertise, for smaller projects and especially for those property owners with lesser financial capabilities.

- (c) Where Mason County performs a wetland boundary determination at the request of the applicant, it shall be considered a final determination unless contested.
- (d) Where the applicant has provided a determination of the wetland boundary, the Director shall verify the accuracy of, and may render adjustments to, the boundary delineation.
- (e) In the event the boundary delineation is contested by the applicant or affected party, the Department of Ecology, or a mutually agreed upon party, shall settle the dispute.

(D) Voluntary Stewardship Program.

Agricultural activities, as defined in MCC Section 8.52.030 and RCW 90.58.065, conducted in accordance with a voluntary stewardship program developed pursuant to RCW 36.70A.705 are permitted within wetlands and wetland buffers.

(DE) Land Uses.

- (1) Mason Environmental Permit Required Uses and Activities.

A Mason Environmental Permit shall be obtained from the county, using the administrative review process in this chapter, prior to undertaking, in a regulated wetland or its buffer, for the following activities.

- (a) The removal, excavation, grading, dredging, dumping, discharging, or filling of any material; or the draining or flooding of the site, except where undertaken for maintenance (but not construction) of drainage ditches or for emergency repair;
- (b) The construction of stormwater management facilities;
- (c) The driving of pilings;
- (d) The placing of obstructions;
- (e) The construction, reconstruction, demolition, or expansion of any structure;
- (f) The destruction or alteration of wetlands and wetland buffer through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a designated wetland or buffer, provided that this subsection shall not apply to the following activities undertaken in a manner which minimizes impacts:
 - (i) The harvesting or normal maintenance of vegetation in a manner that is not injurious to the natural reproduction of such vegetation;
 - (ii) The removal or eradication of noxious weeds so designated in Chapter 17.10 RCW or other exotic, nuisance plants;
 - (iii) Site investigative work necessary for land use application submittals such as surveys, soil logs and percolation tests;
 - (iv) The construction or trails, which shall be unpaved when located in the buffers and elevated when located in wetlands, that are not intended for motorized

use, and which are no wider than three feet, unless additional width is necessary for safety along a precipice, steep hillside, or other hazardous area. See subsection (EF)(3)(c) for additional details on regulated (but permitted) trail activity;

- (v) Emergency services or repairs for health and welfare; or
- (vi) Activities of a mosquito control district; or
- (g) Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of wetland's water sources, including quantity, or the introduction of pollutants.

(2) Activities Permitted without a Mason Environmental Permit.

The following uses shall be allowed, in addition to those defined in General Exemptions (see Section 8.52.200), within a wetland or wetland buffer to the extent that they are not prohibited by the Shorelines Management ACT of 1971 (Chapter 90.58 RCW), Federal Water Pollution Control Act (Clean Water ACT), State Water Pollution Control Act (Chapter 90.48 RCW), State Hydraulic Code (RCW 75.20.100 - .140), Forest Practices Act (Chapter 76.09 RCW and Chapter 222-16 WAC) or any other applicable ordinance or law and provided they are conducted using best management practices, except where such activities result in the conversion of a regulated wetland or wetland buffer to a use to which it was not previously subjected and provided further that forest practices and conversions from forest land shall be governed by Chapter 76.09 RCW and its rules:

- (a) Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife;
- (b) Outdoor recreational activities that do not have a significant adverse impact on the wetland and its related buffer;
- (c) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the wetland by changing existing topography, water conditions or water resources;
- (d) Existing and ongoing agricultural activities, including farming, horticulture, aquaculture, irrigation, ranching or grazing of animals. Activities on areas lying fallow as part of a conventional rotational cycle are part of an ongoing operation. Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area in which it was conducted has been converted to another use or has lain idle for more than five years unless that idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition.
- (e) The maintenance (but not construction) of drainage ditches;
- (f) Education, scientific research, and use of nature trails;
- (g) Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, wetland impacts shall be minimized and disturbed areas shall be immediately restored; and

- (h) The following uses are allowed within wetlands and/or wetland buffer, provided that any required permits or approvals are obtained and further provided that wetland impacts are minimized and that disturbed areas are immediately restored:
 - (i) Normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Maintenance and repair does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area and does not include the construction of a maintenance road; and
 - (ii) Minor modification of existing serviceable structures within a buffer zone where modification does not adversely impact wetland functions.
 - (iii) Repair or reconstruction of damaged or destroyed structures within two years of the damage or destruction.
- (i) The felling of danger trees within buffers providing the following conditions are met:
 - (i) When it is demonstrated to the satisfaction of the Administrator that an imminent threat exists to public health or safety, or the safety of private or public property. Landowner shall provide to the Administrator a written statement describing tree location, danger it poses, and proposed mitigation.
 - (ii) Should the imminent threat not be apparent to the Administrator (as danger trees are defined in Section 8.52.030), the Administrator may require the landowner submit a report from a professional forester or certified arborist.
 - (iii) Before a danger tree may be felled or removed, with the exception of an emergency pursuant to Section 8.52.240, the landowner shall obtain written approval from the Administrator. This approval shall be processed promptly and may not be unreasonably withheld. If the Administrator fails to respond to a danger tree removal request within ten business days, the landowner's request shall be conclusively allowed.
 - (iv) Trees felled as danger trees shall be counted in the allowed amounts under Section 8.52.170(F)(4).
 - (v) Mitigation as approved by the Administrator to include:
 - a. The planting within the critical area or its buffer a total of six new native trees, each a minimum three years old. Should a report be submitted under subsection (i)(ii), it shall contain recommendations for suitable replacement trees;
 - b. Felled trees shall be left within the critical area or buffer unless a submitted report warrants its removal to avoid spreading disease or pests;
 - c. The trunk of the cut tree may be segmented, but should be left in as large of segments as possible to provide habitat;
 - d. The branches from the cut tree may be removed to control fire hazard; and
 - e. Additional mitigation may be required if three or more trees are to be felled on one property within a ten-year period.
- (j) Where a legally established, non-conforming use of the buffer exists (e.g., a road or structure that lies within the width of buffer recommended for that wetland),

proposed actions in the buffer may be allowed without a Mason Environmental Permit and without mitigation as long as they do not increase the degree of non-conformity. This means no increase in the impacts to the wetland from activities in the buffer.

(EF) Development Standards.

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

Procedures for applying the wetland rating system are set forth in the Washington State Wetland Rating System for Western Washington, revised 2014, or as amended hereafter, Washington State Department of Ecology.

- (a) Wetlands shall be categorized as follows:

Table 8.52.110(A): Wetland Categories.

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| <ol style="list-style-type: none">1) Category I Wetlands. Category I wetlands are those regulated wetlands that include but are not limited to rare, unique wetland types that are more sensitive to disturbance than most wetlands and that contain ecological attributes that are impossible to replace within a human lifetime. Category I wetlands score between 23- 27 points on the wetlands ratings systems.2) Category II Wetlands. Category II wetlands are those regulated wetlands that score between 20- 22 points on the wetlands ratings system.3) Category III Wetlands. Category III wetlands are those regulated wetlands that score between 16-19 points on the wetlands ratings system.*4) Category IV Wetlands. Category IV wetlands are those regulated wetlands that score between 9-15 points on the wetlands ratings system.*5) Wetlands intentionally created from non-wetland areas to mitigate conversion of other wetlands.6) Mosaic wetlands as defined in Section 8.52.030 <p>* Mason County non-Regulated Wetlands. Isolated wetlands under 1,000 square feet which are not associated with a riparian corridor or a shoreline of the state, not part of a wetland mosaic, and not essential habitat of a priority species as identified by the Washington Department of Fish and Wildlife.</p> <p><i>Please refer to Appendix A or the Department of Ecology publication for more information.</i></p> |
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- (2) Wetland Buffers.

- (a) Buffer Widths.

Wetland buffers (plus a 15 foot structural setback) shall be required for all regulated wetlands. Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include a buffer required for the category of the created, restored, or enhanced wetland. The buffer widths are established by adjusting a base width for the category of wetland at the site for the habitat value as scored by the wetland rating system and for the land use intensity of the proposed activity. All buffers shall be measured horizontally from the wetland boundary as surveyed in the field.

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

- (i) The wetland is categorized according to wetland ratings system category as shown in Table 8.52.110(A);

- (ii) Table 8.52.110(B) rates examples of different land uses for intensity of impacts to wetlands;
- (iii) The width of the buffer is determined based on the habitat value scored by the wetland on the wetland rating system and on the land use intensity of the proposed use as shown in Tables 8.52.110 C, D, E, or F.

Table 8.52.110(B): Ratings of Impact from Land Uses.

Rating of impact from proposed changes in land use	Examples of land uses that cause the impact based on common zoning categories
High	<ul style="list-style-type: none"> • Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than 1 unit/acre) • Conversion to high intensity agriculture (dairies, nurseries and green houses, growing and harvesting crops requiring annual tilling, raising and maintaining animals) • High intensity recreation (golf courses, ball fields)
Moderate	<ul style="list-style-type: none"> • Single-family residential (1 unit/acre or less) • Moderate-intensity open space (parks with biking, jogging, etc) • Conversion to moderate intensity agriculture (orchards and hay fields) • Paved trails • Building of logging roads • Utility corridor or right-of-way shared by several utilities and including access/maintenance road
Low	<ul style="list-style-type: none"> • Forestry (cutting of trees only) • Low intensity open space (hiking, bird watching, preservation of natural resources, etc.) • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management

Table 8.52.110(C): Width of Buffer Required to Protect Category IV Wetlands. Wetlands Scoring Between 9 and 15 Points on the Wetland Rating System.

Wetland Characteristics	Buffer Widths by Impacts of Proposed Land Use
Score for all 3 basic functions is less than 16 points	Low - 25 ft Moderate – 40 ft High – 50 ft

Table 8.52.110(D): Width of Buffers Required to Protect Category III Wetlands. Wetlands Scoring Between 16 and 19 Points on the Wetlands Rating System.

Wetland Characteristics	Buffer Widths by Impacts of Proposed Land Use
Moderate level of function for habitat (score for habitat 5 - 7 points)	Low - 75 ft Moderate - 110 ft High - 150 ft
Score for habitat 3-4 points	Low - 40 ft Moderate - 60 ft High - 80 ft

Table 8.52.110(E): Width of Buffers Required to Protect Category II Wetlands. Wetlands Scoring Between 20 and 22 Points on the Wetlands Rating System.

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use (Apply most protective if more than one criterion is met.)	Other Measures Recommended for Protection
High level of function for habitat (score for habitat 8 - 9 points)	Low - 150 ft Moderate - 225 ft High - 300 ft	Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 5 - 7 points)	Low - 75 ft Moderate - 110 ft High - 150 ft	<i>No recommendations at this time</i>
High level of function for water quality improvement and low for habitat (score for water quality 8 - 9 points; habitat less than 5 points)	Low - 50 ft* Moderate - 75 ft* High - 100 ft*	No additional surface discharges of untreated runoff
Estuarine	Low - 75 ft Moderate - 110 ft High - 150 ft	<i>No recommendations at this time</i>
Not meeting above characteristics	Low - 50 ft Moderate - 75 ft High - 100 ft	<i>No recommendations at this time</i>

**If buffer is located on a steep slope, the width shall be increased per subsection 8.52.110(EE)(2)(b)(v).*

Table 8.52.110(F): Width of Buffers Required to Protect Category I Wetlands. Wetlands Scoring Between 23 and 27 Points on the Wetlands Rating System.

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use (Apply most protective if more than one criterion is met.)	Other Measures Recommended for Protection
Wetlands Of High Conservation Value	Low - 125 ft Moderate - 190 ft High - 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft of wetland Restore degraded parts of buffer

Bogs	Low - 125 ft Moderate - 190 ft High - 250 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
Forested	Buffer width to be based on score for habitat functions or water quality functions*	If forested wetland scores high for habitat, need to maintain connections to other habitat areas Restore degraded parts of buffer
Estuarine	Low - 100 ft Moderate - 150 ft High - 200 ft	<i>No recommendations at this time</i>
Wetlands in Coastal Lagoons	Low - 100 ft Moderate - 150 ft High - 200 ft	<i>No recommendations at this time</i>
High level of function for habitat (score for habitat 8 - 9 points)	Low - 150 ft Moderate - 225 ft High - 300 ft	Maintain connections to other habitat areas Restore degraded parts of buffer
Moderate level of function for habitat (score for habitat 5 - 7 points)	Low - 75 ft Moderate - 110 ft High - 150 ft	<i>No recommendations at this time</i>
High level of function for water quality improvement (8 - 9 points) and low for habitat (less than 5 points)	Low - 50 ft* Moderate - 75 ft* High - 100 ft*	No additional surface discharges of untreated runoff
Not meeting any of the above characteristics	Low - 50 ft Moderate - 75 ft High - 100 ft	<i>No recommendations at this time</i>
*If buffer is located on a steep slope, the width shall be increased per subsection 8.52.110(EE)(2)(b)(v).		

(b) Increased Wetland Buffer Width.

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

- (i) A larger buffer is necessary to maintain viable populations or critical habitat of threatened or endangered species living within the subject wetland(s) boundaries;
- (ii) The adjacent land is susceptible to severe erosion and erosion control measures otherwise required will not effectively prevent adverse wetland impacts;
- (iii) There are other nearby wetlands or critical areas and adjustments to the buffers would prevent fragmentation of the habitat or is otherwise necessary to preserve the structure, function and value of the wetland;

- (iv) The buffer is poorly vegetated due to lack of vegetation or invasive or non-native species being the dominant cover. Conditions would include enhancement of the area, a larger buffer, or both, or
 - (v) If a buffer is based on the score for its ability to improve water quality (see Tables 8.52.110(E and F)) rather than habitat or other criteria, then the buffer should be increased by 50% if the slope is greater than 30% (a 3-foot rise for every 10 feet of horizontal distance).
- (c) Wetland Buffer Width Averaging.

The widths of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for reasonable use of a parcel.

- (i) Averaging to **improve wetland protection** may be permitted when **all** of the following conditions are met:
 - a. As demonstrated by a report from a qualified wetland professional, the wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower rated area;
 - b. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion;
 - c. The total area contained in the buffer after averaging shall be no less than that contained within the buffer prior to averaging. In other words, mitigation for buffer impacts will be on a minimum of a 1:1 ratio; and
 - d. In no instance shall the buffer width be reduced to less than seventy-five percent of the required width for each of the wetland categories.
- (ii) Averaging to **allow reasonable use** of a parcel may be permitted when **all** of the following are met:
 - a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging;
 - b. The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a report from a qualified wetland professional;
 - c. The total buffer area after averaging is equal to the area required without averaging; and
 - d. The buffer at its narrowest point is never less than 3/4 of the required width.
- (iii) Proposals for wetland buffer averaging shall be submitted to the Department with a Mason Environmental Permit Application and a wetland categorization and buffer determination. Approvals are made at the Director’s discretion.
- (iv) Averaging may not be used in conjunction with any of the other provisions for reductions in buffers (listed below).

(d) Wetland Buffer Reduction.

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

- (i) For wetlands that score moderate or high for habitat (five points or more for the habitat functions), the width of the buffer may be reduced to that required for moderate-intensity impacts provided that:
 - a. A relatively undisturbed, vegetated area corridor at least one hundred feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife. Protection of the entire corridor shall be assured by a conservation easement or equivalent legal protection;
 - b. Measures to minimize the impacts of the land use shall be applied. Examples of these measures are shown in Table 8.52.110(G).
- (ii) For wetlands that score less than five points for habitat, the buffer width can be reduced to that required for moderate-impact land uses provided that measures to minimize the impacts of the land use shall be applied. Examples of these measures are shown in Table 8.52.110(G).

(e) Wetland Buffer Conditions.

Except as otherwise specified, wetland buffers shall be retained in their natural condition.

(3) Permitted Uses In A Wetland Buffer.

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

- (a) Activities that are permissible within a wetland shall be permissible within a wetland buffer; and
- (b) Stormwater management facilities (bioswales and dispersal trenches) only when required to allow a reasonable use of the property. Encroachment into the buffer shall be the minimum necessary and will be permitted only within the outer twenty-five feet or outer twenty-five percent of the buffer, whichever is more restrictive;
- (c) Other passive activities such as recreational trails and tot lots are also permitted within the outer twenty-five percent of the buffer;
- (d) Selective commercial timber cutting will be limited to the outer twenty-five percent of Category I and II wetland buffers and fifty percent of Category III and IV wetland buffers. No more than thirty percent of the merchantable trees may be harvested in this area on a one-time-only basis as associated with a land use conversion application. The thirty percent harvest must be representative and maintain an intact forest community character. The percentage and species distribution of all trees must be consistent before and after the selective timber harvest.

(4) Structure Setback Lines.

A structure setback line of fifteen feet is required from the edge of any wetland buffer. Minor structural intrusions into the area of the setback may be allowed if the administrator determined that such intrusions will not negatively impact the wetland.

Table 8.52.110(G): Examples of measures to reduce impacts to wetlands.

Examples of Disturbance	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Parking lots • Warehouses • Manufacturing • Residential 	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • Manufacturing • Residential 	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland
Toxic runoff*	<ul style="list-style-type: none"> • Parking lots • Roads • Manufacturing • Residential areas • Application of agricultural pesticides • Landscaping 	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • Parking lots • Roads • Manufacturing • Residential areas • Commercial • Landscaping 	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer
Change in water regime	<ul style="list-style-type: none"> • Impermeable surfaces • Lawns • Tilling 	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Residential areas 	<ul style="list-style-type: none"> • Use privacy fencing: plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract
Dust	<ul style="list-style-type: none"> • Tilled fields 	<ul style="list-style-type: none"> • Use best management practices to control dust

* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.

(FG) Mitigation for Wetland Impacts.

- (1) If wetland or wetland buffer impacts are proposed, the following sequence of review must be considered.
 - (a) Avoid the impact all together by not taking a certain action or parts of an action;
 - (b) Minimize the impact 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) Rectify the impact by repairing, rehabilitating or restoring the sensitive areas;

- (d) Reduce or eliminate the impact over time by prevention and maintenance operations;
 - (e) Compensate for the impact by replacing, enhancing or providing substitute areas and environments and replace the ecological processes and functions of the resource;
 - (f) Monitor the impact and taking appropriate corrective measures
- (2) As a condition of any permit allowing alteration of wetlands and/or wetland buffers, the county shall require that the applicant engage in the restoration, creation or enhancement of wetlands and their buffers in order to offset the impacts resulting from the applicant's actions.

When the acreage required for compensatory mitigation is divided by the acreage of impact, the result is a number known variously as a *replacement, compensation, or mitigation* ratio. Methods to achieve compensation for wetland functions shall be approached in the following order of preference: restoration, creation, enhancement (defined in 8.52.030).

- (3) The overall goal of any compensatory project shall be no net loss of wetland function and acreage.
- (4) Mitigation Ratios.
 - (a) Mitigation ratios for preservation in combination with other forms of mitigation shall range from 10:1 to 20:1, as determined on a case-by-case basis, depending on the quality of the wetlands being impacted and the quality of the wetlands being preserved.
 - (b) Wetland mitigation ratios for restoration (re-establishment and/or rehabilitation), creation, and enhancement are illustrated in the following Table 8.52.110(H):

Table 8.52.110 (H): Wetland Mitigation Ratios.

Wetland Category	Re-establishment or Creation	Rehabilitation ¹	Re-establishment or Creation (R/C) and Rehabilitation (RH) ¹	Reestablishment or Creation (R/C) and Enhancement (E) ¹	Enhancement Only ¹
All Category IV	1.5:1	3:1	1:1 R/C and 1:1RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II Estuarine	Case-by-case	4:1 Rehabilitation of an estuarine wetland	Case-by-case	Case-by-case	Case-by-case
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1

Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage site	Not considered possible ³	6:1 Rehabilitation of a Natural Heritage site	R/C Not considered possible ³	R/C Not considered possible ³	Case-by-case
Category I Coastal Lagoon	Not considered possible ³	6:1 Rehabilitation of a coastal lagoon	R/C not considered possible ³	Not considered possible ³	Case-by-case
Category I Bog	Not considered possible ³	6:1 Rehabilitation of a bog	R/C Not considered possible ³	Not considered possible ³	Case-by-case
Category I Estuarine	Case-by-case	6:1 Rehabilitation of an estuarine wetland	Case-by-case	Case-by-case	Case-by-case

- 1 These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.
- 2 Natural Heritage sites, coastal lagoons, and bogs are considered irreplaceable wetlands because they perform some special functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

(c) The Administrator may increase or decrease the ratios based on one or more of the following:

- (i) Replacement ratios may be increased under the following circumstances:
- a. Uncertainty exists as to the probable success of the proposed restoration or creation;
 - b. A significant period of time will elapse between impact and establishment of wetland functions at the mitigation site;
 - c. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
 - d. The impact was an unauthorized impact.
- (ii) Replacement ratios may be decreased under the following circumstances:
- a. Documentation by a qualified wetland specialist (provided by the applicant) demonstrating that more certainty that the proposed compensation actions will be successful. For example, demonstrated prior success with similar compensation actions as those proposed, and/or extensive hydrologic data to support the proposed water regime;
 - b. Documentation by a qualified wetland specialist (provided by the applicant) demonstrating that the proposed compensation actions will provide functions and values that are significantly greater than the wetland being impacted; or

- c. The proposed mitigation actions are conducted in advance of the impact and are shown to be successful.
 - (d) Compensation for wetland buffer impacts shall occur at a minimum 1:1 ratio.
 - (e) Preservation.

Impacts to wetlands may be mitigated by preservation of at-risk, high-quality wetlands and habitat areas when used in combination with other forms of mitigation such as creation, restoration, or enhancement. See “Appendix 8-B Recommendations for Wetland Language in a Critical Areas Ordinance” [Wetlands in Washington State Volume 2 – Protecting and Managing Wetlands] published by the Washington Department of Ecology (April 2005) for detailed requirements pertaining to the use of preservation as mitigation.
- (5) Off-Site Compensatory Mitigation.
 - (a) Considerations for determining whether off-site mitigation is preferable include, but are not limited to:
 - (i) On-site conditions do not favor successful establishment of the required vegetation type, or lack the proper soil conditions, or hydrology;
 - (ii) On-site compensation would result in an aquatic habitat that is isolated from other natural habitats or severely impaired by the effects of the adjacent development;
 - (iii) Off-site location is crucial to one or more species that is threatened, endangered, or otherwise of concern, and the on-site location is not;
 - (iv) Off-site location is crucial to larger ecosystem functions, such as providing corridors between habitats, and the on-site location is not; and
 - (v) Off-site compensation has a greater likelihood of success or will provide greater functional benefits.
 - (b) When determining whether off-site mitigation is preferable, the value of the site-specific wetland functions at the project site, such as flood control, nutrient retention, sediment filtering, and rare or unique habitats or species, should be fully considered.
 - (c) When conditions do not favor on-site compensation, off-site compensatory mitigation shall be located as close to the impact site as possible, at least within the same sub-drainage basin unless:
 - (i) Watershed goals established by the county for water quality, flood storage or conveyance, habitat, or other wetland function justify location of mitigation at another site;
 - (ii) Credits from a state-certified wetland mitigation bank are used as compensation and the use of credits is consistent with the terms of the bank’s certification; or
 - (iii) Credits from an authorized in-lieu fee mitigation program are purchased.
 - (d) Wetland Mitigation Banks.
 - (i) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

- a. The bank is certified under Chapter 173-700 WAC;
 - b. The Administrator has determined that the wetland mitigation bank has provided the appropriate compensation for the authorized impacts; and
 - c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
- (ii) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
 - (iii) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.
- (6) Mitigation Plans.

When a project involves wetland and/or buffer impacts, a compensatory mitigation plan shall be prepared by a qualified professional wetland scientist with a minimum of five (5) years experience designing compensatory mitigation projects. The plan shall contain the following:

- (a) The name and contact information of the applicant; the name, qualifications, and contact information for the author of the Mitigation Plan; a description of the proposal; a summary of the impacts and proposed compensation concept; and a vicinity map for the project;
- (b) Description of the existing wetland and buffer areas proposed to be impacted including: acreages (or square footage) based on professional surveys of the delineations; Cowardin classifications including dominant vegetation community types (for upland and wetland habitats); hydrogeomorphic classification of wetland(s) on and adjacent to the site; the results of a functional assessment for the entire wetland and the portions proposed to be impacted; wetland rating based on subpart (EF)(1) of this chapter;
- (c) An assessment of the potential changes in wetland hydroperiod from the proposed project and how the design has been modified to avoid, minimize, or reduce adverse impacts to the wetland hydroperiod;
- (d) An assessment of existing conditions in the zone of the proposed compensation, including: vegetation community structure and composition, existing hydroperiod, existing soil conditions, existing habitat functions;
- (e) A description of the proposed conceptual actions for compensation of wetland and upland areas affected by the project;
- (f) The field data collected to document existing conditions and on which future condition assumptions are based for hydroperiod (e.g., existing hydroperiod based on piezometer data, staff/crest gage data, hydrologic modeling, visual observations, etc.) and soils (e.g., soil pit data - hand dug or mechanically trenched, and soil boring data. Do not rely upon soil survey data for establishing existing conditions.);
- (g) A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands);

- (ih) Proposed conditions expected from the proposed actions on site including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future hydrologic regimes;
- (ji) A planting schedule for the compensatory area including all species by proposed community type and hydrologic regime, size and type of plant material to be installed, spacing of plants, "typical" clustering patterns, total number of each species by community type, timing of installation;
- (kj) Performance standards for upland and wetland communities, monitoring schedule, and maintenance schedule and actions by each biennium;
- (kk) A bond estimate for the entire compensatory mitigation including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance for up to five (5) years, annual monitoring field work and reporting for 5 to 10 years, and contingency actions for a maximum of the total required number of years for monitoring; and
- (ml) A site plan(s), drawn to scale and including:
 - (i) Surveyed edges of the existing wetland(s) and the minimum wetland buffers and setbacks, the proposed areas of wetland and/or buffer impacts, and the location of proposed wetland and/or buffer compensation actions;
 - (ii) If any grading activity is proposed to create the compensation area(s), show the existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions;
 - (iii) Required wetland buffers and setbacks for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this Title.

(7) Memorandum of Agreement.

Approval of the mitigation plan shall be signified by a notarized memorandum of agreement signed by the applicant and the Administrator. The agreement shall refer to all requirements for the mitigation project.

(8) Notice to Title.

The property owner shall record on the Title (with the Mason County Auditor) both the memorandum of agreement and the approved site plan.

(9) Monitoring Requirements.

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

(10) Noncompliance.

The county may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of work set for in the permit.

(GH) Permit Review.

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

(Ord. 138-06 (part), 2006; Ord. 106-04 Att. B (part), 2004; Ord. 36A-97 (part), 1997; Ord. 77-93 (part), 1993). (Ord. No. 54-09, 6-16-2009)

8.52.120 - Critical Aquifer Recharge Areas.

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

(A) Classification of Aquifer Recharge Areas.

(1) Classes.

Critical aquifer recharge areas are classified as Class I (Extremely Susceptible), Class II (Highly Susceptible), Class III (Moderately Susceptible), or Class IV (Low Susceptibility), as described below.

(2) Methodology.

The aquifer classification system and maps were developed by a qualified geologist in consultation with the Washington Department of Natural Resources and considering data from the following sources;

- (a) Mineral Resources of the Southern Hood Canal Area, Washington; Mackey Smith and R. J. Carson; Department of Geology and Earth Resources - Geologic Map GM-21; 1976.
- (b) Geology and Related Water Occurrence, Southeastern Mason County, Washington; Dee Molenaar and John B. Noble; Water Supply Bulletin No. 29, Department of Water Resources, State of Washington; 1970.
- (c) Geologic Map of the South Half of the Shelton and South Half of the Copalis Beach Quadrangles Washington; Robert L. Logan; Washington Division of Geology and Earth Resources; Open file Report 87-9; 1987.
- (d) Geologic Map of North Central Mason County; R. J. Carson; Department of Geology and Earth Resources; Open File Report 76-2; 1976.
- (e) Soil Conservation Maps for Mason County Washington; various.
- (f) Topographic maps for Mason County; various.
- (g) Water Well Records. Interpretation of these data sources was performed by Geologist Gordon Adams. An explanation of that interpretation is included in a letter from Gordon Adams dated March 29, 1999.

(3) Standards of Classification.

- (a) Class I (Extremely Susceptible). Areas designated as Class I demonstrate hydrogeologic characteristics that allow for an extremely high susceptibility of an underground source of drinking water. These areas are identified as recessional outwash of thickness' greater than twenty-five feet. Recessional outwashes are a geological formation predominantly composed of underground source of drinking water unconsolidated sands and gravels. These formations exhibit horizontal permeabilities greater than thirty feet per day (horizontal permeabilities are generally ten times less than vertical permeabilities). Potential contaminants entering an underground source of drinking water can be expected to travel one mile in six months or less.
- (b) Class II (Highly Susceptible). Areas designated as Class II demonstrate hydrogeologic characteristics that allow for a high susceptibility of an underground source of drinking water. These areas are identified as recessional outwash and alluvium twenty-five feet or less in thickness. These geologic formations are composed of unconsolidated sands and gravels interlain with discontinuous layers of hardpan and silty clays. Depth to water is generally twenty-five to one hundred twenty-five feet below land surface. These formations exhibit horizontal permeabilities in the range of thirty to fifteen feet per day. Potential contaminants entering an underground source of drinking water can be expected to travel one mile in a time frame greater than six months and up to one year.
- (c) Class III (Moderately Susceptible). Areas designated as Class III demonstrate hydrogeologic characteristics that allow for a moderate susceptibility of an underground source of drinking water. These areas are identified as advance outwash. The geologic formations consist of discontinuous layers of clayey gravel and sand and layers of silt and clay, which are more continuous and have been compacted into hardpan. Depth to water is greater than one hundred twenty-five feet below land surface. These formations exhibit horizontal permeabilities in the range of fifteen to three feet per day. Potential contaminants entering an underground source of drinking water can be expect to travel one mile in a time frame greater than one year and up to five years. Class III areas include those well head protection areas, not otherwise designated as a Class I, II, or III critical recharge area, and recorded with the Mason County Department of Community Services.
- (d) Class IV (Low Susceptibility). Areas designated as Class IV demonstrate hydrogeologic characteristics that allow for a low susceptibility of an underground source of drinking water. These areas are identified as advance outwash found in the southwest part of Mason County along the Satsop drainage.

(B) Designation.

The lands and fresh waters of Mason County meeting the critical aquifer recharge areas classification, plus three hundred feet beyond the mapped boundary of all Class I, II or III areas, are designated under RCW Chapter 36.70A as Critical Area Protection Zones requiring protection for public health.

(C) Voluntary Stewardship Program.

Agricultural activities, as defined in MCC Section 8.52.030 and RCW 90.58.065, conducted in accordance with a voluntary stewardship program developed pursuant to RCW 36.70A.705 are permitted within critical aquifer recharge areas.

(~~CE~~) Pre-existing Uses.

Uses legally existing as of the date of adoption of this ordinance and which are listed under subsections (~~DE~~) (Prohibited Uses and Activities) or (~~EE~~) (Uses Requiring an Environmental Permit) are defined to be pre-existing uses. Pre-existing uses may continue operation pursuant to the following provisions and procedures. The purpose of these provisions is to assure that pre-existing uses that represent a threat to the aquifer are brought into compliance with the provisions of this chapter over time and to the highest degree possible. These provisions shall not be construed to mean that a pre-existing business must cease operations even if the type of business operates as a prohibited use per subsection (~~EE~~)(4) below. The following procedures and requirements are established;

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

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

(~~DE~~) Prohibited Uses.

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

- (1) Landfill.

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

(EF) Uses Requiring an Environmental Permit.

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

- (1) Chemical manufacturing;
- (2) Chemical mixing and remanufacture;
- (3) Above and below ground storage tanks and pipes used to contain regulated substances (see Section 8.52.030);
- (4) Facilities that conduct biological research;
- (5) Boat repair shops;
- (6) Chemical research facilities;
- (7) Gasoline service stations;
- (8) Pipelines (petroleum and chemical transfer);

- (10) Below ground transformers and capacitors;
- (11) Sawmills producing over ten thousand board feet per day;
- (12) Solid waste handling and processing facilities;
- (13) Vehicle repair, recycling, and auto wrecking activities;
- (14) Mortuary;
- (16) Motor vehicle service garages;
- (17) Chemical processing of photographic film;
- (18) Creosote and asphalt manufacturing and treatment facilities;
- (19) Golf courses or ranges;
- (20) Medium quantity generators (of dangerous, acutely hazardous, and toxic extremely hazardous waste);
- (21) Large quantity generators (of dangerous, acutely hazardous, and toxic extremely hazardous waste);
- (22) Activities reclassified as eligible for a permit after county approval of a request to reclassify per subsection (~~EM~~);
- (23) Fully contained wood preserving operations;
- (24) Surface mining operations permitted under general permit by the Washington State Department of Ecology and not otherwise prohibited per subsection (~~DE~~).

(FG) Subdivision Standards and Evaluation Requirements.

- (1) Subdivision, short subdivisions and other divisions of land in areas of special concern shall be evaluated for their impact on groundwater quality as follows:
 - (a) In urban growth areas, land divisions may be allowed which create lots less than one acre in size which rely on individual on-site septic systems. Such approvals shall be conditioned so that the total development allowed within the area to be divided shall not exceed an average density of one dwelling unit per acre, or an equivalent wastewater volume, until such development is served by public sewer.
 - (b) In urban growth areas, land divisions may be allowed which create lots less than one acre in size which rely on a community on-site septic systems. Such approvals shall be conditioned so that the total development allowed within the area to be divided shall not exceed an average density of one dwelling unit per acre, or an equivalent wastewater volume, until such development is served by public sewer. In addition, said system shall be evaluated to assure that it does not have localized effects that might have a significant adverse impact on wells or surface water bodies. Information for the evaluation shall be provided by the applicant in the form of a site evaluation report as specified in subsection (~~AN~~)(2).
 - (c) Outside of urban growth areas, subdivisions which provide for clusters of residential development where the density of the cluster of residential lots exceed one lot per acre, or where development will rely on a community on-site septic system, shall be evaluated to assure that they do not have localized effects that might have a significant adverse impact on wells or surface water bodies. Information for the

evaluation shall be provided by the applicant in the form of a site evaluation report as specified in subsection (~~AN~~)(2).

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

(GH) On-site Septic System Standards.

- (1) The proper operation and maintenance of community or on-site septic systems is required in the critical aquifer recharge areas. The standards and procedures to be met to assure this are as set forth in the "Mason County On-Site Sewage Operation and Maintenance Program" and any subsequent implementing regulations. Participation in this program is mandatory for existing and new septic systems in the critical aquifer recharge areas.
- (2) New Construction.
 - (a) New construction which relies on on-site septic systems shall not be allowed to exceed a density of one dwelling unit per acre, or an equivalent wastewater volume, except for the development of one dwelling on lots existing or vested by December 5, 1996, where the on-site septic system can comply with all Environmental Health Division standards. For the purposes of this section, the sewage flow of one single-family dwelling equals one unit volume of sewage equals four hundred fifty gallons per day. An exception to this may be made where a sewage treatment system or plant is used that processes the effluent so that the total of contaminants is equivalent to or less than that which would be produced by one dwelling unit per acre in suitable soils using individual on-site septic systems. The intensity of nonresidential development that is allowed in compliance with this standard shall be calculated from Table 1. Alternative calculations for activities not included in Table 1 may be proposed, but the calculation method and conclusions must be approved by the county Environmental Health Division.
 - (b) Where such development relies on a new on-site sewage treatment plant or other new on-site community septic system, said plant or system shall not have localized affects that might have a significant adverse impact on wells or surface water bodies. Information for the evaluation shall be provided by the applicant in the form of a site evaluation report as specified in subsection (~~AN~~)(2). Approval of a permit shall be based on a review of the report and a determination that there are no probable significant adverse impacts to wells, springs, surface water bodies, or off-site groundwater quality.
- (3) All new development within the designated urban growth areas, except for single-family residences built prior to the opportunity to connect to a public sewer system, shall be required to connect to existing public sewer systems, or to proposed public sewer systems as soon as connection is available.

(HI) Well Head Protection Area – Notice.

Within well head protection areas, in addition to any other notice requirements, notice shall be provided to the manager of said area for any applications for an environmental permit for the critical aquifer recharge area or for any long subdivisions.

(H) Standards for an Environmental Permit for the Critical Aquifer Recharge Area.

To receive an environmental permit to operate in the critical aquifer recharge area an applicant must:

- (1) Implement best management practices (BMP), implement the Washington State Department of Ecology's Storm Water, Water Quality, Hazardous Waste, Wetland, and Solid Waste Program BMP and BMP from the Departments of Health, Agriculture, Transportation, and State Conservation District Office; or
- (2) Demonstrate through a best management practices report pursuant to subsection (AN)(1) below, how they will integrate other necessary and appropriate mitigating measures in the design, installation, and management of the proposed facility or use; and
- (3) Provide a written agreement to the county providing that all employees at the site will be notified that the operation lies above an aquifer recharge area and providing annual training regarding all measures set forth by the BMP established in subsection (H)(1) or (2) above.

(JK) BMP Monitoring and Inspection.

To assure that best management practices are implemented and maintained over time, the following procedures and requirements are hereby established:

- (1) The county will maintain a database identifying all pre-existing prohibited uses or uses requiring a permit under the provisions of this section. Information for this purpose will be gathered from applicants for development permits and by consultation with appropriate state agencies. During pre-application meetings or on application, the county will require applicants to identify if they are required to have a hazardous waste identification number by the Washington State Department of Ecology and whether they generate any hazardous waste as defined under WAC 173-303.
- (2) Inspection and Monitoring Procedures. As a condition of approval, regular inspections for compliance will be required as appropriate to the activity, but not less than once in two years. The first inspection shall be made within three months of the issuance of the certificate of occupancy for the project.

(KL) Map Amendments.

Applicants may seek to have the aquifer recharge map amended as it pertains to the parcel or parcels for which they are applying. The application will be for a conditional environmental permit. This may be granted after the applicant demonstrates to the satisfaction of the county that site conditions meet the standards of classification per subsection (A)(3) for the aquifer area class sought.

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

The report shall be reviewed by the county in conjunction with the underlying permit process, if any exists. The review process shall be a public review as specified in subsection 8.52.190(C)(2)(b). The county may consult with the Mason County Health Division, state of Washington Department of Health, independent reviewer, or any other parties it sees fit. The county will review the report with consideration of the level of science that currently exists and was employed to make the map designation being challenged. The applicant will not be required to provide information and/or analysis in excess of that required to convince the county that a map change is warranted.

In addition, the county will re-assess all map amendment reports and all other pertinent information received on a periodic basis and consider other appropriate map amendments on the basis of this increased information.

(EM) Reclassification of Specific Land Use Activity.

Applicants may seek to have the use for which they are applying able to receive an aquifer areas protection permit per subsection (EF). This may be granted after the applicant demonstrates to the satisfaction of the county, that the use proposed applies new technologies and/or procedures, not traditional to the industry, that reduce the threat to the aquifer beyond that posed by the traditional technologies and/or procedures to a degree that the county determines will justify the reclassification.

Such demonstration shall be accomplished by providing an activity reclassification report per subsection (AN)(3) to the county. The county shall evaluate the report and make a written determination as to whether the individual proposed land use will be recategorized. Review of the application shall be a public review as provided in Section 8.52.190(C)(2)(B). Reclassification of a land use shall apply only to the particular use for which the reclassification is sought and shall not be applied to all or any similar uses.

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

(MN) Reports.

- (1) Best Management Practices (BMP) Report—Criteria. The following criteria shall apply when preparing a best management practices (BMP) report:
 - (a) The report shall be prepared by, or done under the direction of and designed by, a qualified person with demonstrated expertise in the industry or field as demonstrated by a statement of qualifications and at least three references from parties familiar with common business practices in the subject field or known expertise in the field.
 - (b) The report will identify appropriate best management practices by specifying all known and available reasonable technologies and how they will be employed to prevent degradation of groundwater. All necessary technical data, drawings, calculations, and other information to describe application of the BMP must be supplied.
 - (c) The report will identify how the applicant will satisfy the requirements of the Dangerous Waste Regulations, Chapter 173-303 WAC in the event that hazardous material is released into the ground or groundwater.

- (d) The report will be reviewed by the Planning Division or a consultant hired by the county, at the applicant's expense, for this review. The county may consult with the Mason County Environmental Health Division; state of Washington Departments of Health or Ecology, independent reviewer, or any other parties it sees fit.
- (2) Map Amendment Report/Site Evaluation Report — Criteria.

The following criteria shall apply when preparing a map amendment report/site evaluation report:

- (a) A qualified groundwater professional will make a determination whether the proposed map amendment or project application will have adverse impacts on groundwater based on the requirements of the Safe Drinking Water Act and the Wellhead Protection Program, pursuant to Public Water Supplies, Chapter 246-290 WAC; Water Quality Standards for groundwaters of the state of Washington, Chapter 173-200 WAC; and Dangerous Waste regulations, Chapter 173-303 WAC. Those chapters of Washington Administrative Code are adopted, as written or hereafter amended, as part of this chapter by reference. They are available at county offices.
- (b) Map amendment report/site evaluation reports shall include the following:
 - (i) Identification of features of the proposed development plan (e.g., on-site septic systems and other on-site activities) that may adversely impact groundwater quality underlying or down gradient of the project or project area.
 - (ii) Drawing in an appropriate scale showing location of abandoned and active wells, springs, and surface water bodies within one thousand feet of the project limits.
 - (iii) A description of the geologic and hydrologic characteristics of the subject property sufficient to justify the map amendment sought. This information may include any or all of the following:
 - a. Lithologic characteristics and stratigraphic relationships;
 - b. Aquifer characteristics including recharge and discharge areas, depth to groundwater, static water flow patterns, and estimated groundwater flow velocity;
 - c. Contaminant rate and transport including probable migration pathways and travel time of a potential contaminant release from a site through the unsaturated zone to the aquifer(s) and through the aquifers(s), and how contaminant(s) may be attenuated within the unsaturated zone and the aquifer(s);
 - d. Appropriate hydro geologic cross sections which depict lithology, stratigraphy, aquifer, units, potential or probable contaminant pathways from a chemical release, and rate of groundwater flow; and
 - e. Existing groundwater quality, proposal for a groundwater monitoring plan to detect changes and indicate the corrective actions that will be taken if monitoring results indicate contaminants from the site have entered the underlying aquifer(s);
 - f. Existing soils types and characteristics;

- g. A discussion of the probable geologic history of the site and its impact on aquifer formation, soils conditions, and aquifer susceptibility.
- (3) Activity Reclassification Report—Preparation and Review Criteria.

The following criteria shall apply when preparing an activity reclassification report:

- (a) The report shall be prepared by, or done under the direction of and signed by, a qualified person with demonstrated expertise in the industry or field as demonstrated by a statement of qualifications and at least three references from parties familiar with common business practices in the subject field or known expertise in the field.
- (b) The report shall contain a complete description of the activity for which reclassification is being sought. This description shall include all necessary technical data for the county to assess potential threat to the aquifer from an unmitigated operation, including chemicals and substances used, byproducts produced, etc.
- (c) The report shall present best management practices and/or mitigation techniques adequate to insure, to the satisfaction of the county, that the activity or land use for which reclassification is sought will present no greater threat to groundwater quality than other uses listed in this chapter in the category being sought. The burden is on the applicant to make this showing sufficient in the eyes of the county to reclassify the use. The report will include all technical data necessary, design drawings, specifications for equipment used, performance data on equipment or structures, and any evidence or testimony of successful operation of same or similar facilities and practices in other locations.
- (d) The report will demonstrate to the satisfaction of the county that reclassification of a land use will have no adverse impacts on groundwater based on the requirements of the Safe Drinking Water Act and the Wellhead Protection Program, pursuant to Public Water Supplies, Chapter 246-290 WAC; Water Quality Standards for Ground Waters of the State of Washington, Chapter 173-200 WAC; and Dangerous Waste Regulations, Chapter 173-303 WAC.
- (e) The report will be reviewed by the Planning Division of the Mason County Community Services Department. The Planning Division may consult with the Environmental Health Division of the Mason County Community Services Department, the state of Washington Departments of Health or Ecology, an independent reviewer, or any other parties it sees fit.

(MO) Public Education/Notice.

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

- (a) Title Notification. The owner of any site within a designated critical aquifer recharge area as identified in the Mason County critical aquifer recharge areas map, on which a development proposal is submitted, shall record a notice with the Mason County Auditor. The notice shall indicate in the public record the presence of a critical aquifer recharge area, the application of this chapter to the site, and that limitations on regulated activities may exist. Only one such notice is required to be made on any individual property or lot. The notice shall be as set forth below.

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

- (b) Plat Notification. For all proposed short subdivision and subdivision proposals within critical aquifer recharge areas, the applicant shall include a note on the face of the plat. The note shall be as set forth below:

Notice: This site lies within a critical aquifer recharge area as defined by Chapter 8, Mason County Code. The site was the subject of a development proposal for application number _____ Filed on _____ (date). Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.

The note shall be recorded as part of final plat approval of any short subdivision or subdivision.

- (iii) Evidence of recording of these notices must be provided to the county.

(NP) Protection of Private Wells.

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

(OQ) Secondary Containment of Recycling of Hazardous Materials.

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

- (1) Moderate risk waste and petroleum products, including but not limited to oil and grease, shall be disposed of by recycling or use of a hazardous waste management facility operating under interim status or with a permit issued by EPA or an authorized state. No person shall intentionally or negligently dump or deposit or permit the dumping or depositing of any such waste in any other manner, including onto the surface of the ground, into surface water, or into groundwater.
- (2) Moderate risk waste, petroleum products, and hazardous materials shall be kept in containers and shall be stored in such a manner and location that if a container is ruptured, the contents will not discharge, flow, be washed or fall into surface water or groundwater. This is not intended to supersede any regulations as stated in the Fire Code.

Table 8.52.120(A)

Type of Facility	Design Units	Flow (GPD)
Airports	per employee; add per passenger	10; 4.0
Banquet rooms	per seat	5
Barber and beauty shops	per chair	100
Bowling alleys (bar and food)	per lane	125
Bowling alleys (bar only)	per lane	75
Campgrounds with no laundry, no wet sewer hookups or dump station	per camp site	50
Campgrounds/RV park, with toilets	per camp site	75
Campgrounds/RV park, showers, toilets, laundry, sewer hookup	per camp site	100
Church - food service, 4-hour	per person	5
Church - no food, 4-hour	per person	3
Community College	per student and faculty, 12-hours	15
Country club - includes food, showers, lounge	per member; add per non-member	50; 25
Day Care Centers, 12-hour	per person	20
Dentist office	per dentist; add per wet chair	250; 200
Doctor office	per doctor	250
Doctor office, in medical center	per 1,000 sq. ft., 12-hours	500
Food Service and Bars		
a. Ordinary restaurant	per seat	50
b. 24-hour restaurant	per seat	75
c. Bar and cocktail lounge	per seat	30
d. Drive-in restaurant	per car space	75
e. Bar only, no food	per seat	10
f. Coffee shop, 6-hour operation	per seat	6
Hospital	per bed	300
Hospital - mental	per bed and per employee	172 and 11
Hotels and motels, rooms only	per room	130
Industrial building, excl. cafeteria and process waste	per employee/8-hour shift	17
Industrial, add for Cafeteria	per employee	13
Laundries, self serve, 16-hour	per machine	400
Meeting rooms	per seat	3
Mobile home parks	per space	300
Nursing home/rest home	per bed	200
Office building	per worker	20
Parks - toilets	per person	10
Parks - toilets and showers	per person	20
Prison	per resident; add per employee	159; 16
Resort camps, cottages	per room	100
Rooming house	per resident	50
Schools, no food or showers	per student	10
Schools, add for cafeterias	per student	5
Schools, add for showers	per student	5
Schools, boarding	per student	75
Service station - pumps	per island; add per employee	500; 25
Service stations - repair	for first bay; add each additional bay	1000; 500
Shopping centers, 12-hour	per 1,000 sq. ft. floor space	300
Stadiums, race tracks, ball parks	per seat	3
Stores, without food service		
a. Private toilets, for employees only	per employee	20
b. Public toilets	per toilet room	400
Theaters		
a. Indoor, auditoriums, 12-hour	per seat	5
b. Outdoor, drive-ins, 4-hour	per space	5

Sources: WA DOE, Criteria for Sewage Works Design; State of Florida, Dept. of Environmental Regulation, Technical Information Memorandum 6.2.1; WA DOE, Large On-Site Sewage Guidelines; US EPA, Design Manual, Onsite Wastewater Treatment and Disposal Systems.

(Ord. 138-06 (part), 2006: Ord. 62-99 (part), 1999: Ord. 111-97 (part), 1997: Ord. 77-93 (part), 1993).

8.52.130 - Frequently Flooded Areas.

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

(A) Classification.

The following shall be classified frequently flooded areas:

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

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

Avulsion risk areas as identified under the provisions of the Mason County Flood Damage Prevention Ordinance.

(B) Designation.

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

(C) Land Use.

- (1) Land uses in frequently flooded areas shall be in compliance with the applicable provisions and requirements of all ordinances as referenced in Section 8.52.050, or as amended and updated.
- (2) The following uses within frequently flooded areas are subject to Mason Conditional Environmental Permits:
 - (A) Radio and transmission towers, resource based industries, schools, trailer-mix concrete plants, sawmills, marinas, fire stations, fuel storage tanks, and commercial outdoor recreation.
 - (B) Other uses and activities determined by the Director that are likely to pose a threat to public health, safety, and general welfare if located within a frequently flooded area.

(D) Development Standards.

Mason County flood damage prevention ordinance provides specific regulations and permit requirements for development conducted within the frequently flooded areas of Mason County.

(E) Voluntary Stewardship Program

In compliance with RCW 36.70A.720(1)(h) and the Work Plan as approved by the Washington Conservation Commission, regulations under this section are necessary to achieve the goals and benchmarks under the Voluntary Stewardship Program and agricultural activities as defined under that Program shall maintain full compliance with the this section.

(Ord. 5-01, Attachment A (part), 2001; Ord. 16-00, Attachment C, 2000; Ord. 112-97 (part), 1997; Ord. 77-93 (part), 1993).

8.52.140 - Geologically Hazardous Areas.

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

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

Geologically hazardous areas in Mason County are defined in subsection (A).

The designation of geologically hazardous areas is done in subsection (B).

Activities exempt from these requirements are described in subsection (E)(1) and others are listed in Section 8.52.200 of the Resource Ordinance.

Activities requiring permits are described in subsection (E)(2).

Standard requirements for certain activities are contained in subsection (E).

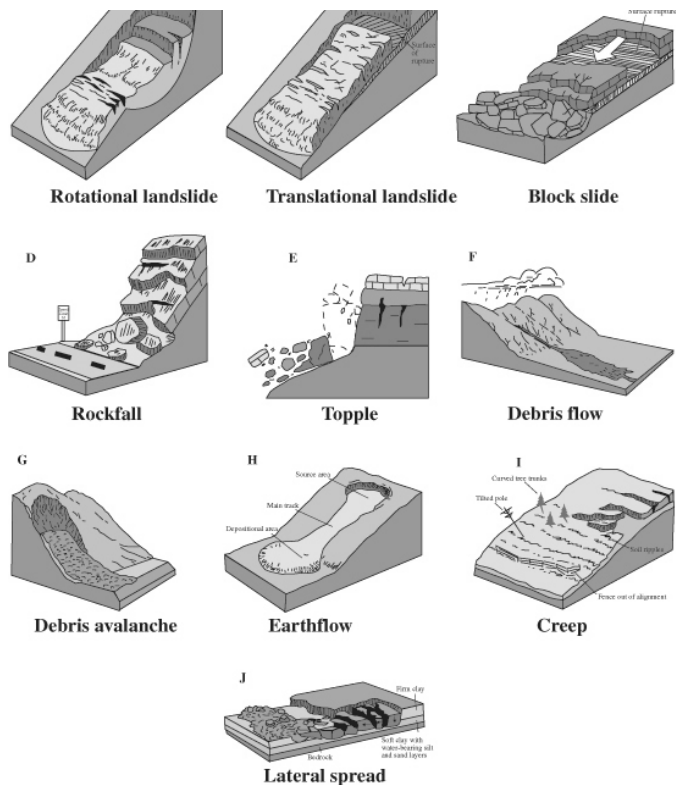
When a geotechnical report or geological assessment is required is determined in subsections (E)(1) and (2).

The standards for a geotechnical report and geological assessment are contained in subsections (E)(3) through (6).

The general review standard for approval of a permit is in subsection (E)(7).

Notice of the risks inherent in development in a geologically hazardous area is required for the applicant and future property owners in subsection (F).

Figure 1LHA



(A) Classification.

- (1) The following shall be classified as geologically hazardous areas:
 - (a) Areas with any indications of earth movement such as debris slides, earthflows,

slumps and rock falls (see Figure LHA-1).

- (b) Areas with artificial oversteepened or unengineered slopes, i.e., cuts or fills.
 - (c) Areas with slopes containing soft or potentially liquefiable soils.
 - (d) Areas oversteepened or otherwise unstable as a result of stream incision, stream bank erosion, and undercutting by wave action.
 - (e) Slopes greater than fifteen percent (8.5 degrees) and having the following:
 - (i) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock (e.g., sand overlying clay); and
 - (ii) Springs or groundwater seepage.
 - (f) Any area with a slope of forty percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.
- (2) The following information may be used as a guide by the county to indicate areas that have a higher likelihood of meeting the classification criteria above:
- (a) Landslide hazards mapped by the Washington Department of Natural Resources, Division of Geology and Earth Resources (Washington Geological Survey) such as "Landforms and Hazard Ratings -- Mason Watershed," Isabelle Sarikhan and Timothy J. Walsh, August 2007.
 - (b) The areas identified on the Mason County Soil Survey Map as having slopes greater than fifteen percent.
 - (c) The areas identified on the Coastal Zone Atlas, Volume 9, of Mason County, Washington as:
 - (i) Unstable - "U";
 - (ii) Unstable Old Slides - "UOS";
 - (iii) Unstable Recent Slides - "URS";
 - (iv) Intermediate Slopes - "I";
 - (v) Modified Slopes - "M."
 - (d) The areas identified as Class 2, 3, 4, or 5 of the maps: "Relative Slope Stability of the Southern Hood Canal Area, Washington," by M. Smith and R.J. Carson, U.S. Geological Survey, Series Map I-853-F, 1977
 - (e) Areas described and mapped as areas of poor natural stability and historical and recent landslides by the Washington State Department of Natural Resources, Division of Geology and Earth Resources including "The Geological Map of North Central Mason County, Washington," by R.J. Carson, Washington State Department of Natural Resources, Division of Earth Resources, 1975;
 - (d) Areas mapped as landslide deposits (Map Unit QIs) on the Geologic Maps of Washington 7.5-Minute Quadrangle (Longbranch, Squaxin Island, Shelton, Summit Lake, Vaughn, Lake Wooten, Mason Lake, Belfair, Skokomish Valley and Union, Lilliwaup, Hoodspport, and Holly).

(B) Designation.

- (1) Lands of Mason County classified as geologically hazardous areas are designated, under RCW 36.70A.060 and RCW 36.70A.170, as critical areas requiring immediate protection from incompatible land uses.
- (2) Upon an application for development on either mapped or unmapped lands, the Administrator shall determine if a potential geological hazards exists on a particular site based on:
 - (a) Information supplied by the applicant in the form of a geotechnical report or geological assessment,
 - (b) Actual physical observation of the site,
 - (c) Existing county Hazard Area maps identified in subsection (A), or
 - (d) Other means determined to be appropriate.

(C) Voluntary Stewardship Program

In compliance with RCW 36.70A.720(1)(h) and the Work Plan as approved by the Washington Conservation Commission, regulations under this section are necessary to achieve the goals and benchmarks under the Voluntary Stewardship Program and agricultural activities as defined under that Program shall maintain full compliance with the this section.

(D) Land Uses.

- (1) Exempt Uses.
 - (a) The growing and harvesting of timber, forest products and associated management activities in accordance with the Washington Forest Practices Act of 1974, as amended, and regulations adopted pursuant thereto; including, but not limited to, road construction and maintenance; aerial operations; applications of fertilizers and pesticides; helispots; and other uses specific to growing and harvesting timber forest products and management activities, except those Forest Practices designated as "Class IV - General Forest Practices" under the authority of the "Washington State Forest Practices Act Rules and Regulations," WAC 222-16-030;
 - (b) Those activities and uses conducted pursuant to the Washington State Surface Mining Act, RCW 78.44 and its Rules and Regulations, where state law specifically exempts local authority;
 - (c) Existing and ongoing agriculture, aquaculture, floriculture, horticulture, general farming, dairy operating under best management practices (BMP) of the Washington State Department of Ecology's Storm Water, Water Quality, Hazardous Waste, Wetland, and Solid Waste Program and BMP from the Departments of Health, Agriculture, Transportation, and State Conservation District Office.
- (2) Permit Required Uses. Permits are required for all new construction, grading, land clearing, and other uses subject to Section 8.52.050, and any Class IV Conversion Permit pursuant to the State Forest Practices Act which involves conversion to a permit required use, and are within a geologically hazardous area or its buffer. Permit required use in or within three hundred feet of a geologically hazardous area requires a Special Report, see subsection ~~(E)~~.

(DE) Development Standards. Any land use on geologically hazardous areas or their buffers shall conform to the following standards:

- (1) Grading.
 - (a) No grading shall be performed in geologically hazardous areas prior to obtaining a grading permit subject to approval, by the Director, based on recommendations contained in the geotechnical report with slope stability, drainage, erosion control and grading recommendations.
 - (b) Clearing during grading shall be limited to the area of the approved development.
 - (c) No fill, dead vegetation (slash/stumps), or other foreign material shall be placed within a geologically hazardous area or its associated buffers; with the exception of engineered compacted fill for construction of buttresses for landslide stabilization which shall be in accordance with recommendations specified in a geotechnical report.
- (2) Land Clearing.
 - (a) Within this section, "Land Clearing" is defined as the cutting or harvesting of trees or the removing or cutting of vegetation so as to expose the soil and which is not otherwise exempt from this section.
 - (b) Land clearing in geologically hazardous areas or their buffers is permitted when it is consistent with the recommendation and plans contained in the geotechnical report and development approval.
 - (c) If there is no geotechnical report for the site, land clearing is not permitted: however removal of danger trees, selected removal for viewing purposes of trees less than six inches dbh (diameter at breast height) and trimming or pruning of existing trees and vegetation is allowed with the qualifications cited herein. Danger trees shall be identified with the recommendation of a member of the Association of Consulting Foresters of America, an arborist certified by the International Society of Arboriculture, or with the recommendation of a person qualified to prepare a geotechnical report if removing trees for slope stabilization purposes. Removal of trees less than six inches dbh shall be limited to less than two percent of the total number of trees of that size or larger in the hazard area. Removal of multiple trees in a concentrated area, i.e., within a distance of twenty-five feet of each other, shall be accompanied by replacement by deep rooting native shrubs or other vegetation that serve similar moisture and erosion protective functions to that provided by the removed trees. Trimming and pruning shall be accomplished in accordance with pruning standards of the International Society of Arboriculture, as published in "ANSI A300-95" or subsequent updated versions in order to minimize the potential for long-term damage to the trees.
 - (d) Removal of selected trees and ground cover is allowed without a permit for the purpose of surveying and geotechnical exploration activities that do not involve grading, provided that re-vegetation of the disturbed areas occurs immediately afterward.
 - (e) Land clearing for which a permit has been obtained shall not be allowed during the wet season, i.e., from October 15 through May 1, unless special provisions for wet season erosion and landslide protection have been addressed in the geotechnical report and approved by the Director.

- (3) Drainage.
- (a) Surface drainage, including downspouts and runoff from paved or unpaved surfaces up slope, shall not be directed onto or within fifty feet above or onto the face of a geologically hazardous area or its associated buffer. If drainage must be discharged from the top of a geologically hazardous area to below its toe, it shall be collected above the top and directed to below the toe by tight line drain and provided with an energy dissipating device at the toe.
 - (b) Stormwater retention and detention systems, including percolation systems utilizing buried pipe or French drain, are prohibited unless a licensed civil engineer certifies appropriate mitigation measures.
 - (c) Erosion shall be controlled as provided in the Mason County Stormwater Management Ordinance and in accordance with the recommendations provided in any geotechnical report or geological assessment prepared for the site.
- (4) Sewage Collection/Treatment Systems. Sewage collection and treatment systems shall be located outside of the geologically hazardous areas and associated buffers, unless an approved geotechnical report specifies appropriate mitigation measures. See subsection (EF).
- (5) Subdivision Design and Lot Size. For the purpose of determining lot sizes under Title 16 of this code, and other county regulatory requirements, the Director shall review available information and required geotechnical reports or geological assessments under subsection (EF), and make a decision on a case-by-case basis based on the reports. To avoid impacts to anadromous fisheries and fish habitat, land divisions, (short plats, subdivisions, and large lot divisions) shall not be approved unless:
- (a) No improvements or construction shall be within Fish and Wildlife Habitat Conservation Areas, wetlands, or their buffers, provided that necessary water or wetland crossings or encroachments approved pursuant to other sections of the Mason County Resource Ordinance or other county regulations may be permitted for roads and utilities.
 - (b) All lots must have designated building areas on which structures may be safely located without the requirement for bulkheading, bank protection or other structures that encroach on Fish and Wildlife Habitat Conservation Areas, wetlands, or their buffers. Future buildings are to be limited to such designated areas.
- The number, size, or configuration of lots may be changed as a condition of approval to meet this requirement.
- (6) Buffers.
- A buffer of undisturbed, natural vegetation shall be established from the edges (top, toe) of Geologically Hazardous Areas unless specified below.
- (a) For marine bluffs, the minimum buffer shall be the *larger* of the following:
 - (i) Equal to or greater than a distance from the ordinary high water mark landward at a slope of 2:1 (horizontal to vertical) that intersects with the existing topography of the site;
 - (ii) Fifty (50) feet from Geologically Hazardous Area; and

- (iii) The minimum distance recommended by the geotechnical professional in the geotechnical report.
 - (b) For development that is not adjacent to marine bluffs, the minimum buffer shall be the *larger* of the following:
 - (i) Fifty (50) feet from Geologically Hazardous Area (crest and toe); and
 - (ii) The minimum distance recommended by the geotechnical professional in the geotechnical report.
 - (c) An application may be made to reduce the buffer for the purpose of constructing single-family residential development on a lot existing or vested by December 6, 1996.
 - (i) Notice of application for the reduction of the buffer shall be made as provided in Section 15.07.010 of the Mason County Development Code (which specifies how notice is sent to adjacent property owners and posted on the site).
 - (ii) The Director shall approve such a reduction only on finding the following:
 - a. The approval is conditioned as necessary to be consistent with the recommendations contained within the geotechnical report (described in subsections (~~EF~~)); and
 - b. Impacts to anadromous fish or their habitat or to Fish and Wildlife Habitat Conservation Areas shall be avoided or mitigated as detailed in an approved Habitat Management Plan (described in Section 8.52.170.)
- (7) Shoreline Stabilization (such as Bulkheads and Bank Protection). Shoreline stabilization approved under the Shoreline Master Program or the Fish and Wildlife Habitat Conservation Area regulations shall be consistent with recommendations specified in a geotechnical report.
- (8) Residential Densities and Floor Area Ratios. The geologically hazardous area and its buffer shall be counted in calculating the number of dwelling units (determined by the size of the site and residential density allowed) or the area of nonresidential building (determined by the size of the site and the floor area ratio allowed) that may be built on the site; provided that:
- (a) The development is outside of the geologically hazardous area or its buffer, and
 - (b) The development is able to comply with all county regulations without encroaching on the geologically hazardous area or its buffer.

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

(~~EF~~) Special Reports.

- (1) Applicability. Every application for development within a geologically hazardous area or its buffer or within two hundred fifty feet of the buffer (that is — within three hundred feet of the geologically hazardous area) shall meet the standards of subsection (~~DE~~) and shall require a professionally prepared special report: either a geological assessment or a geotechnical report, or both. The intent of the geological assessment is to confirm that the proposed development is outside of the geologically hazardous area and its associated

buffers and setbacks. The intent of the geotechnical report is to specify how the hazards are to be mitigated when development is proposed within the geologically hazardous area itself or its buffers or setbacks. The type of report that is required is specified below:

Category a. Development proposed within three hundred feet of areas slopes greater than forty percent (21.8 degrees) will require a geotechnical report.

Category b. Development proposed within two hundred feet of areas with any visible signs of earth movement such as debris slides, earthflows, slumps and rockfalls, or areas of previously mapped or recorded landslides will require a geotechnical report. If the proposed development is two hundred feet or more from these areas, but not more than three hundred feet from them, then a geological assessment is required and a geotechnical report may be required based on findings of the assessment.

Category c. Development proposed within one hundred feet of areas of oversteepened or otherwise potentially unstable slopes as a result of stream incision, stream bank erosion, and undercutting by wave action will require a geotechnical report. If the proposed development is one hundred feet or more from these areas, but not more than three hundred feet from them, then a geological assessment is required and a geotechnical report may be required based on findings of the assessment.

Category d. Development proposed within three hundred feet of areas with slopes between fifteen percent (8.5 degrees) and forty percent (21.8 degrees) will require a geological assessment, and may further require a geotechnical report upon analysis of the following factors by the Director:

- (i) Lot size and use;
- (ii) Overall height of slope and maximum any planned cut or fill (requires a grading plan from the applicant);
- (iii) Soil types and history of sliding in the vicinity;
- (iv) Groundwater conditions, including depth to water and quantity of surface seepage;
- (v) Approximate depth to hard or dense competent soil, e.g., glacial till or outwash sand;
- (vi) Impervious surfaces and drainage schemes (requires development/grading plan from the applicant);
- (vii) Wastewater treatment (requires on-site sewage disposal system approval from Mason County Division of Environmental Health);
- (viii) Potential off-site impacts, including adjacent properties, roadways, etc. (requires environmental statement from the applicant, dependent on scope of project).

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

(3) Qualifications of Preparer. The geologic assessment shall be prepared at the discretion of the Director by either a licensed civil engineer with specialized knowledge of

geotechnical/geological engineering or a licensed geologist or engineering geologist with special knowledge of the local conditions. The geotechnical report shall be prepared at the discretion of the Administrator by a licensed civil engineer with specialized knowledge of geotechnical/geological engineering or a licensed engineering geologist. The preparer shall be licensed in the State of Washington.

- (4) Content of the Geological Assessment. A geological assessment shall include but not be limited to the following:
- (a) A discussion of geologic conditions in the general vicinity of the proposed development, with geologic unit designation consistent with terminology used in the Coastal Zone Atlas of Washington; Volume 9 (Washington Department of Ecology, 1980) or in applicable U.S. Geologic Survey maps and the Washington Geological Survey's Geologic maps of Washington (7.5-minute quadrangles for Longbranch, Squaxin Island, Shelton, Summit Lake, Vaughn, Lake Wooten, Mason Lake, Belfair, Skokomish Valley and Union, Lilliwaup, Hoodspport, and Holly).
Use of soil conservation service soil layer terminology is considered inappropriate for this assessment.
 - (b) A discussion of the groundwater conditions at the site, including the estimated depth to water and the quantity of surface seepage and the upslope geomorphology and location of upland waterbodies and wetlands.
 - (c) The approximate depth to hard or dense competent soil, e.g., glacial till or outwash sand.
 - (d) A discussion of any geomorphic expression of past slope instability (presence of hummocky ground or ground cracks, terraced topography indicative of landslide block movement, bowed or arched trees indicating downslope movement, etc.).
 - (e) A discussion of the history of landslide activity and potential hazards in the vicinity, as available in the following publications and maps:
 - (i) Landslides and landslide hazards mapped by the Washington Department of Natural Resources, Division of Geology and Earth Resources (Washington Geological Survey) such as "Landforms and Hazard Ratings -- Mason Watershed," Isabelle Sarikhan and Timothy J. Walsh, August 2007;
 - (ii) The map of "Relative Slope Stability of the Southern Hood Canal Area, Washington" by M. Smith and R.J. Carson, 1977;
 - (iii) The Coastal Zone Atlas; and
 - (iv) Geologic maps of Washington (7.5-minute quadrangles for Longbranch, Squaxin Island, Shelton, Summit Lake, Vaughn, Lake Wooten, Mason Lake, Belfair, Skokomish Valley and Union, Lilliwaup, Hoodspport, Holly) and any landslide records on file with the Mason County Community Services Department.
 - (v) Where available, geotechnical documents prepared for nearby properties and developments.
 - (f) An opinion on whether the proposed development is within the geologically hazardous area or its associated buffer or setback. If it is, then a Geotechnical Report is required.

- (g) A recommendation by the preparer whether a geotechnical report should be required to further evaluate site conditions and the proposed development of the subject property.
 - (h) If the presence of a hazard is determined within three hundred feet of the proposed development, then the area of the proposed development, the boundaries of the hazard, and associated buffers and setbacks shall be delineated (top, both sides, and toe) on a geologic map/site map.
 - (i) A site map drawn to scale showing the property boundaries, scale, north arrow, and the location and nature of existing and proposed development on the site.
 - (j) A determination on whether the proposal is within an Erosion Hazard Area. If it is, then a Geotechnical Report and a Soil Erosion and Sediment Control Plan prepared by a professional engineer licensed in the State of Washington is required (see MCC 8.52.160).
 - (k) If development is within a Seismic Hazard Area, demonstrate conclusively that the hazards (see MCC 8.52.150) are to be avoided or mitigated in such a manner as to prevent harm to property and public health and safety and to prevent significant adverse environmental impacts.
 - (l) For development proposed within shoreline jurisdiction per 17.50 MCC, provide an assertion that the proposed development is set back sufficiently to ensure that new shoreline stabilization is unlikely to be necessary during the life of the structure or that the proposed development has been, to the extent feasible, minimized and located as far from the shoreline as possible.

Note: New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is not allowed.
 - (m) If the proposed development includes shoreline stabilization (bulkheads, etc), a Shoreline Geotechnical Assessment is required per the Shoreline Master Program (SMP) 17.50 MCC. The Geological Assessment required by this Chapter and the Shoreline Geotechnical Assessment required by the SMP may be combined into one report, provided the requirements of both are addressed.
- (5) Content of a Geotechnical Report. A geotechnical report shall include, but not be limited to, the following:
- (a) A discussion of general geologic conditions, specific soil types, groundwater conditions, the upslope geomorphology and location of upland waterbodies and wetlands, and history of landslide activity in the vicinity, as available in the following publications, documents, and maps:
 - (i) Landslides and landslide hazards mapped by the Washington Department of Natural Resources, Division of Geology and Earth Resources (Washington Geological Survey) such as "Landforms and Hazard Ratings -- Mason Watershed," Isabelle Sarikhan and Timothy J. Walsh, August 2007;
 - (ii) The map of "Relative Slope Stability of the Southern Hood Canal Area, Washington" by M. Smith and R.J. Carson, 1977;
 - (iii) The Coastal Zone Atlas;

- (iv) Geologic maps of Washington (7.5-minute quadrangles for Longbranch, Squaxin Island, Shelton, Summit Lake, Vaughn, Lake Wooten, Mason Lake, Belfair, Skokomish Valley and Union, Lilliwaup, Hoodspport, and Holly).
 - (v) Where available, geotechnical documents prepared for nearby properties and developments.
- (b) A site plan drawn to scale showing the property boundaries, scale, and north arrow which identifies the following:
- (i) The important development and geologic features.
 - (ii) Locations and logs of exploratory holes or probes.
 - (iii) The area of the proposed development, the boundaries of the hazard, and associated buffers and setbacks shall be delineated (top, both sides, and toe) on a geologic map of the site. See subsection (DE)(6) for minimum buffer widths.

If recommending or supporting a development activity to occur within the LHA or buffer, label that minimum setback on the site plan.

- (c) A minimum of one cross section at a scale which adequately depicts the subsurface profile, and which incorporates the details of proposed grade changes.
- (d) A description and results of slope stability analyses performed for both static and seismic loading conditions. Analysis should examine worst case failures. The analysis should include the Simplified Bishop's Method of Circles. The minimum static safety factor is 1.5, the minimum seismic safety factor is 1.1 and the quasi-static analysis coefficients should be a value of 0.15.
- (e) Appropriate restrictions on placement of drainage features, septic drain fields and compacted fills and footings, including recommended buffers and setbacks from the geologically hazardous areas.
- (f) Recommendations for the preparation of a detailed clearing and grading plan which specifically identifies vegetation to be removed, a schedule for vegetation removal and replanting, and the method of vegetation removal.
- (g) Recommendations for the preparation of a detailed temporary erosion control plan which identifies the specific mitigating measures to be implemented during construction to protect the slope from erosion, landslides and harmful construction methods.
- (h) An analysis of both on-site and off-site impacts of the proposed development.
- (i) Specifications of final development conditions such as, vegetative management, drainage, erosion control and buffer widths.
- (j) Recommendations for the preparation of structural mitigation or details of other proposed mitigation.
- (k) If development is within an Erosion Hazard Area (see the Erosion Hazard Area chapter of the Resource Ordinance), a Soil Erosion and Sediment Control Plan prepared by a professional engineer licensed in the State of Washington is required.
- (l) If development is within a Seismic Hazard Area (see the Seismic Hazard Area chapter of the Resource Ordinance), demonstrate conclusively that the hazards can be overcome

- (m) For development proposed within shoreline jurisdiction per 17.50 MCC, provide an assertion that the proposed development is set back sufficiently to ensure that new shoreline stabilization is unlikely to be necessary during the life of the structure or that the proposed development has been, to the extent feasible, minimized and located as far from the shoreline as possible.

Note: New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is not allowed.

- (n) If the proposed development includes shoreline stabilization (bulkheads, etc), a 'shoreline geotechnical assessment' is required per the Shoreline Master Program (SMP) 17.50 MCC. The geotechnical report required by this Chapter and the shoreline geotechnical assessment required by the SMP may be combined into one report, provided the requirements of both are addressed.
- (6) Applicable Standards. Geological assessments and geotechnical reports shall be prepared using terminology, descriptions, evaluation methods and mitigation approaches that reflect the current standard of care for practitioners in the field of geologic hazards. Professionals performing geological assessments and geotechnical reports should consider information in, but not limited to the following publications and sources:
- (a) Turner, A.K. and Schuster, R.L. 1996, *Landslides, Investigation and Mitigation*, Transportation Research Board Special Report 247, National Research Council, Washington DC National Academy Press;
 - (b) Washington Department of Ecology, 1993. Slope Stabilization and Erosion Control Using Vegetation, A Manual of Practice for Coastal Property Owners, Publication No. 93-30. Olympia, WA;
 - (c) Washington Department of Ecology, 1993. *Vegetation Management: A Guide for Puget Sound Bluff Property Owners*, Publication No. 93-31. Olympia, WA;
 - (d) Washington Department of Ecology, 1995. *Surface Water and Groundwater on Coastal Bluffs*, Publication No. 95-107. Olympia, WA);
 - (e) Washington Department of Ecology, 2005. *Stormwater Management Manual for Western Washington*. Olympia, WA; and
 - (f) Washington State Department of Licensing, 2006, *Guidelines for Preparing Engineering Geology Reports in Washington*. Prepared by Washington State Geologist Licensing Board, November 2006.
- (7) Administrative Determination. Any area in which the geotechnical report or geological assessment indicates the presence of landslide hazards shall not be subjected to development unless the report demonstrates conclusively that the risks posed by the landslide hazards can be mitigated through geotechnical design recommendations, and that the development meets all standards in subsection (4). Hazards must be mitigated in such a manner as to prevent harm to property and public health and safety, and to assure no significant adverse environmental impact.

Impacts to anadromous fish or their habitat or to Fish and Wildlife Habitat Conservation Areas shall be avoided or mitigated as detailed in an approved Habitat Management Plan, as described in Section 8.52.170.

The Administrator may submit either the geologic assessment or the geotechnical report to an outside agency with geotechnical expertise or to a geotechnical consultant for third party peer review prior to issuing a ruling on the project.

(FG) Applicant Hold Harmless Statement.

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

(Ord. 138-06 (part), 2006; Ord. 59-03 Attach. B, 2003; Ord. 19-03 § 1, 2003; Ord. 136-01, Attach. B, 2001; Ord. 88-00, Attachment A (part), 2000; Ord. 149-99, Attachment B § 1, 1999; Ord. 77-93 (part), 1993).

8.52.150 – Seismic Hazard Areas.

The purpose of the Seismic Hazard Section is to identify areas that present potential dangers to public health and safety, and to prevent the acceleration of manmade and natural geological hazards, and to neutralize the risk to the property owner or adjacent properties from development activities. Types of Seismic Hazards include: Surface Faulting; Ground Shaking; Earthquake-related ground failure and landslides; Lateral Spreading; Liquefaction; Lurch Cracks; Rockfalls; Differential Settlement; Regional Uplift; Seiches; and/or Tsunamis. These are defined under Seismic Hazard Areas in Section 8.52.030.

(A) Classification.

The following shall be classified as Seismic Hazard Areas:

- (1) Areas susceptible to ground failure including the following:
 - (a) Areas with geologic faults;
 - (b) Deep road fills and areas of poorly compacted artificial fill;
 - (c) Areas with artificially steepened slopes (i.e. old gravel pits);
 - (d) Postglacial stream, lake or beach sediments;
 - (e) River deltas;
 - (f) Areas designated as potential Landslide Hazard Areas;
 - (g) Bluff areas; and
 - (h) Areas underlain by potentially liquefiable soils.
- (2) The following criteria may be used as a guide by the County to indicate areas that have a higher likelihood of meeting the classification criteria above:
 - (a) Areas identified on the Coastal Zone Atlas of Washington, Volume 9, Mason County as Af, Qa1, Qa2, Qvc, Qls, Qos and Qp.
 - (b) Areas identified on the Mason County Soil Survey Map as having slopes greater than 15 percent.
 - (c) Faults identified on "Map Showing Known or Suspected Faults With Quaternary Displacement in the Pacific Northwest", A.M. Rogers, T.J. Walsh, W.J. Kockelman

and G.R. Priest, US Geologic Survey, 1996; or described in "Active Faulting Investigations on the Canyon River Fault, Southern Olympic Range, Washington", T.J. Walsh and K.G. Neal, U.S. Geologic Survey, 1997.

- (d) Areas underlain by potentially liquefiable soils as shown "Liquefaction Susceptibility Map of Mason County, Washington" by Stephen P. Palmer, Sammantha L. Magsino, James L. Poelstra, Eric L. Bilderback, Derek S. Folger, and Rebecca A. Niggemann, September 2004.

(B) Designation.

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

(C) Land Uses.

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

(D) Development Standards.

- (1) Development in Seismic Hazard Areas must be in compliance with Section 8.52.050.
- (2) Development within Seismic Hazard Areas must be in compliance with Section 8.52.140.
- (3) Location of Buildings and Facilities

Upon application for a Building Permit, if the Director finds that the proposed development is within a Seismic Hazard Area, the County shall notify the applicant and indicate that the potential effects of seismic activity shall be considered and that Geologic Assessment or Geotechnical Report which addresses the seismic hazard shall be required. Requirements of the Geologic Assessment and Geotechnical Report and the preparer shall be as detailed in Section 8.52.140E.

- (a) The Geologic Assessment or Geotechnical Report shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geological conditions on the proposed development, and opinions and recommendations for compensating for the seismic hazards present.
 - (b) The County shall take the potential seismic effects into consideration when reviewing the proposal under SEPA and may include an alternative site analysis and recommendations.
- (4) Approval of development in Seismic Hazard Areas shall not be issued unless a Geological Assessment or Geotechnical Report demonstrates conclusively that the hazards can be overcome. Hazards must be mitigated in such a manner as to prevent harm to public health, safety, and property and to minimize environmental impact. Impacts to anadromous fish or their habitat or to fish and wildlife habitat conservation areas must be avoided or mitigated as detailed in an approved Habitat Management Plan, as described in Section 8.52.170. The Director may submit the Report to an outside agency with geotechnical expertise or to a geotechnical consultant for third party peer review prior to issuing a ruling on the project at the applicant's expense.

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

(E) Voluntary Stewardship Program.

In compliance with RCW 36.70A.720(1)(h) and the Work Plan as approved by the Washington Conservation Commission, regulations under this section are necessary to achieve the goals and benchmarks under the Voluntary Stewardship Program and agricultural activities as defined under that Program shall maintain full compliance with the this section.

8.52.160 – Erosion Hazard Areas.

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

(A) Classification.

The following shall be classified as Erosion Hazard Areas;

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

- (1) Alderwood gravelly sandy loam ("Ac" and "Ad")
- (2) Cloquallum silt loam ("Cd")
- (3) Harstine gravelly sandy loam ("Hb")
- (4) Kitsap silt loam ("Kc")

(B) Designation.

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

(C) Land Uses.

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

(D) Development Standards.

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

- (1) Development in Erosion Hazard Areas must be in compliance with Section 8.52.050, and standards and requirements in Section 8.52.140 of this Chapter.
- (2) No land clearing or grading activities shall be performed in an Erosion Hazard Area prior to obtaining a grading permit, subject to approval by the Director, based on the recommendations contained in the Geotechnical Report.
- (3) Upon application for a Building Permit, if the Director finds that the proposed development is within an Erosion Hazard Area, the County shall require the applicant to submit a Soil Erosion and Sediment Control Plan prepared by a professional engineer licensed in the State of Washington. The Plan may be included as an attachment in the Geotechnical Report. The Soil Erosion and Sediment Control Plan shall specifically and realistically identify temporary and permanent measures of erosion control.
- (4) Wet Season Operations: Clearing on an erosion hazard area shall be limited to the period between May 1 – October 15. If wet season operations are sought, the applicant shall provide erosion and sedimentation control plan prepared by a professional engineer licensed in the State of Washington that specifically and realistically identifies methods of erosion control for wet weather conditions.
- (5) The Soil Erosion and Sediment Control Plan shall provide for protection of the development area and disturbed surfaces not involved in the immediate development operation using Best Management Practices (BMP) such as sediment traps, check dams, stabilized construction entrances, storm inlet protection, silt fencing, mulching or other effective means of soil protection.
- (6) Runoff from activities subject to a development permit shall be properly controlled to prevent erosion.
- (7) Continued Responsibility: It shall be the responsibility of the property owner and the permittee to ensure that accelerated erosion does not occur during and after the project construction. Additional measures, beyond those specified in an approved Soil Erosion and Sediment Control Plan, may be required by the Director as deemed necessary to control erosion after project completion.

(E) Voluntary Stewardship Program.

Agricultural activities, as defined in MCC Section 8.52.030 and RCW 90.58.065, conducted in accordance with a voluntary stewardship program developed pursuant to RCW 36.70A.705 are permitted within erosion hazard areas.

8.52.170 – Fish and Wildlife Habitat Conservation Areas.

(A) Purpose.

Fish and wildlife habitat conservation means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated populations are not created. This does not mean maintaining all individuals of all species at all times, but it does

mean intergovernmental cooperation and coordination is critically important in a region. In some cases, it is sufficient to assure that a species will usually be found in certain regions across the state. The provisions for the protection of habitat contained in this section cannot succeed in their purpose of supporting viable populations of fish and wildlife species unless other agencies and the public also act to protect the species. In the case of anadromous fish, the Statewide Salmon Recovery Strategy identifies that it will take a balanced approach to addressing the factors of decline that are within human control, including harvest, hatchery, habitat, and hydropower. The underlying assumption within this section is that impacts to anadromous fish or their habitat or to fish and wildlife conservation areas shall be avoided or mitigated as detailed in an approved Habitat Management Plan as described in subsection (JK). The intent of this section is to:

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

(B) Fish and Wildlife Habitat Conservation Area Categories.

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

- (1) Commercial and recreational shellfish areas;
- (2) Kelp and eelgrass beds; herring, sand lance, and smelt spawning areas;
- (3) Naturally occurring lakes and ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
- (4) Streams;

- (5) Saltwater shorelines, and lakes 20 acres and greater in surface area;
- (6) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
- (7) State natural area preserves, natural resource conservation areas, and wildlife areas;
- (8) Areas with which federal or state endangered, threatened and sensitive species of fish and wildlife have a primary association. Those species known to be found in Mason County are listed in Table 8.52.170(A). The protection of a species' habitat is determined by the state or federal listing, and their actual presence near the site subject to review. Other listed and protected species may be found in Mason County, which are not in Table A.
- (9) Other areas that contain habitats and species of local importance (which include juvenile salmonid migration areas) as listed in Table A below. Species of local importance may include, but are not limited to, state candidate and monitor species.

Table 8.52.170(A): Species of Importance that May Occur in Mason County

Species	Scientific Name	State Status	Federal Status
Fish			
Black Rockfish	<i>Sebastes melanops</i>	Candidate	none
Brown Rockfish	<i>Sebastes auriculatus</i>	Candidate	Species of Concern
Bull Trout	<i>Salvelinus confluentis</i>	Candidate	Threatened
Canary Rockfish	<i>Sebastes pinniger</i>	Candidate	Threatened
Coho	<i>Oncorhynchus kisutch</i>	none	Species of Concern
Copper Rockfish	<i>Sebastes caurinus</i>	Candidate	Species of Concern
Dolly Varden	<i>Salvelinus malma</i>	none	none
Greenstriped Rockfish	<i>Sebastes elongatus</i>	Candidate	none
Hood Canal Summer Chum	<i>Oncorhynchus keta</i>	Candidate	Threatened
Olympic Mudminnow	<i>Novumbra hubbsi</i>	Sensitive	none
Pacific Cod	<i>Gadus macrocephalus</i>	Candidate	Species of Concern
Pacific Hake	<i>Merluccius productus</i>	Candidate	Species of Concern
Pacific Herring	<i>Clupea pallasii</i>	Species of Concern	none
Pacific Lamprey	<i>Entosphenus tridentata</i>	none	Species of Concern
Puget Sound Chinook	<i>Oncorhynchus shawytscha</i>	Candidate	Threatened
Quillback Rockfish	<i>Sebastes maliger</i>	Candidate	Species of Concern
Redstripe Rockfish	<i>Sebastes proriger</i>	Candidate	none
River Lamprey	<i>Lampetra ayresi</i>	Candidate	Species of Concern
Sockeye	<i>Oncorhynchus nerka</i>	Candidate	none
Steelhead	<i>Oncorhynchus mykiss</i>	Candidate	Threatened
Walleye Pollock	<i>Theragra chalcogramma</i>	Candidate	Species of Concern
Yelloweye Rockfish	<i>Sebastes ruberrimus</i>	Candidate	Threatened
Yellowtail Rockfish	<i>Sebastes flavidus</i>	Candidate	none
Reptiles and Amphibians			
Cascade Frog	<i>Rana cascadae</i>	Monitor	Species of Concern
Olympic Torrent Salamander	<i>Ryacotriton olympicus</i>	Monitor	none
Tailed Frog	<i>Ascaphus truei</i>	Monitor	Species of Concern

Species	Scientific Name	State Status	Federal Status
Van Dyke's Salamander	<i>Plethodon vandykei</i>	Candidate	Species of Concern
Western Pond Turtle	<i>Clemmys marmorata</i>	Endangered	Species of Concern
Western Toad	<i>Anaxyrus boreas</i>	Candidate	Species of Concern
Mollusks			
Newcomb's Littorine Snail	<i>Algamorda newcombiana</i>	Species of Concern	Species of Concern
Olympia Oyster	<i>Ostrea conchaphila</i>	Candidate	none
Arthropods			
Johnson's Hairstreak Butterfly	<i>Mitoura johnsoni</i>	Candidate	none
Puget Blue Butterfly	<i>Plebejus icarioides blackmorei</i>	Candidate	none
Taylor's Checkerspot Butterfly	<i>Euphydryas editha taylori</i>	Endangered	Endangered
Birds			
Brandt's Cormorant	<i>Phalacrocorax penicillatus</i>	Candidate	none
Common Loon	<i>Gavia immer</i>	Sensitive	none
Common Murre	<i>Uria aalge</i>	Candidate	none
Golden Eagle	<i>Aquila chrysaetos</i>	Candidate	none
Great Blue Heron	<i>Ardea herodias</i>	Monitor	None
Harlequin Duck	<i>Histrionicus histrionicus</i>	none	Species of Concern
Marbled Murrelet	<i>Brachyramphus</i>	Endangered	Threatened
Northern Goshawk	<i>Accipiter gentilis</i>	Candidate	Species of Concern
Pileated Woodpecker	<i>Drycopus pileatus</i>	Candidate	none
Purple Martin	<i>Progne subis</i>	Candidate	None
Spotted Owl	<i>Stridex occidentalis</i>	Endangered	Threatened
Streaked Horned Lark	<i>Eremophila alpestris strigata</i>	Endangered	Threatened
Vaux's Swift	<i>Chateura vauxi</i>	Candidate	None
Western Bluebird	<i>Sialia mexicana</i>	Monitor	None
Western Grebe	<i>Aechmophorus occidentalis</i>	Candidate	none
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	Candidate	Threatened
Mammals			
Canada Lynx	<i>Lynx canadensis</i>	Endangered	None
Gray Whale	<i>Eschrichtius robustus</i>	Sensitive	None
Humpback Whale	<i>Megaptera novaeangliae</i>	Endangered	Endangered
Keen's Long Beard Bat	<i>Myotis evotis keenii</i>	Candidate	None
Killer Whale (Orca)	<i>Orcinus orca</i>	Endangered	Endangered
Merriam's Shrew	<i>Sorex merriami</i>	Candidate	None
Olympic Marmot	<i>Marmota olympus</i>	Candidate	None
Pacific Fisher	<i>Martes pennanti</i>	Endangered	Candidate
Pacific Harbor Porpoise	<i>Phocoena phocoena</i>	Candidate	None
Pygmy Shrew	<i>Sorex hoyi</i>	Monitor	None
Roosevelt elk	<i>Cervus elaphus roosevelti</i>	none	None
Steller Sea Lion	<i>Eumetopias jubatus</i>	Threatened	Species of Concern
Townsend's Big-eared Bat	<i>Plecotus townsendii</i>	Candidate	Species of Concern
Western Pocket Gopher	<i>Thomomys mazama</i>	Threatened	Species of Concern

Table 8.52.170(B): Priority species not federally or state listed and not governed by this ordinance.

Species	Scientific Name	State Status	Federal Status
Band-tailed Pigeon	<i>Colmba fasciata</i>	None	None
Blue Grouse	<i>Dendragapus obscurus</i>	None	None
Butter Clam	<i>Saxidomus giganteus</i>	None	None
Coastal Resident / Searun	<i>Oncorhynchus clarki</i>	None	None
Dungeness Crab	<i>Cancer magister</i>	None	None
Geoduck	<i>Panopea abrupta</i>	None	None
Hooded Merganser	<i>Lophodytes cucullatus</i>	None	None
Kokanee	<i>Oncorhynchus nerka</i>	None	None
Longfin Smelt	<i>Spirinchus thaleichthys</i>	None	None
Mountain Quail	<i>Oreortyx pictus</i>	None	None
Native Littleneck Clam	<i>Protothaca staminea</i>	None	None
Pandalid Shrimp (Pandalidae)	<i>(Pandalus spp.)</i>	None	None
Surfsmelt	<i>Hypomesus pretiosus</i>	None	None
Wood Duck	<i>Aix sponsa</i>	None	None

(C) Designation.

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

(D) Voluntary Stewardship Program.

Agricultural activities, as defined in MCC Section 8.52.030 and RCW 90.58.065, conducted in accordance with a voluntary stewardship program developed pursuant to RCW 36.70A.705 are permitted within fish and wildlife habitat conservation areas and their buffers.

(DE) Establishment of Buffers on Fish and Wildlife Habitat Conservation Areas.

FWHCA's shall have buffers established and maintained along their perimeters. Buffers shall be retained in their natural condition, except as provided elsewhere in the ordinance codified in this chapter.

(1) Buffers Widths.

(a) Buffers shall be a minimum of the following applicable width:

- (i) Buffer widths associated with saltwater shoreline, lakes, and streams shall be measured horizontally from the ordinary high water mark (OHWM) to the width shown in Table C.
- (ii) On streams where 'channel migration zones' (CMZ) have been mapped and adopted by the county, the buffer shall be 150 feet or shall extend to the outer edge of the channel migration zone, whichever is larger. Major new development within a CMZ is prohibited unless one of the following is submitted:
 - a. A report prepared by a qualified professional demonstrating that the proposed development would not result in interference with the process

of channel migration, 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. Based on the results of the report, the Director may limit development in the CMZ and require a buffer of undisturbed natural vegetation from the edge of the CMZ; or

- b. A report prepared by an experienced geologist, hydrologist, or civil engineer with at least 5 years experience with fluvial systems of the Pacific Northwest. The report shall include a review of historic and current aerial photos and maps; a field analysis of specific channel and valley bottom characteristics; and, based on the guidance provided by Ecology on channel migration assessments, the report shall demonstrate the following:
 - I. The site upon which the development is proposed is effectively disconnected from the CMZ due to levees, or infrastructure such as roads and bridges constructed and maintained by public agencies; and
 - II. The risk that the channel will migrate during the next 75 years is minimal as indicated by the existing channel type, intact land cover (and low likelihood future alterations in land cover); stable surficial geology, low soil and potential; lack of evidence of likely avulsion pathways (include area upstream of, but proximate to, the site); low inundation frequency(ies). The assessment shall include review of all available data regarding historical channel locations at the site; identification of the site within a broader area.
- (iii) When major new development is proposed within 1/4 mile of a listed species point location (den or nest site) or habitat, as identified through the WDFW PHS data base, tribal and other local fish and wildlife databases or knowledge, a preliminary review by a qualified fish and wildlife professional shall be provided to the county which shall determine if a FWHCA or its buffer is within the area of the development. The buffer distance shall be measured horizontally from the established FWHCA perimeter.
- (b) Provision for Increasing Buffer. Mason County may increase the buffer width on a case-by-case basis, after a public hearing, as provided in Section 8.52.190(J), when a larger buffer is necessary to protect the structure, function and value of Fish and Wildlife Habitat Conservation Areas. The buffer shall be increased or other protections shall be provided in order to prevent a significant adverse environmental impact by a proposed project on those functions and values. This determination shall be supported by appropriate documentation to be obtained in consultation with the state of Washington and the Skokomish Tribe, Quinault Tribe and/or the Squaxin Island Tribe. Such determination shall be attached as a permit condition and shall demonstrate that:
 - (i) A larger buffer is necessary to maintain viable populations or critical habitat of endangered, threatened, or sensitive species;
 - (ii) The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts to the FWHCA; or

- (iii) If the FWHCA contains variations in sensitivity, increasing the widths will only be done as necessary to preserve the structure, function and value of the FWHCA.

(2) Activities in FWHCA's and/or Buffers that **Require a Habitat Management Plan.**

Unless specified below in (DE)(4) below, the destruction or alteration of FWHCA's or their buffers through removal, excavation, grading, dumping, discharging or filling of any material; clearing; shading; intentional burning; vegetation removal (terrestrial, freshwater, or marine); planting of non-native vegetation that would alter the character of the FWHCA or buffer; or the construction or placement of structures or increasing the structural footprint shall undergo mitigation sequencing and shall require a Habitat Management Plan.

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

Habitat Management Plans shall be submitted with either a Mason Environmental Permit (or a Shoreline Permit or Exemption when within shoreline jurisdiction). When applicable, a Channel Migration Zone Report may also be required per (DE)(1)(a)(ii).

(3) Additional Performance Standards. If the following performance standards cannot be met, a Variance is required:

- (a) *Chemical Application or Storage.* Chemical applications are not permitted within FWHCA's and buffers unless expressly approved as part of a farm plan, forest practices application, National Pollutant Discharge Elimination System (NPDES) permit, or for the control of invasive or noxious plant species, when applied by a certified pesticide applicator. In cases where approved chemical applications occur as part of a forest practices application, farm plan, or NPDES permit, proper reporting procedures shall be followed. Chemical application consistent with state and federal regulation does not require a Mason Environmental Permit, but it does need to comply with the standards included herein. Chemical storage shall not be permitted within a FWHCA or its buffer.
- (b) *Gravel Mining.* Gravel mining is discouraged within FWHCA's or their buffers, but it may be allowed if it does not cause significant adverse environmental impact as demonstrated in an HMP and a detailed mining and reclamation plan (required by the Washington Department of Natural Resources).
- (c) *Land Divisions.* In order to implement the purpose of this section and the county Comprehensive Plan, to accommodate design innovation, creativity, and flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, the use of the performance subdivision process (Title 16 Mason County Subdivision Ordinance) is strongly encouraged. Divisions of land (subdivisions, short subdivisions, large lot subdivisions) shall comply with the following development standards:
 - (i) In order to avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this chapter, including buffer requirements for habitat conservation areas. This site must

also have access and a sewage disposal system location that are suitable for development and do not adversely impact the FWHCA.

- (ii) After preliminary approval and prior to final land division approval, the common boundary between a required buffer and the adjacent property shall be identified using appropriate signs. In lieu of signs, alternative methods of buffer identification may be approved when such methods (fences or enhanced native planting) are determined by Mason County to provide adequate identification to the buffer and the FWHCA.
 - (iii) Buffer areas shall be dedicated as permanent open space tracts, functioning as FWHCA buffers.
- (d) *Mobile Home or RV Parks.* New or expanded mobile home or RV parks shall comply with the following development standards:
- (i) Lots or spaces and other improved areas shall be outside of FWHCA and its buffer and setback.
 - (ii) Roads, utilities, and trails may encroach on the buffer with a HMP. The project as a whole shall not adversely impact the FWHCA.
 - (iii) The common boundary between a required buffer and the adjacent property shall be identified using signs or alternative methods determined Mason County to provide adequate identification to the buffer and the FWHCA.
 - (iv) Buffer areas shall be designated as open space and preserved to the extent possible.
- (e) *Parking.* Parking areas for recreational, commercial, or other non-residential use shall use Low Impact Development techniques and shall be minimized and located outside of buffers, unless there is no area available and a HMP is provided. Perimeters of parking areas shall be landscaped to minimize visual impacts.
- (f) *Pedestrian Stream Crossings.*
- (i) A residential, pedestrian or bicycle stream crossing shall span the entire stream's ordinary high water marks (i.e. a bridge or arch culvert), and are allowed when it is the only feasible access that the property owner has to a portion of their lot, it is limited to a total of 5 feet wide, and a HMP is provided.
 - (ii) A recreational and/or public pedestrian/bicycle stream crossing are allowed when it spans the entire stream's ordinary high water marks (i.e. a bridge or arch culvert), is limited to the minimum size necessary for the intended use, and a HMP is provided.
 - (iii) Stream crossings for off road vehicles (ORV) shall meet the transportation standards below.
- (g) *Stream Relocation.* Stream relocation is discouraged and shall only be permitted when consistent with Washington State Department of Fish and Wildlife Hydraulic Project Approval and when adhering to the recommendations made within the approved HMP and when adhering to the following minimum performance standards:
- (i) The channel, bank and buffer areas shall be replanted with native vegetation that replicates a natural, undisturbed riparian condition; and

- (ii) For those shorelands and waters designated as frequently flooded areas pursuant to Section 8.52.130, a professional engineer licensed in the state of Washington shall provide information demonstrating that the equivalent base flood storage volume and function will be maintained; and
 - (iii) Relocated stream channels shall be designed to meet or exceed the functions and values of the stream to be relocated as determined by the monitoring in the HMP.
- (h) Transportation (Roads).
- (i) Expansion and New Construction. Any private or public road or street expansion or construction that in a FWHCA or its buffer shall comply with the recommendations made within the approved HMP and shall comply with the following minimum development standards:
 - a. Only locate in a FWHCA or buffer when there is no other reasonable or practicable alternative exists and the proposed road or street serves multiple properties whenever possible;
 - b. Public and private roads should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc;
 - c. The road or street construction shall be the minimum necessary, as required by the Department of Public Works and Fire Marshall, and shall comply with the Department of Public Works' guidelines and the Fire Code to provide public safety and mitigated stormwater impacts. Minimum necessary provisions may include projected level of service requirements; and
 - d. Construction time limits shall be determined in consultation with the Washington Department of Fish and Wildlife in order to ensure species and habitat protection.
 - (ii) *Stream Crossings*. All new stream crossings shall be discouraged and alternatives shall be explored. Any private or public road expansion or construction which is proposed and must cross streams classified within this chapter, shall comply with the following minimum development standards:
 - a. Bridges or arch/bottomless culverts shall be required for all Type S or F streams (which have anadromous fish habitat). Fish passage shall be provided, if necessary to address man-made obstructions on site. Other alternatives may be allowed upon a showing that, for the site under review, the alternatives would be less disruptive to the habitat or that the necessary building foundations were not feasible.
 - b. Crossings shall not occur in salmonid spawning areas unless no other reasonable crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with the Washington State Department of Fish and Wildlife and the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe;
 - c. Bridge piers or abutments shall not be placed either within the floodway or between the ordinary, high water marks unless no other reasonable alternative placement exists;

- d. All stream crossings shall be required to pass one hundred-year projected flood flows, even in non-fish bearing Type Np or Ns streams. In addition, crossings for Type S or F should allow for downstream transport of large woody debris;
 - e. Crossings shall serve multiple properties whenever possible;
 - f. Where there is no reasonable alternative to providing a culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.
 - g. All disturbed soils shall be planted with native vegetation where possible. And the utilization of 'rip rap' shall be minimized.
- (iii) Maintenance. Maintenance of roads and bridges shall minimize impacts to water quality.
- (i) Utility Corridors.
- (i) Expansion and New Construction. New or expanded utility corridors shall comply with the HMP and the following minimum development standards:
 - a. They shall be aligned when possible to avoid cutting trees greater than twelve inches in diameter at breast height (four and one-half feet) measured on the uphill side.
 - b. They shall be re-vegetated with appropriate native vegetation at not less than pre-construction vegetation densities or greater, immediately upon completion of construction or as soon thereafter as possible due to seasonal growing constraints. The utility shall ensure that such vegetation survives for a three-year period.
 - c. Utility towers shall be painted with brush, pad or roller and shall not be sandblasted or spray painted, nor shall lead base paints be used.
 - (ii) Maintenance. Maintenance shall protect the environment of Fish and Wildlife Habitat Conservation Areas and their buffers.
- (j) *Water Oriented Recreational Facilities.* As demonstrated in the HMP, development activities associated with water oriented recreation (including scientific/environmental education) shall be designed and located to minimize impacts to wildlife, fish, or their habitat and/or critical characteristics of the affected conservation area including the following:
- (i) Locating development on existing road grades, utility corridors, or other such previously disturbed areas where possible;
 - (ii) Minimizing the removal of trees, shrubs, snags and important wildlife habitat;
 - (iii) Setting trails back from FWHCA's so that there will be minimal impact from trail use or maintenance.
 - (iv) Providing bridges at all pedestrian stream intersections;
 - (v) Implementing low impact development (LID) techniques such as pervious surfaces and rain gardens to the greatest extent feasible.
 - (vi) See ~~(E)~~(3)(e) above for parking area standards.

(4) Activities in FWHCA's or Buffers that **Do Not Require a Habitat Management Plan.**

- (a) *Agricultural Activities.* All new agricultural activities within any FWHCA and/or its buffer complying with a current conservation plan that conforms with the standards and specifications of the Natural Resources Conservation Service and is submitted to and approved by the Administrator; or operating in conformity with a permit of a state agency. Direct seeding of aquaculture is not considered development.
- (b) *Danger Trees* (felling of). The felling of danger trees are allowed within buffers without a Habitat Management Plan provided the following conditions are met:
 - (i) When it is demonstrated to the satisfaction of the Administrator that an imminent threat exists to public health or safety, or the safety of private or public property. Landowner shall provide to the Administrator a written statement describing tree location, danger it poses, and proposed mitigation.
 - (ii) Should the imminent threat not be apparent to the Administrator (as danger trees are defined in Section 8.52.030), the Administrator may require the landowner submit a report from a professional forester or certified arborist.
 - (iii) Before a danger tree may be felled or removed, with the exception of an emergency pursuant to Section 8.52.240, the landowner shall obtain written approval from the Administrator. This approval shall be processed promptly and may not be unreasonably withheld. If the Administrator fails to respond to a danger tree removal request within ten business days, the landowner's request shall be conclusively allowed.
 - (iv) Mitigation as approved by the Administrator to include:
 - a. The planting within the critical area or its buffer a total of six new native trees, each a minimum three years old. Should a report be submitted under subsection (6)(ii), it shall contain recommendations for suitable replacement trees;
 - b. Tree trunks shall be left within the critical area or buffer unless a submitted report warrants its removal to avoid spreading disease or pests. This may be achieved by leaving at least 20 feet of the tree standing as a 'snag' or by leaving the trunk of the cut tree on the ground in as large of segments as possible to provide habitat. The branches from the cut tree may be removed to control fire hazard; and
 - c. Additional mitigation may be required if three or more trees are to be felled on one property within a ten-year period.
- (c) *Enhancement.* Enhancement of a buffer by planting native vegetation (see also subsection (EF)(8)).
- (d) *Fences.* Fences limited to three (3) feet in height are allowed in the buffer and setback, provided they do not extend waterward of the ordinary high water mark and provided the removal of native vegetation does not exceed the ratio allowed in subsection (FG)(21) (View Corridors).
- (e) *Forest Practices.* Except for conversions to a non-forestry uses, 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.

- (f) *Harvesting of Wild Crops.* Harvesting wild crops which do not significantly affect the viability of the wild crop, the function of the Fish and Wildlife Habitat or regulated buffer (does not include tilling of soil or alteration of the Fish and Wildlife Habitat Conservation Area).
- (g) *Maintenance and Use of Existing Landscaped Areas* (landward of OHWM). An existing landscaped area is one which is defined by mowed grass, flower beds, orchard trees, shrubs, and trees. Maintenance and use includes mowing, weeding, trimming, replacement of vegetation types, placing landscape walls no more than two feet in height, excavating or placing top soil or compost not exceeding six inches in depth or ten cubic yards in total, placing play equipment (swings, slides, temporary plastic above-ground pools, but not including tree houses or other play houses), and picnic tables and chairs.

Maintenance does not include the removal of native trees (see “View Corridors” in (k) below). Exposure of more than two hundred square feet of soil at any one time requires stormwater precautions so that no contaminated runoff reaches a river, wetland, stream, or lake. If such maintenance or use in the buffer area is abandoned or discontinued for greater than five (5) years, activities must conform to the provisions of this chapter. This maintenance allowance does not apply to areas where the ordinance requires restoration or enhancement for common line and other buffer reductions and encroachments.

- (h) *Noxious Weed Removal.* The removal of noxious weeds designated in Chapter 17.10 RCW.
- (i) Remodel, Repair, and Replacement of Structures and Uses.

The remodel, repair, or replacement within the footprint or combined footprints per ~~(DE)~~(4)(i), as long as the modification does not increase any intrusion into the FWHCA or its buffer and as long as the footprint has not been moved any distance. However, an HMP is required to add gravel to the beach as maintenance of a bulkhead.

Note: Substantial improvements that are located within floodplains must meet the standards detailed in the Mason County Flood Ordinance, which may include submitting a Habitat Assessment or Habitat Management Plan.

- (j) *Trails, Single Family Residential.* The construction of trails associated with residential use which shall be unpaved when located in the buffer areas, which are not intended for motorized use, which are no wider than four (4) feet, and which avoid clearing native vegetation.
- (k) *View Corridors.* Buffer alterations for view corridors are allowed with emphasis placed on limbing and with selective timber removal minimized to the extent possible. Proposed alterations shall be the minimum to afford views within the buffer and shall minimize shrub vegetation removal and ground disturbance while maintaining the large mature trees. Under this provision, no more than ten percent of the shrubs and ten percent of trees in the buffer less than six inches in diameter at breast height may be cut without specific authorization from Mason County. View corridor improvement actions which include the cutting of more than 10 percent of shrubs, cutting more than 10 percent of trees less than 6 inches diameter, or cutting any native trees larger than six inches in diameter at breast height will require a Habitat Management Plan.

(EF) Establishment of Setbacks on Fish and Wildlife Habitat Conservation Areas.

(1) Standard Setbacks for Saltwater, Lakes Larger than 20 Acres, and Streams.

(a) Unless exempt per MCC 8.52.200 or as provided in subsection (EF)(4), new or expanded structures shall be set back from the FWHCA a distance equal to or greater than the required buffer width plus fifteen (15) feet or shall obtain approval through a Variance or Reasonable Use Exception. See Figure FWHCA - 1 and Table C.

(b) An uncovered deck or a pervious patio may be constructed up to fifteen (15) feet waterward of the setback provided it does not exceed 200 square feet and the deck floor is no more than one foot above average grade. Guard railings along the perimeter of the decks are limited to 36 inches in height.

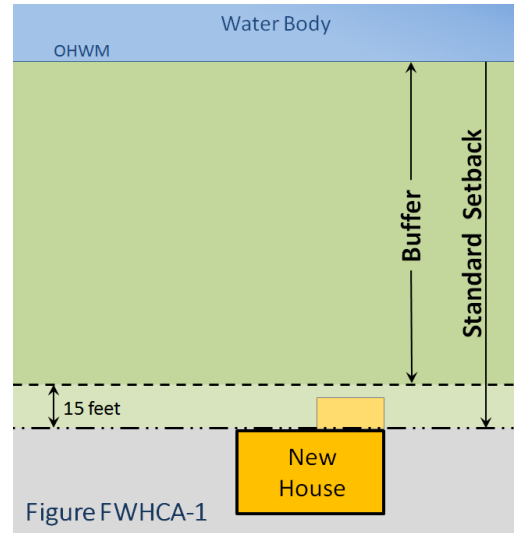


Table 8.52.170(C): Fish and Wildlife Habitat Conservation Area Development Standards.

Habitat Type	Buffer	Structure Setback
Streams		
<i>Type S</i> ¹	150 feet ²	165 feet ³
<i>Type F</i>	150 feet ²	165 feet ³
<i>Type Np</i>	100 feet	115 feet
<i>Type Ns</i>	75 feet	90 feet
Lakes		
<i>Over 20 acres</i> ¹	100 feet	115 feet ⁴
<i>Less than 20 acres with no critical habitat for listed species</i> ⁵	35 feet	50 feet
Saltwater		
<i>'Conservancy' or a 'Natural' SED</i> ^{1,6}	150 feet	165 feet ^{4,7}
<i>'Residential' or a 'Rural' SED</i> ^{1,6}	100 feet	115 feet ^{4,7}
<i>'Commercial' SED</i> ^{1,6}	50 feet	65 feet ^{4,7}

Stream Types: S = shoreline of the state, F = fish habitat, Np = non-fish habitat with perennial (all year) water, Ns = non-fish habitat with dry periods or seasonal water flow. Please see the Definitions section under "Stream" for further explanation.

1 Uses and development are also governed by the Shoreline Master Program 17.50 MCC.

2 Or the channel migration zone, whichever is larger.

3 Or the channel migration zone plus 15 feet, whichever is larger.

4 The setback may be larger or smaller for single family residential development based on the "common line" provisions in (E)(3)(b).

5 Buffers and setbacks for wetlands are regulated by the Wetlands Chapter of the Resource Ordinance MCC 8.52.110.

6 Commercial, Residential, Rural, Conservancy, and Natural are Shoreline Environment Designations found in the

- 7 For marine bluffs, there is an additional 2:1 horizontal to vertical setback measured from the OHWM (See MCC 8.52.140).

(2) Setbacks on Lakes Smaller than 20 Acres.

Lakes and ponds under twenty acres that are not regulated as wetlands and that do not have critical habitat for listed species of local importance shall have buffers of thirty-five feet with an additional fifteen-foot structure setback.

(3) Provisions for Decreasing or Increasing the Setback.

(a) Variance or Reasonable Use Exception.

Unless exempt per MCC 8.52.200, or allowed per subpart (E)(4) below, a new or expanded structure that cannot meet required setbacks shall require approval of a Variance or Reasonable Use Exception. Mason County may decrease the setback on a case by case basis with a Variance or Reasonable Use Exception after consultation with the Washington State Department of Fish and Wildlife and the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe, after review and approval of a Habitat Management Plan, and after a public hearing.

Mitigation proposed in a Habitat Management Plan must be adequate to preserve or enhance the functions and values of the critical area. This means that a finding must be made that the net effect of the proposal is equal or better than applying the standard buffers. If enhancement is part of the mitigation plan, then a greater level of enhancement is required to offset the time lost while the enhancement matures.

(b) 'Common Line' on Residential Lots.

The following are special provisions for buffers and setbacks for single family residential development on lots created prior to December 5, 1996, and which are located on saltwater or on a freshwater lake twenty (20) acres or larger in size.

- (i) Where existing residences are on both sides of and within one hundred fifty feet of the lot line of the subject lot, and no more than two hundred feet from the shoreline OHWM, the setback on the subject lot is determined by an imaginary common line drawn across the subject lot that connects the shore-side roof lines of the first adjacent existing residences (Figure 3 and 4 in Appendix B); or

If the shoreline has a high degree of curvature, the administrator may use the average set back from OHWM of the two existing residences rather than the imaginary line between the rooflines in order to establish the common line setback (Figure 6 in Appendix B).

- (ii) Where an existing residence is on one side of and within one hundred fifty feet of the lot line of the subject lot, and no more than two hundred feet from the shoreline OHWM, the setback on the subject lot is determined by an imaginary common line drawn from the shore-side roof line of the existing residence and across the subject lot to a point which is the standard setback (shown in Table 8.52.170.C) from the OHWM along the far lot line of the subject lot (Figure 5 in Appendix B); or

If the shoreline has a high degree of curvature, the administrator may use the average of the set back from OHWM of the existing residence and the standard setback, rather than the imaginary line between the roof line and

the standard setback, in order to establish the common line setback (Figure 6 in Appendix B).

- (iii) The common line set back may be more or less than the standard setback (shown in Table 8.52.170.C), provided that:
 - a. The minimum setback for structures shall not be less than 35 feet from the OHWM, and the development envelope (including clearing and grading) shall not encroach more than 15 feet waterward of the setback.
 - b. If the resulting common line setback is less than the standard setback (shown in Table 8.52.170.C), a Common Line Mitigation Plan or a Habitat Management plan shall demonstrate that mitigation will be provided to offset the potential impacts (resulting from the proposed development and use) to the buffer and resource.

A Common Line Mitigation Plan may be prepared by the property owner or his/her designee and shall meet the requirements in Appendix B, or a Habitat Management Plan shall be prepared by a qualified habitat biologist and meet the requirements in subpart J.

Best management practices such as those in Appendix C shall also be implemented to limit impacts to the resource.

- (iv) As used in this section, a "residence" refers to the principal dwelling/residential structure and does not include outbuildings or other structures.

(4) Structures for which *Setbacks* Do Not Apply.

In addition to the exemptions in MCC 8.52.200, structures associated with the following uses shall be allowed, within a setback without a Variance to the extent that they are conducted so as to minimize any impact on the values and functions of the FWHCA and provided they are consistent with the Shoreline Master Program, the Geologically Hazardous Areas chapter, the Flood Damage Prevention Ordinance, and any other applicable policies and regulations.

A Habitat Management Plan (HMP) is required in most circumstances and is indicated by an asterisk (*).

- (a) *Agricultural* structures associated with existing commercial agricultural operations. (New agricultural development activities are subject to setbacks and Habitat Management Plans.)
- (b) *Aquaculture, Marinas, and other Water Dependent Uses.
- (c) **Bank Stabilization/Shoreline Stabilization*. Bank stabilization on shorelines is allowed in certain circumstances (see the Shoreline Master Program).

A stream channel, stream bank, or non-shoreline lake may be stabilized when naturally occurring earth movement threatens existing legal structures (structure is defined for this purpose as those requiring a building permit pursuant to the International Building Code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and when such stabilization results in maintenance of fish habitat, flood control and improved water quality.

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

- (d) *Beach Access (stairs to the beach) and Boat Launches.* Beach access and boat launches on non-shoreline lakes shall meet the same dimensional requirements as those required for shoreline beach access (in the Shoreline Master Program).
- (e) *Docks (piers, ramps, and floats), Unattached Floats, Boat Lifts, and Buoys.* Docks and unattached floats on non-shoreline lakes (less than 20 acres) shall meet the same dimensional requirements as those required for shoreline docks (in the Shoreline Master Program).
- (f) *Fences.* Fences limited to three (3) feet in height provided they do not extend waterward of the ordinary high water mark.

Fences to protect habitat and water quality may be taller than three feet tall, provided they are designed and located to allow wildlife to safely move and access forage and water, and provided the fence is recommended in an HMP or recommended by the Mason Conservation District to protect the critical area.

- (g) *Forest Practice structures* provided they are in compliance with WAC 222.
- (h) *Pedestrian stream crossings*, provided they meet the standards in ~~(DE)~~(3)(f).
- (i) Retaining walls to protect an existing primary structure. Primary structure means the structure (or the only access) associated with the principal use of the property that cannot feasibly be relocated.
- (j) Remodel, Repair, and Replacement.
 - (i) The remodel or repair of an existing legally established structure shall be approved within its existing footprint, as long as the modification does not increase any intrusion into the FWHCA or its buffer.

Note: Substantial improvements that are located within floodplains must meet the standards detailed in the Mason County Flood Ordinance.

- (ii) Reconstruction of legally established structures destroyed by fire or other means shall be approved, provided that the planned reconstruction occurs within the previous structural footprint and completed application is made within five years of the destruction.
- (iii) *To further reduce the impacts of existing development, the footprint of existing legally established structures within the FWHCA or its buffer may be combined into one footprint area equal to or lesser than the original area, provided that:
 - a. The combined footprint proposed shall be located in the site of legally established residences and garages most distant from or less intrusive

- to the FWHCA or buffer, and the other structures nearer to the FWHCA shall be removed from the FWHCA or buffer; and
- b. For the purpose of this section, footprint does not include uncovered decks and patios.
- (iv) The following additional provisions only apply within the shoreline jurisdiction (per 17.50 MCC):
- a. Replacing a legally established structure within the footprint is considered repair, provided:
 - I. A complete application is submitted within five (5) years of the date of damage; and
 - II. If a non-conforming use is discontinued (ceases to operate, use, or produce) for more than thirty-six (36) months, any subsequent use, if allowed, shall comply with the Shoreline Master Program.
 - b. *The replacement of existing, legally established factory built homes, a greater building footprint than existed prior to replacement may be allowed in order to accommodate the replacement of a factory built home that is less than 1,000 square feet with another factory built home that does not have the same size and shape. A proposed increase less than 25% of the existing home's footprint shall not require a Variance. The replacement home may be no closer to the shoreline than the existing residence.
 - c. *The structural footprint may be moved within the subject parcel and may change in shape provided:
 - I. The modification does not increase any intrusion into the FWHCA or its buffer or setback and provided its conformity with property line setback requirements (per the Development Regulations) is increased to the maximum extent practicable;
 - II. Unless recommended otherwise by a fish and wildlife habitat professional or a by the author of a geotechnical report (per MCC 8.52.140), any remaining structural components (such as a foundation) shall be removed from an abandoned footprint. (* The Habitat Management Plan shall include enhancement of the abandoned footprint with riparian vegetation (upland of the OHWM only) as well as mitigation for the new footprint; and
 - III. For overwater construction such as docks, a footprint may not be moved to a location where there is documented submerged aquatic vegetation and forage fish spawning areas.
 - d. Except for overwater structures, legally established residences may be expanded by addition of space above the existing building footprint up to authorized heights. Upward expansions shall minimize impacts to existing views and FWHCA's to the greatest extent practical. For the purposes of this subsection, footprint does not include covered or uncovered decks, boat houses, sheds or other appurtenances.(k)* *Stairs, Upland*. The construction of an upland stairs (waterward of OHWM) provided it does not exceed four (4) feet wide.

- (l) * *Transportation/roads* may encroach into the setback, provided they meet the standards in (DE)(3)(h). *Stream crossings* for transportation shall comply with (DE)(3)(h)(ii).
- (m) * *Utilities*. Placement or expansion of utilities pursuant to the following standards:
 - (i) Wells, water lines, and sewer lines and associated pumps and lifts are not permitted in FWHCA's but may be permitted within setbacks (without a Variance) only when no practicable or reasonable alternative location is available and it meets state and local health codes.
 - (ii) Construction and expansion of on-site sewage systems are not permitted in FWHCA's but may be permitted within the setback without a Variance, provided that the applicant demonstrates it is to serve an existing building and use and that the expansion is necessary to meet state and/or local health code requirements.
- (n) * *Water Oriented Recreational Facilities*. Structures associated with water oriented recreation (including scientific/environmental education) such as boardwalks, kiosks, benches, and viewing platforms. See (DE)(3) for additional standards.

(FG) Stewardship Options and Incentives.

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

- (1) **Open Space Bonus.** Any property owner, except on land designated as long-term commercial forest lands, Agricultural Resource Lands or Mineral Resource Lands, may apply for a performance subdivision as provided in Chapter 16.22, Mason County Code. Approval of such a subdivision provides for a development density bonus - that is, it allows more lots for development - in exchange for the protection of critical areas and meeting other design requirements.
- (2) **Open Space Tax Assessment and Public Benefit Ratings System.** Any property owner may apply for current use property tax assessment for lands which are Fish and Wildlife Habitat Conservation Areas or their buffers pursuant to RCW 84.34. The county is developing an open space plan and system of evaluating the public benefit rating and an assessed valuation schedule to provide incentives for property owners to conserve important open space lands.
 - (a) The land proposed for current use tax assessment shall be in a separate tract or a conservation easement.
 - (b) Any person who owns an identified critical area or its associated buffer may place a conservation easement over that portion of the property. A conservation easement is a legal agreement a property owner makes to restrict the type and amount of development that may occur on a parcel. Each easement is tailored to the particular property and to the interest of the individual owner. The property owner grants an easement to an appropriate governmental agency or non-profit land trust. It provides significant property and federal income tax benefits to the property owner. The purpose of the easement shall be to preserve, protect, maintain, restore and limit future use of the property affected. The terms of the conservation easement

may include prohibitions or restrictions on access and shall be approved by the property owner and the county.

- (3) **Density Credit.** On lands containing FWHCAs or their buffers, the county shall allow a transfer of density for residential uses from the portion of the property containing the critical areas or buffers to that portion of the property that does not contain critical areas or buffers - that is, the property could be developed with the same number of lots it would have if critical areas were not present - provided that such transfer does not create any adverse impacts to the critical area that cannot be adequately mitigated and provided that all other development regulations can be met.
- (4) **Tax Re-assessment.** The owner of any property that has been affected by a permit decision by the county may request an immediate re-assessment by the Mason County Assessor's Office, as provided by RCW Chapter 84.
- (5) **Conservation Futures.** If approved by a vote of the people of Mason County, Mason County shall use conservation futures revenue to compensate affected property owners for the impact of protecting fish and wildlife through the purchase of conservation easements on impacted land or the impacted land.
- (6) **Education.** The county encourages proper stewardship on land to provide benefits to fish and wildlife. The county shall provide educational information to the public through its sponsorship of the Washington State Cooperative Extension Service, the Mason Conservation District, or through the provision of informational materials in its offices.
- (7) **Best Management Practices.** Where not otherwise required, Mason County encourages the use of best management practices that are part of site preparation, development construction, and use activities after construction: erosion and sediment control measures; maintain existing vegetation and minimize site clearing; use native plants in landscaping rather than lawn areas; control runoff to small ponds and buffer vegetation; and minimize use of fertilizers and chemicals in property maintenance (pest, weed, and moss control; sealants, oils, and fuels).
- (8) **Enhancement.** Mason County encourages property owners to enhance critical areas and buffers which have been degraded by past land clearing and site modification activities or replaced by noxious vegetation. The county has established a noxious weed board to assist with this process. Critical area enhancement projects shall require staff review and needed approvals. Mason County shall waive review fees for enhancement projects that meet either of the below criteria:
 - (a) **Sponsored Projects.** Enhancement projects sponsored by Mason County, Washington Department of Fish and Wildlife, Mason Conservation District, U.S. Natural Resources Conservation Service, U.S. Fish and Wildlife Service, Washington Department of Natural Resources, or other public agency approved by the administrator which are consistent with the Comprehensive Plan, Resource Ordinance, and other plans adopted by the Board of County Commissioners.
 - (b) **Vegetation Planting/Removal.** Planting of native vegetation or removal of non-native species for the enhancement of the critical area; provided, that such activities are performed using hand tools and are limited to the area being enhanced; provided further, that watering of newly planted vegetation is limited to the first three years. Watering of newly planted vegetation on geologically hazardous areas

shall require approval of a geotechnical report, mitigation plan or restoration plan in accordance with this chapter. Allowable hand tools include gas and electric-powered equipment which is typically moved by hand, including equipment such as chain saws, hedge trimmers, and lawn mowers.

(GH) Habitats and Species of Local Importance—Listing and Delisting Important Habitats and Species.

- (1) Locally significant species are those which are not state listed as threatened, endangered or sensitive, but which live in Mason County, and the species is special importance to the citizens of Mason County for cultural or historical reasons, or the county is a critically significant portion of their range. Mason County is a critically significant portion of the range of a species when any of the following conditions apply:
 - (a) The species would be extirpated from the state of Washington if it is extirpated from Mason County; or
 - (b) The species' population would be divided into non-viable populations if it is extirpated from Mason County, where the isolated populations are critical to the survival of the species; or
 - (c) The species is listed as a state monitor or candidate species and Mason County is a significant portion of the range of the species and significant reduction or extirpation of the species from Mason County would result in changing the status of the species to that of state endangered, threatened, or sensitive.
- (2) Locally significant habitats are those habitats in which significant species live, or which is of special importance to the citizens of Mason County because they have been determined to contribute to the variety of habitats or diversity of species.
- (3) Regulations prepared to protect locally important habitat and species shall consider and, where possible, support the economic development of Mason County and the use of resource lands and resources industry, enhance the affordability of housing, and otherwise promote the achievement of other goals in the Mason County Comprehensive Plan.
- (4) The process for listing or delisting an important habitat or species in Mason County shall be an amendment to this section of the interim Resource Ordinance. This action may be initiated by request of the State Department of Fish and Wildlife, the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe, county staff, or interested citizens. Any such request shall be in writing and shall include:
 - (a) The common and scientific names of for species under consideration;
 - (b) Habitat location on a map (scale 1:24,000);
 - (c) The reasons for the request, including:
 - (i) Declining or increasing population,
 - (ii) Sensitivity to habitat manipulation;
 - (d) Habitat management recommendations, including potential uses and restrictions of the habitat areas, seasonally sensitive areas, and other guidelines necessary for the protection of the nominated species;

- (e) Other supporting documentation, including an analysis which weighs the non-environmental impacts of the proposal, addressing economics and land use, against the benefits of the proposed listing.
- (5) The written request and supporting data may be evaluated by a qualified wildlife biologist or equivalent professional selected by the county.
- (6) In addition to the above, the county shall consider the following factors when evaluating the request:
 - (a) The specificity and scientific validity of the information about the nominated species needs and behaviors;
 - (b) The sufficiency of habitat areas currently available to sustain the species over time; and
 - (c) The versatility of the proposed habitat area to sustain species other than the one being nominated for local species of importance designation.

(H) Application Review Process.

- (1) Upon the receipt of an application for development, the Director shall determine whether the requirements of this section apply. The Director may consult with affected Tribes or state agencies in determining that the subject property is shown to be documented habitat for federal or state listed endangered, threatened or sensitive species.
- (2) Boundaries.
 - (a) The procedures for formal determination of regulated FWHCA boundaries are as follows:
 - (i) The FWHCA boundary for streams shall be the ordinary high water mark (OHWM).
 - (ii) The FWHCA boundary for marine shorelines and lakes greater than twenty (20) acres shall be the OHWM.
 - (iii) The boundary of all other FWHCAs may be determined using published databases, resource agency personnel, consultation with the Skokomish Tribe, Quinault and/or the Squaxin Island Tribe, and/or by a qualified environmental professional based upon site specific assessment and species presence.
 - (b) Formal boundary determination or stream typing is the responsibility of the county. The county may make this determination based on a site visit or on existing natural resource documentation or mapping, at a fee to the applicant. However, when sufficient natural resource information does not exist or is unclear, the Department shall require a field delineation or stream typing be performed by a qualified professional (biologist, hydrologist, soil scientist, and/or other expert as circumstances warrant) at the applicant's expense.
 - (c) Where Mason County performs a formal determination at the request of the applicant pursuant to subsection (b) above, it shall be considered a final determination unless contested by the applicant or other affected party.
 - (d) Where the applicant has provided the information in support of a permit for a formal determination by the county of the fish and wildlife habitat conservation area boundary, Mason County shall verify the accuracy of, and may render

adjustments to, the boundary determination in compliance with the provisions of this chapter.

- (3) In addition to any other requirements, permits shall only be granted if:
 - (a) The proposed activity avoids adverse impacts to regulated FWHCA, or takes affirmative and appropriate measures to compensate for impacts. Mitigation sequencing should follow the avoidance, minimization, and compensation analysis, in that order of preference;
 - (b) When impacting the critical area or buffer cannot be avoided, the proposed activity shall be consistent with an approved Habitat Management Plan, prepared by a qualified habitat biologist at the applicant's expense; and
 - (c) A Mason Environmental Permit, Variance, or Reasonable Use Exception is approved as required by this chapter for development activities proposed within FWHCA buffers and/or setbacks. When a permit is required under this chapter, it is the applicant's responsibility to provide all necessary and accurate data to the county for its review.
- (4) The Administrator shall provide HMP's to the Washington State Department of Fish and Wildlife, the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe and, if required, the U.S. Fish and Wildlife Service so that they may respond in writing to Mason County with review comments or a request for additional information within twenty-eight days from the date of issuance of a draft habitat management plan. Mason County shall have the authority to approve Habitat Management Plans or require additional information.
- (5) A performance bond, or other security, shall be posted by the permittee prior to commencing a FWHCA mitigation project. This requirement may be waived by the Director for small scale projects if other measures are used to ensure that compliance is achieved. The security shall be in an amount sufficient to cover the cost of conformance with the recommended mitigation, maintenance, and monitoring measures detailed within the HMP.

Security monies shall be released under two options: 1) After the Director determines that mitigation has been successfully completed in compliance with the approved HMP, all performance standards have been achieved, and the monitoring period has expired, the bond or other security shall be released, 2) after the Director determines that a portion of the mitigation has been successfully completed in compliance with the approved HMP and the appropriate performance standards have been achieved, as documented in an annual mitigation monitoring report, a portion of the bond or other security shall be released. The county may collect against the security and require the property owner to sign a property access release form when work, which is not completed, is found to be in violation of the conditions set forth in the HMP and/or the Director determines that the site is in violation of the purposes of this section.
- (6) After the Habitat Management Plan has been approved by the county, it shall (with a Notice of Habitat Management Plan) be recorded on the property Title. The Director may allow portions of the HMP (such as the site plan and the mitigation language) to be recorded rather than the entire HMP, when appropriate.

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

(H) Mitigation for Regulated Activities in Fish and Wildlife Habitat Conservation Areas and Buffers.

Permit applicants shall conduct compensatory mitigation for regulated activities that impact FWHCA or their buffers shall prepare a detailed HMP for all impacts. The HMP shall be prepared according to standards in Section 8.52.170(JK). The overall goal of any compensatory buffer mitigation project shall be no-net-loss of FWHCA function and area.

- (1) Permit applicants shall mitigate for FWHCA and buffer impacts at a minimum 1:1 replacement ratio (meaning that for every square/linear foot of buffer encroachment or impact, the applicant shall provide 1 square/linear foot of buffer replacement).
- (2) The Director or his/her designee may allow off-site mitigation, provided priority shall be given to in-kind, onsite mitigation. Selection of the appropriate location and type of mitigation shall be based on the nature and degree of impacts to ecological functions, the functional lift provided by the mitigation project, limiting functions within the watershed, the sustainability of the mitigation project, and other relevant considerations applicable to the specific impact and mitigation project. The permit applicant shall consider watershed conditions and best available science to determine the type and location of mitigation.
- (3) The Director or his/her designee may allow the use of certified public or private mitigation banks and/or In-Lieu Fee (ILF) programs to mitigate for impacts when appropriate site conditions are present; the applicable permitting agencies approve the use of alternative mitigation; and a 'mitigation bank use plan' or 'ILF program use plan' shall be submitted rather than a HMP.

(JK) Habitat Management Plan (HMP) Requirements.

Habitat Management Plans shall identify how impacts to FWHCAs and their buffers will follow the 'mitigation sequencing' detailed in the definition of 'mitigation' in MCC 8.52.030. The following describes the requirements of a HMP as discussed in this chapter:

- (1) A HMP shall consider measures to preserve and protect the wildlife habitat and associated buffer and shall consider effects of land use intensity, setbacks, impervious surfaces, erosion control and retention of natural vegetation on the functions and values of the FWHCA and the watershed as a whole. This report shall identify how the impacts from the proposed use or activity will follow 'mitigation sequencing.' The rationale for site selection, using a watershed approach, shall be provided when the applicant proposes to implement mitigation themselves, regardless of whether the mitigation is onsite or offsite.
- (2) The report shall be based on the most recent publication of the Management Recommendations for Washington's Priority Habitats and Species, as now or hereafter amended, and consultation with a habitat biologist from the Washington State Department of Fish and Wildlife and with the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe.
- (3) The HMP shall be prepared by a qualified fish and wildlife professional, or the HMP shall be reviewed and approved for adequacy by a qualified fish and wildlife professional prior to submittal to the county.

- (4) For those projects requiring the preparation of a biological assessment (BA) or biological evaluation (BE) as part of the application for a Corps of Engineers permit, the approved BA or BE meets the requirements of a HMP.
- (5) The HMP shall contain but not be limited to the following information:
 - (a) A map(s) prepared at an easily readable scale, showing:
 - (i) The location of the proposed site;
 - (ii) The relationship of the site to surrounding topographic and built features;
 - (b) A site plan at an easily readable scale on 11" by 17", 8 ½" by 14", or 8 ½" by 11" showing the existing site conditions, structures, property lines, easements, and natural features.
 - (c) A site plan at an easily readable scale on 11" by 17", 8 ½" by 14", or 8 ½" by 11" showing the following:
 - (i) The area of the proposed development envelope (including landscaping, driveway, structure, drain field, etc);
 - (ii) Proposed structures;
 - (iii) Existing structures to remain;
 - (iv) FWHCA's and their associated OHWM's and/or buffers required by this chapter;
 - (v) Any other natural features including wetlands;
 - (vi) Proposed compensatory mitigation areas; and
 - (vii) A legend which includes:
 - a. A complete and accurate parcel number, legal description, and total acreage of the parcel;
 - b. Title, scale, and north arrow; and
 - c. The authoring qualified biologist's printed name, signature, and date;
 - (d) A report which contains:
 - (i) A description of the nature, density and intensity of the proposed use or activity in sufficient detail to allow analysis of such land use change upon identified wildlife habitat;
 - (ii) An analysis, including area or linear feet of impact, of the effect of the proposed use or activity upon fish and wildlife species and their habitats and associated buffers listed in this chapter;
 - (iii) A plan which explains how the applicant will apply mitigation sequencing to mitigate for adverse impacts to fish and/or wildlife habitats created by the proposed use or activity. This explanation must address the management goals, policies and recommendations presented in this chapter. While species and site specific management practices will often be required, some general best management practices have been developed in Appendix C and may be used in the plan. Mitigation measures within the plan may include, but are not limited to:
 - a. Habitat enhancement areas,

- b. Preservation of critically important plants and trees,
 - c. Limitation of access to buffer and habitat enhancement area,
 - d. Seasonal restriction of construction activities,
 - e. Clustering of development and preservation of open space,
 - f. Sign marking habitats or habitat buffer areas,
 - g. Conservation easements.
- (iv) Review comments by a habitat biologist from the Washington State Department of Fish and Wildlife (WDFW) and the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe shall be included in the HMP when available. If the HMP recommends mitigation involving federally listed threatened or endangered species, migratory waterfowl or wetlands, the U.S. Fish and Wildlife Service shall receive a copy of the draft HMP and their review comments shall be included in the final report.
- (v) A schedule for monitoring and maintenance of the mitigation. This shall specify it is the property owner's responsibility to submit (to the Department) monitoring reports on a periodic basis for a duration determined by the Department to be appropriate. After physically inspecting the site, the Department may require that these monitoring reports be prepared by a qualified professional and shall use best available science to evaluate whether or not the mitigation has achieved success. Performance standards may assess:
- a. Vegetation (aerial cover, density, composition, percent of natives, etc).
 - b. Water regime, if applicable.
 - c. Water quality and quantity, if applicable.
 - d. Wildlife use.
 - e. Development of habitat structure.
 - f. Condition of habitat features.
- (vi) A dollar estimate for the projected costs to professionally install or perform the mitigation and to perform the maintenance and monitoring. The property owner will be required to post a bond for this amount (see subpart (H)(5)).

(KL) Relief from the Requirements in this Section.

Specific relief from the requirements of this section may be obtained on a case-by-case basis by applying for a variance (Section 8.52.220) or a reasonable use exception (Section 8.52.190).

(Ord. 138-06 (part), 2006; Ord. 128-04 Att. B (part), 2004; Ord. 106-04 Att. B (part), 2004; Ord. 53-04 Att. B (part), 2004; Ord. 32-04 Att. B (part), 2004; Ord. 9-03 Att. B (part), 2003; Ord. 17-02 Att. B, 2002; Ord. 89-00 Att. A (part), 2000; Ord. 118-99 Att. B § 1, 1999). (Ord. No. 54-09, 6-16-2009)

8.52.200 – General Exemptions.

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

- (1) All policies, regulations, and procedures of this ordinance are null and void and have no effect on those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class 4 -General Forest Practice Permits (conversions) as defined in RCW 76.09 and WAC 222-12.
- (2) Normal and routine maintenance and operation of existing irrigation and drainage actions, farm ponds, fish ponds, manure lagoons, and livestock water ponds, provided that such activities do not involve conversion of any wetland not being used for such activity to another land use.
- (3) Normal and routine maintenance or repair of existing utility structures or rights-of-way.
- (4) Passive recreational uses, sport fishing or hunting, scientific or educational review, or similar minimal impact, non-development activities.
- (5) Site investigative work required by a county, state, or federal agency, or any other applicant preparing a land use application submittal such as surveys, soil logs, percolation tests, and other related activities, provided that impacts on environmentally critical areas are minimized, and disturbed areas are restored to the preexisting level of function and value within one (1) year after tests are concluded.
- (6) Maintenance, operation, reconstruction of, or addition to, existing roads, streets, and driveways, provided that reconstruction of, or addition to, any such facilities does not extend outside the previously disturbed area.

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

- (7) Any project currently under review by local, state or federal agencies prior to the official effective date of the Mason County Resource Ordinance (as amended or adopted) are exempt from this ordinance and will be grandfathered under previous Resource protection measures; except for projects which are affected by the invalidity finding of the Western Washington Growth Management Hearings Board dated September 6, 1996, and subsequent dates.
- (8) Installation, construction, replacement, operation or alteration of all electric facilities, lines, equipment or appurtenances; water and sewer lines; and all natural gas, cable communications and telephone facilities, lines, pipes, mains, equipment or appurtenances within the previously improved area of public road right-of-way or authorized private road; but not including the construction of substations.
- (9) Construction and operation (including normal repair and maintenance) of fish hatcheries.

(10) Agricultural activities, as defined in MCC Section 8.52.030 and RCW 90.58.065, conducted in accordance with a voluntary stewardship program developed pursuant to RCW 36.70A.705.

8.52.210 - Nonconforming Uses.

(A) Purpose.

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

(B) Standards.

- (1) A legally established nonconforming lot, use or structure shall be deemed a legal nonconforming lot, use or structure and may be continued, transferred or conveyed and/or used as if conforming.
- (2) A reduction in the setback and/or buffer requirements may be considered for a nonconforming lot. A reduction of setback shall be approved only if:
 - (a) The reduction of setback and/or buffer is necessary in order to achieve reasonable use of the land, and that it is the minimum reduction of setback and/or buffer which accomplishes this purpose; and
 - (b) The proposed reduction of setback and/or buffer is compatible with the character of surrounding permitted uses, and shall not adversely affect efficient and safe traffic circulation; and

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

Note: (B)(2) does not apply to the reduction of setbacks on lakes and saltwater via the “common line” or “average” setback of adjacent residences outlined in the FWHCA Chapter (MCC 8.52.170).

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

(C) Use of Nonconforming Lot.

Any permitted use authorized by this chapter in one or more designated areas shall be permitted on a legal nonconforming lot provided that it complies with all sections of this chapter other than tract or parcel size or conditions imposed pursuant to subsection (D) of this section and other pertinent chapters of this code and state law.

- (1) Adjustment of boundary lines to make legally established nonconforming lots more nearly conforming is encouraged and may be made pursuant to Title 16 of this code.
- (2) A conforming use or structure located on a legally established nonconforming lot may be expanded, enlarged or extended as if it were on a conforming lot.

REQUEST FOR REZONE

APPLICANT PROPOSAL – PROPOSED REZONE OF 10.61 ACRES FROM RURAL RESIDENTIAL 5 (RR5) TO RURAL COMMERCIAL 3 (RC3)

STAFF CONTACT

Kell McAboy, Planning Manager
Ext #286

APPLICANT

Jeff Holbrook
PO Box 2727
Olympia, WA 98507

PROPERTY OWNER

Same (under contract)

SUMMARY OF PROPOSAL

Rezone parcel 32031-14-00000 from Rural Residential 5 (RR5) to Rural Commercial 3 (RC3). This parcel is located within the rural area of Mason County and does not require an amendment to the Future Land Use Map.

PARCEL INFORMATION

Parcel No. 32031-14-00000: is 10.61 acres in size and is located west of and adjacent to W. Story Rd and W. Golden Pheasant Rd. It lies west of the juncture of US 101, and State Route 3. This parcel is surrounded by Rural Residential 5 zoning.

ZONING INFORMATION

CURRENT ZONING DESIGNATION:

RR5 – Rural Residential 5

The purpose of the RR5 district is to provide for residential development on parcels of 5 acres or more.

PROPOSED ZONING DESIGNATION:

RC 3 – Rural Commercial 3

There are five types of rural commercial districts and they provide for a variety of commercial uses reflecting the diversity of existing business areas. In RC3, uses include convenience/general store, retail, restaurant, small office, laundry, professional services, personal services, public meeting space, nursery, public facilities – post office/fire station/fish hatchery/library/ranger station, church, local community and recreation centers, lodging facilities, including motels, RV parks, campgrounds and bed and breakfast, marina – sales, service and storage, auto service and repair, medical/dental clinic, animal clinic, winery, commercial/government operated day care, single family residential accessory use or apartment. Uses permitted with a Special Use Permit include gas and self-storage.

BACKGROUND

The applicant (Jeff Holbrook, Huntington Beach Investments, LLC) inquired with the Planning Department about rezoning this undeveloped lot for an unspecified future use, that would be allowed under RC₃ zoning district.

ANALYSIS

Mason County Code Section 17.05.080(a) describes the eight rezone criteria used to review a rezone proposal. These criteria have been established and adopted specifically for Mason County to establish standards by which each rezone is to be reviewed. The Code requires that each rezone be evaluated considering these standards; however, it does not require that they all be met. Below is *Staff's response* to the proposed request:

- 1. Development allowed by the proposed rezone designation shall not damage public health, safety and welfare.**

This criterion is met as the applicant's proposed rezone of the property will not damage public health, safety or welfare. Existing development regulations still apply to future development.

- 2. The zone designation shall be consistent with the Mason County Comprehensive Plan, Development Regulations, and other county ordinances, and with the Growth Management Act; and that designation shall match the characteristics of the area to be rezoned better than any other zone designation.**

Staff believes this criterion has been met as it is consistent with the Comprehensive Plan and future development will be consistent with the RC₃ section of the Development Regulations. The location of this lot near two highways makes it desirable for Rural Commercial zone designation.

- 3. No rezone shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially increase sprawling, low-density rural development, or to significantly increase uses incompatible with resource-based uses in the vicinity.**

This criterion is met as staff believes the rezone of these parcels would not increase sprawl or low-density development or cause it to occur.

- 4. No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially increase demand for urban services in rural areas, including but not limited to streets, parking, utilities, fire protection, police, and schools.**

This criterion is met as the proposed rezone of these parcels totaling approximately 10.61 acres in size will not increase the demand for urban services in rural areas, including, but not limited to, streets, parking, utilities, fire protection, police and schools. Allowed uses within the RC₃ zone are light-commercial in nature and will not support a business that would increase the demand for services already provided.

5. No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially interfere with the Growth Management Act goal to encourage development in urban areas where adequate public services and facilities exist or can be provided in an efficient manner.

This criterion is met as the proposed rezone of this parcel would not materially interfere with the Growth Management Act goal to encourage development in urban areas where adequate public services and facilities exist or can be provided in an efficient manner.

6. No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially interfere with the Growth Management Act goal to encourage retention of open space, to conserve fish and wildlife habitat, and generally to protect the environment, including air and water quality.

This criterion is met as the proposed rezone of these parcels would not materially interfere with the Growth Management Act goal to encourage retention of open space, to conserve fish and wildlife habitat, and generally to protect the environment, including air and water quality. Future proposed development is required to meet all buffer and setback regulations.

7. No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to create pressure to change land use designations of other lands or to increase population growth in rural areas as projected in the Mason County Comprehensive Plan.

This criterion is met as the proposed rezone would not create pressure to change surrounding land uses and will not affect population growth in the rural areas.

8. These criteria shall not be construed to prevent corrective rezoning of land necessitated by clerical error or similar error of typography or topography committed in the original zoning of such land.

The proposal is not applicable and not being requested as the result of any mapping errors.

STATE ENVIRONMENT PROTECTION ACT (SEPA)

A SEPA checklist was prepared for this project. A formal SEPA Determinations of Non-Significance was made on January 14, 2019. Comment period for the determination closes on January 28, 2019.

PUBLIC NOTIFICATION

All property owners within 300 feet of the subject parcel was notified by mail informing them of the proposal to rezone the property. In addition, Public Notice of this public hearing was published in the Mason Shelton Journal on January 17 & 24, 2019. The Public Notice was posted onsite on January 14, 2019.

PUBLIC COMMENTS

As of the date of this writing, comments have been received from PUD 3.

SUMMARY AND RECOMMENDATION

Staff recommends that the Planning Advisory Commission recommend approval of this rezone to the Mason County Board of Commissioners.



ATTACHMENTS

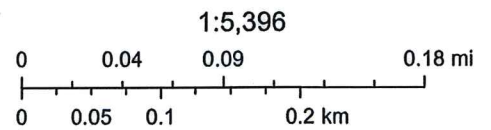
- Aerial map of property and vicinity
- SEPA DNS and Checklist
- Application
- Notice of Hearing
- 60-Day Notice to Commerce
- SEPA Comment from PUD3

Mason County WA GIS Web Map



1/14/2019, 2:25:19 PM

-  County Boundary
-  Tax Parcels (Zoom in to 1:30,000)



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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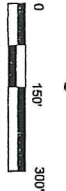
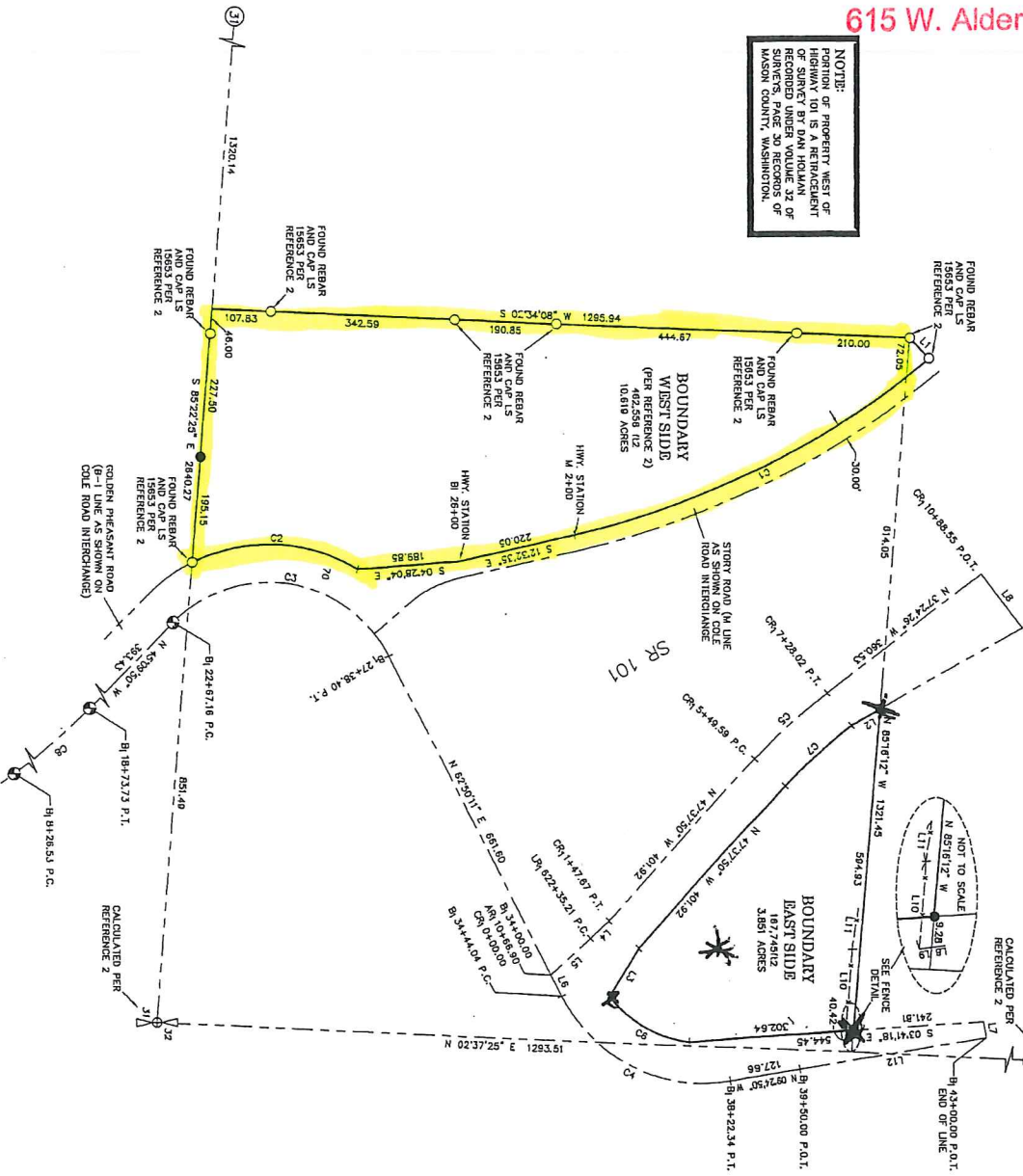
DEC 10 2018

615 W. Alder Street

RECORD OF SURVEY
 A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER &
 THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF
 SECTION 31, TOWNSHIP 20 NORTH, RANGE 3 WEST, W.M.
 MASON COUNTY, WASHINGTON

BOOK PAGE FILE NO.

NOTE:
 PORTION OF PROPERTY WEST OF
 HIGHWAY 101 IS A REPLACEMENT
 OF SURVEY BY DAN HOULAN
 DATED MAY 14, 1970.
 SURVEY PAGE 30 RECORDS OF
 MASON COUNTY, WASHINGTON.



LEGAL DESCRIPTION
 THE SOUTHEAST QUARTER (SE 1/4) OF THE
 NORTHEAST QUARTER (NE 1/4) OF SECTION
 THIRTYONE (31), TOWNSHIP TWENTY (20)
 NORTH, RANGE THREE (3) WEST, W.M.,
 EXCEPTING FROM ALL THE FOREGOING,
 RIGHT-OF-WAY FOR US HIGHWAY 101,
 RIGHT-OF-WAY FOR STORY ROAD,
 RIGHT-OF-WAY FOR ROAD NO. 101,
 PLEASANT ROAD, COUNTY ROAD NO. 11790.

REFERENCE SURVEYS
 1) WASHINGTON STATE HIGHWAY
 COMMISSION CDE ROAD
 SECTION
 INTERCHANGE SHEET 5 OF 12
 DATED MAY 14, 1970.
 2) RECORD OF SURVEY AS RECORDED
 IN VOLUME 32 OF SURVEYS, PAGE 30.

- LEGEND
- SET 5/8" REBAR AND PLASTIC CAP STAMPED 'ROSE 44645'
 - FOUND AS NOTED
 - ⊙ FOUND CAPED MONUMENT
 - ⊕ CALCULATED SECTION CORNER
 - ⊖ CALCULATED QUARTER CORNER
 - EXISTING FENCE

LINE	BEARING	DISTANCE
L1	N 46°44'07" E	52.85
L2	N 89°27'50" E	104.78
L3	N 50°00'27" W	104.78
L4	N 42°09'50" W	47.67
L5	N 42°09'50" W	100.00
L6	N 42°09'50" W	100.00
L7	N 42°09'50" W	44.00
L8	N 85°39'59" E	11.37
L9	S 06°57'29" E	13.89
L10	N 85°39'59" E	181.46
L11	N 02°00'00" W	75.00
L12	N 02°23'50" W	350.00

AUDITOR'S CERTIFICATE
 FILED FOR THIS SURVEY BY PAGE
 2016 AT 10:53 AM, IN BOOK OF SURVEYS AT PAGE
 608 AT THE REQUEST OF DAVID RAYMOND ROSE
 MASON COUNTY AUDITOR

EQUIPMENT/PROCEDURE:
 CONVENTIONAL ROAD TRAVELING USING A SODINA SET GC TOTAL
 STATION.
 NOTE:
 THIS SURVEY MEETS OR EXCEEDS THE ACCURACY
 STANDARDS AS SET FORTH IN WAC 33-231-030
 NOTE:
 THIS SURVEY DOES NOT INTEND TO SHOW ALL EASEMENTS WHICH
 MAY OR MAY NOT BE OF RECORD ON LAND SURVEYING LINES OR
 MINORITIES AS TO WIDER EASEMENTS MAY AFFECT PROPERTY.

SURVEYOR'S CERTIFICATE
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY
 ME OR UNDER MY DIRECTION IN CONFORMANCE WITH
 THE SURVEY RECORING ACT FOR COMMENCEMENT IN
 AUGUST 2015.
 REGISTERED PROFESSIONAL LAND
 SURVEYOR LICENSE NUMBER 44645

DR LAND SURVEYING
 PROFESSIONAL LAND SURVEYING
 2222 SE SNIDER ROAD
 SHELTON, WA 98584
 PHONE: (360) 427-8392



RECORD OF SURVEY
 FOR
 CONNIE WING
 AUDITOR'S INDEXING DATA
 SE 1/4 NE 1/4 & NE 1/4 NE 1/4
 SECTION 31, TOWNSHIP 20 NORTH,
 RANGE 3 WEST, W.M.



DETERMINATION OF NONSIGNIFICANCE
(WAC 197-11-340)
SEP2018-00110

Description of Proposal: Rezone 10.61 acres from Rural Residential 5 (RR5) to Rural Commercial 3 (RC3)

Proponent: Holbrook Family, LLC

Location of Proposal: West of/adjacent to W. Story Rd and W. Golden Pheasant Rd at Hwy 101 and Hwy 3. East of Mill Creek

Parcel Number: 32031-14-00000

Legal Description: SE NE EX Lying WLY of SR 101 S 43/68

Directions to Site: From Shelton, take Hwy 3 south

Lead Agency: MASON COUNTY

The Lead Agency for this proposal has determined that it does not have a probably significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed Environmental Checklist and other information on file with the Lead Agency. This information is available to the public upon request.

Please contact Kell Rowen at ext. 286 with any questions. This DNS is issued under WAC 197-11-340(2). The Lead Agency will not act on this proposal for 14 days from the date shown below, when the determination is final. Comments must be submitted to Dept. of Community Development, 615 W Alder St, Shelton WA 98584 by 1/28/2019. Appeal of this determination must be filed within a 14-day period following this final determination date, per Mason County Code Chapter 15.11 Appeals.

Kell Rowen

Date: 1/14/2019

Authorized Local Government Official

SEPA ENVIRONMENTAL CHECKLIST

Fel. DDR 2018-00171

Mason County Permit Center Use:

SEP 2018 - 00110

Parcel #: 32031-14-00000

Date Rcvd:

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DEC 10 2018

615 W. Alder Street

- Single Family DNS: \$600.00
- Other DNS: 0 to 9.99 acres: \$730
 10 to 20 acres: \$880
 Over 20 acres: \$1100
- DS / EIS: \$5000 + \$90 per hour

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [HELP]

1. Name of proposed project, if applicable:

Estate of Violet J Cole / Housbrook Family, LLC

2. Name of applicant: Jeff Housbrook

3. Address and phone number of applicant and contact person:

PO Box 2727
Olympia, WA 98507

4. Date checklist prepared:

11/12/18

5. Agency requesting checklist: Mason County Planning Dept

6. Proposed timing or schedule (including phasing, if applicable): N/A

Planning Advisory Commission public hearing 1/28/2019
Board of County Commission 3/5/2019

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. NO

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. None

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

NO

10. List any government approvals or permits that will be needed for your proposal, if known.

None

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Approx 10.85 acres; Rezone from rural residential 5 to Rural Commercial 3 (RC3)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

West of and adjacent to Story Rd & Golden Pheasant Rd @
junction of Hwy 3 & Hwy 101, east of Mill Creek.

B. Environmental Elements [\[HELP\]](#)

1. Earth [\[help\]](#)

a. General description of the site:

(circle one) Flat rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?

59%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. NOT SURE

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. NO

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. N/A

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

NO

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? N/A

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None

2. Air [help]

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. None

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. None

c. Proposed measures to reduce or control emissions or other impacts to air, if any: N/A

3. Water [help]

a. Surface Water: [help]

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Small wetland in SW corner of Property

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. N/A

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. None

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. N/A

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. None

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. NO

b. Ground Water: [help]

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. *N/A*

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. *N/A*

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. *N/A*

2) Could waste materials enter ground or surface waters? If so, generally describe. *N/A*

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. *No*

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: *None*

4. Plants [help]

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered? *None*

c. List threatened and endangered species known to be on or near the site. *None*

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: *N/A*

e. List all noxious weeds and invasive species known to be on or near the site. *N/A*

5. Animals [help]

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

- birds: hawk, heron, eagle, songbirds, other:
 - mammals: deer, bear, elk, beaver, other:
 - fish: bass, salmon, trout, herring, shellfish, other _____
- None*

b. List any threatened and endangered species known to be on or near the site. *None*

c. Is the site part of a migration route? If so, explain. *None*

d. Proposed measures to preserve or enhance wildlife, if any: *N/A*

e. List any invasive animal species known to be on or near the site. *N/A*

6. Energy and Natural Resources [\[help\]](#)

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. *N/A*

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. *NO*

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: *NONE*

7. Environmental Health [\[help\]](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. *NO*

1) Describe any known or possible contamination at the site from present or past uses.

NONE

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. *NONE*

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. *NONE*

4) Describe special emergency services that might be required. *NONE*

5) Proposed measures to reduce or control environmental health hazards, if any: *M/A*

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? *None*

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. *None*

3) Proposed measures to reduce or control noise impacts, if any: *none*

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. *Timberland / None / M/A*
undeveloped in designated Forestland (as assessed, not zoned)

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? *Remain in Forestland*

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversized equipment access, the application of pesticides, tilling, and harvesting? If so, how: *No*

c. Describe any structures on the site. *None*

d. Will any structures be demolished? If so, what? *No*

e. What is the current zoning classification of the site? *RR5*

f. What is the current comprehensive plan designation of the site? *None Rural*

g. If applicable, what is the current shoreline master program designation of the site? *N/A*

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. *Yes*

Small jurisdiction wetland complex associated w/ Mill Creek on the southern boundary

i. Approximately how many people would reside or work in the completed project? *N/A*

j. Approximately how many people would the completed project displace? *N/A*

k. Proposed measures to avoid or reduce displacement impacts, if any: *N/A*

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: *N/A*

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: *None*

9. **Housing** [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. *None*

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. *N/A*

c. Proposed measures to reduce or control housing impacts, if any: *N/A*

10. **Aesthetics** [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? *N/A*

b. What views in the immediate vicinity would be altered or obstructed? *None*

b. Proposed measures to reduce or control aesthetic impacts, if any: *N/A*

11. Light and Glare [help]

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? *N/A*
- b. Could light or glare from the finished project be a safety hazard or interfere with views? *N/A*
- c. What existing off-site sources of light or glare may affect your proposal? *N/A*
- d. Proposed measures to reduce or control light and glare impacts, if any: *N/A*

12. Recreation [help]

- a. What designated and informal recreational opportunities are in the immediate vicinity? *N/A*
- b. Would the proposed project displace any existing recreational uses? If so, describe. *NO*
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: *N/A*

13. Historic and cultural preservation [help]

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. *NO*
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. *NO*
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. *N/A*

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

N/A

14. Transportation [help]

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

west of and adjacent to ~~the~~ Story Rd & Golden Pheasant.
direct access to Hwy 101 & Hwy 3

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Less than 1/4 mile from MTA Park n Ride at Cole Rd. N/A

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

N/A

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

N/A

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

N/A

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

N/A

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

N/A

- h. Proposed measures to reduce or control transportation impacts, if any:

N/A

15. Public Services [help]

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

N/A

b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A

16. Utilities [help]

a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A

C. Signature [HELP]

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee: _____

Jeff Holbrook

Position and Agency/Organization: _____

owner under contract

Date Submitted: _____

4/12/18

D. Supplemental sheet for nonproject actions [HELP]

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

N/A The RC3 zone allows more intense uses than the current allowed residential

Proposed measures to avoid or reduce such increases are:

Determined at time of proposed development

N/A use up to two residences plus two accessory dwellings

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

NO

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Future development must meet minimum wetland setbacks ≠ setbacks from Mill Creek

3. How would the proposal be likely to deplete energy or natural resources?

Unknown N/A

Proposed measures to protect or conserve energy and natural resources are: N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

critical area protections are in place. Property would not qualify for variances to stream or wetland setbacks

Proposed measures to protect such resources or to avoid or reduce impacts are:

meeting critical area regulations

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

N/A

Proposed measures to avoid or reduce shoreline and land use impacts are:

N/A

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

N/A RC3 allows greater intensity uses than residential zone.

Proposed measures to reduce or respond to such demand(s) are:

N/A
TBD @ time of proposed development

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

NO

DDR 2018-00171
SEP 2018-00110

FEE: \$2,220.00

RECEIVED

DEC 10 2018

615 W. Alder Street



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health
615 W. Alder St. – Bldg. 8, Shelton, Wa 98584
Phone: (360) 427-9670 ext. 352 ♦ Fax: (360) 427-7798

APPLICATION FOR COMPREHENSIVE PLAN MAP AMENDMENTS (FUTURE LAND USE MAP AND ZONING CHANGES)

[One application per parcel or contiguous group of parcels. This application does not guarantee approval. To legally approve a rezone request, the submitted request must meet the rezone criteria listed in the Mason County Development Regulations. You should discuss your proposal with the County Long Range Planner prior to application.]

Applicant: Estate of Violet J Cole / Jeff Halbrook

Mailing Address: Box 2727

City: Olympia State: WA Zip: 98507

Telephone No.: 360-402-0400

Parcel Number(s): 320311400000

Parcel Size and Legal Description: Portion of T20, R3W, Sec 31, SE 1/4, NE 1/4

What kind of change in map information is requested?

Zoning change requested T20, R3W, Sec 31, SE 1/4, NE 1/4

Rationale for the Request: (include information on the property features, land use, and maps that will be used in considering your application) (see the attached information sheet)

This parcel is NOT conducive for residential use —

[Signature]
Signature and date
11/2/18



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health

NOTICE OF HEARINGS

NOTICE IS HEREBY GIVEN that the Mason County Planning Advisory Commission will hold a public hearing at the Mason County Courthouse Building 1, Commission Chambers, 411 North Fifth Street, Shelton, WA 98584 on **Monday, January 28, 2018 at 6:00 p.m.**

SAID HEARING will be to consider adopting the following Development Areas amendment (rezone):

- Rezoning a ten (10) acre parcel from Rural Residential 5 (RR5) to Rural Commercial 3 (RC3). Parcel No. 32031-14-00000.

Any person desiring to express their view or to be notified of the action taken on the application should attend the hearing and/or notify:

MASON COUNTY DEPARTMENT OF COMMUNITY SERVICES
615 W. Alder Street
Shelton, WA 98584

Please visit the Mason County website (<http://www.co.mason.wa.us/ac/planning-commission/index.php>) for a detailed list of agenda items. For information regarding this hearing contact Kell Rowen at (360) 427-9670 ext. 286 or krowen@co.mason.wa.us.

If special accommodations are needed, please contact Kell Rowen, 427-9670, Ext.286. From the Belfair area, please dial 275-4467; from the Elma area please dial 482-5269.



Department of Commerce

Notice of Intent to Adopt Amendment 60 Days Prior to Adoption

Indicate one (or both, if applicable):

- Comprehensive Plan Amendment
- Development Regulation Amendment

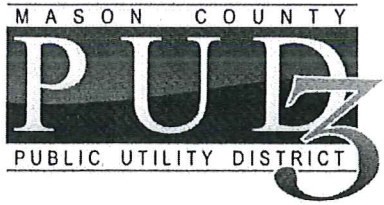
Pursuant to RCW 36.70A.106, the following jurisdiction provides notice of intent to adopt a proposed comprehensive plan amendment and/or development regulation amendment under the Growth Management Act.

Jurisdiction:	Mason County
Mailing Address:	615 W. Alder St; Shelton, WA 98584
Date:	November 30, 2018

Contact Name:	Kell Rowen
Title/Position:	Planning Manager
Phone Number:	360.427.9670 ext. 286
E-mail Address:	krowen@co.mason.wa.us

Brief Description of the Proposed/Draft Amendment: <i>If this draft amendment is provided to supplement an existing 60-day notice already submitted, then please provide the date the original notice was submitted and the Commerce Material ID number located in your Commerce acknowledgement letter.</i>	Proposed amendment to rezone a 10.85-acre parcel from Rural Residential 5 (RR5) to Rural Commercial 3 (RC3) in the rural area of Mason County, WA
Is this action part of the scheduled review and update? <i>GMA requires review every 8 years under <u>RCW 36.70A.130(4)-(6)</u>.</i>	Yes: ___ No: <u>__X__</u>
Public Hearing Date:	Planning Board/Commission: January 28, 2019 Council/County Commission: March 5, 2019
Proposed Adoption Date:	March 5, 2019

REQUIRED: Attach or include a copy of the proposed amendment text or document(s). **We do not accept a website hyperlink requiring us to retrieve external documents. Jurisdictions must submit the actual document(s) to Commerce.** If you experience difficulty, please contact reviewteam@commerce.wa.gov



COMMISSIONERS
THOMAS J. FARMER
LINDA R. GOTT
BRUCE E. JORGENSON
MANAGER
ANNETTE CREEKPAUM

January 15, 2019

Mason County Department of Community Services
Attn: Kell Rowen
615 W. Alder Street
Shelton, WA 98584
krowen@co.mason.wa.us

RE: Mason County Public Utility District 3 – SEPA comments regarding proposed Rezone – Holbrook Family, LLC; Parcel 32031-14-00000 (vicinity of W. Story Rd and W. Golden Pheasant Rd); approx. 10.61 acres currently zoned RR5, proposed rezone to RC3; SEP2018-00110

SYSTEM CAPACITY FEE NOTIFICATION

Dear Ms. Rowen:

Thank you for the opportunity to comment on the Determination of Nonsignificance issued by Mason County Department of Community Services – Planning Division, regarding the above-referenced project. Mason County PUD 3 (“PUD”) has reviewed the information provided and has the following comment(s), which PUD understands will be communicated to the applicant:

SYSTEM CAPACITY FEE

A system capacity fee, representing a new customer connection’s proportionate share of building a new substation, is required to be paid by customers who request new or increased electricity service for new or expanded development improvements.

The system capacity fee is based on the ampacity rating at the point where service is provided to a customer. Applicants will be assessed a fee proportionate to their energy needs, pursuant to the System Capacity Fee Schedule effective at the time a complete application for service is received by the PUD.

Although the information provided to the PUD through the SEPA process does not include specific details regarding this how this proposed rezone may impact power needs, the PUD hereby provides notice that any new electrical loads are subject to the PUD's capacity and ability to serve the load. All applicants seeking to connect to the PUD's electrical system must comply with all PUD service rules and regulations, including but not limited to the PUD's system capacity fee.

PUD's comments contained in this correspondence are based upon information provided by the lead agency, and may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact Dale Knutson, Director of Engineering & Utility Services, at (360) 426-8255 or dalek@masonpud3.org.

Sincerely,

A handwritten signature in cursive script that reads "Annette Creekpaum".

Annette Creekpaum, Manager
Mason County Public Utility District 3

STAFF REPORT
A PUBLIC HEARING for proposed amendments
to Title 14, Chapter 14.17 relating to Fire Apparatus Access Roads

1. Contact Person

Kell Rowen, Planning Manager
Mason County Community Services
615 W. Alder St.; Shelton, WA 98584
360.427.9670 ext. 286

Jeromy Hicks, Fire Marshal
Mason County Community Services
615 W. Alder St.; Shelton, WA 98584
360.427.9670 ext. 282

2. Background

Mason County Fire Marshall is proposing an amendment to the Mason County Code Title 14 (Buildings and Construction) Chapter 14.17, to include International Fire Code (IFC) regulations relating to Fire Apparatus Access Roads in Title 14 consistent with the IFC.

The Fire Marshal will be at the PAC public hearing to introduce the amendment and answer questions.

3. Recommendation

Staff asks that the PAC review and discuss the proposed amendments to Title 14, Chapter 14.17 and recommend approval to the Board of County Commissioners for adoption.

4. Attachments

- Title 14, Chapter 14.17 with markup



MASON COUNTY FIRE MARSHAL

Mason County Bldg. Ill 426 W Cedar St
PO BOX 186 Shelton, WA 98584
(360) 427-9670 Ext. 273
Fire Warden (360) 427-9670 Ext. 459

CODE ENFORCEMENT

FIRE INSPECTIONS

FIRE INVESTIGATION

PUBLIC EDUCATION

TITLE 14 MASON COUNTY BUILDING CODE CHAPTER 14.17 Standards for Fire Apparatus Access Roads Effective ~~July 1, 2007~~ February 1st 2019

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14.17.010 – This Ordinance shall apply to roads, driveways, or other means of access serving structure, facilities, buildings or portions of buildings hereafter constructed, altered, moved into or within the jurisdiction and developed under permit from Mason County.

14.17.020 - Plans for fire apparatus access roads shall be submitted to the fire marshal for review and approval prior to construction.

14.17.025 – Before issuing a permit, the Fire Marshal is authorized to, and may examine, or cause to be examined buildings, structures and sites for which an application has been filed to determine compliance requirements for the purpose of providing a reasonable level of life safety and property protection from hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations. The inspection fee will be as set forth in the adopted fee schedule by Mason County for site inspections/site investigations.

14.17.030 - When required by the Fire Marshal, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof.

14.17.040 - Roadways shall be constructed/designed with an all-weather driving surface (gravel, crushed rock, concrete or asphalt) and the ability to support the imposed load requirements of fire apparatus.

14.17.050 - Fire apparatus access roads shall extend to within 150-ft. of all portions of the exterior wall of any residential or commercial structure, and within 50-ft. of at least 25% of the exterior wall of any commercial structure.

14.17.060 - A fire apparatus access road shall be a minimum unobstructed width of 20-ft. for commercial structures, or 4 or more parcels or building sites. The access road may be reduced to 12-ft. of unobstructed width with a minimum 10-ft.wide driving surface for 1-3 parcels or building sites on approval of the Fire Marshal.

14.17.070 - A fire apparatus access road shall have an unobstructed vertical clearance of not less than thirteen feet and six-inches (13'6") for the full width of the road.

14.17.080 - A 10-ft.wide fire apparatus access road exceeding 300-ft. in length will be required to make provisions for the passing of fire apparatus by providing approved pullouts. Pullouts shall be reasonably located, based on sight distance, road curvature, and grade; and shall be a minimum size of 8-ft.wide and 30-ft. long with tapered ends.

14.17.090 - A dead end fire apparatus access road longer than 300-ft. is required to provide provisions for the turning around of fire apparatus within 150-ft. of any facility or structure. See exhibit A – Hammer Head Turn Around, B – Modified Hammer Head, C- Cul De Sac Turn Around, D & E – Pullouts, for examples of accepted turnarounds and pullouts.

14.17.100 - The turning radius of a fire apparatus access road shall be a minimum of 25-ft. interior, 45-ft. exterior centerline radius.

14.17.110 - A fire apparatus access road, which is newly constructed or existing, and which is in excess of 14% grade, and which is greater than 150-ft. from a primary access point intersecting with a County or State road Right of Way, to new residential or commercial structures will require an automatic fire sprinkler system to be installed.

14.17.120 - Where more than 50 units are designed in a residential development, either single family, multifamily, retirement or similar, there shall be a minimum of two access points to the county road system. Such access points shall be located so as to provide for general circulation, alternate emergency vehicle access routes, through access, and general transportation design considerations. One of these access points may be for emergency vehicle use only where the number of units does not exceed 100. Design of an “emergency vehicle use only” access must be approved by the local fire district and Fire Marshal.

14.17.130 - When buildings are completely protected with an automatic fire sprinkler system, the provisions of these standards may be modified by the Fire Marshal.

14.17.140 - When a bridge is required as part of a fire apparatus access road, it is to be constructed and maintained in accordance with nationally recognized standard. It shall have designed live loading capacity sufficient to carry the imposed load of fire apparatus. An evaluation by a professional engineer will be required to determine the imposed load rating for all of the responding fire districts fire apparatus and shall be approved by the Fire District and Fire Marshal. The load rating of the bridge shall be posted in an approved location with an approved weather resistant designed sign.

14.17.150 - When access roads cannot be installed to these standards due to topography, waterways, nonnegotiable grades or other similar conditions, the Fire Marshal is authorized to require additional fire protection or mitigation as specified in Section 1001.9 of the UFC (See 2006 IFC 901.4.3). The Fire Marshal may also approve access roads that do not meet these requirements if the road provides reasonable access under the individual facts of the case.

14.17.160 - Approved numbers or addresses pertaining to any and all new commercial or residential buildings shall be placed consistent with Chapter 14.28, Addressing Ordinance.

14.17.170 – Traffic calming measures on fire apparatus roads (speed bumps, ~~eteetc.~~) shall be approved by the Fire Marshal before installation.

14.17.180- Security/Access Gates. Where security gates are installed, they shall have an approved means of emergency operation. Manual gates may be equipped with approved fire department lock boxes. Electronic gates shall have approved fire department key switches.

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14.17.190-Obstruction of fire apparatus access roads and lanes. Fire apparatus access roads and lanes shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in 14.17.60 and 14.17.70 shall be maintained at all times.

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14.17.195- Marking. Where required by the fire marshal, approved signs or other approved notices or markings that include the words NO- PARKING- FIRE -LANE shall be provided for the fire apparatus access roads to

identify such roads of prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all time and be replaced or repaired when necessary to provide adequate visibility.

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14.17.200- Street or road signs. - Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until a permanent approved sign is placed.

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MASON COUNTY

PLANNING ADVISORY COMMISSION

MASON COUNTY COMMUNITY SERVICES

615 W. ALDER STREET, SHELTON, WA 98584

Meetings held at: Commissioners' Chambers

411 N. 5th Street Shelton, WA 98584

REGULAR MEETING

JULY 16, 2018

MINUTES

1. CALL TO ORDER AND ROLL CALL

Marilyn Vogler, Planning Advisory Commission Chair, called the meeting to order at 6:01 p.m. The following commissioners were in attendance:

**Morgan Ireland
Marilyn Vogler**

**Deb Soper
Brian Smith**

Excused: Aaron Cleveland

**Staff: Kell Rowen – Planning Manager
Mariah Frazier – Clerical**

2. REGULAR BUSINESS

A. APPROVAL OF MEETING MINUTES AND AGENDA – 6:02 p.m.

Motion was made by Commissioner Smith and seconded by Commissioner Ireland to approve the minutes from the November 19, 2018 regular meeting as presented.

Vote:

4 in favor

0 opposed

0 abstentions

Motion passed

B. CHANGES TO THE AGENDA

None.

This is a short summary of the action that took place during the meeting. The audio recording of the meeting can be found on the Planning Advisory Commission page of the Mason County website.

C. CONFLICT OF INTEREST

None.

D. NEXT REGULAR MEETING(S) – 6:04 p.m.

Due to holidays falling on the third Monday of January and February, those meeting will be moved to the 4th Monday.

January 28, 2019

February 25, 2019

Commissioner Vogler asked if there was a tentative date for a joint meeting with the BOCC. Kell stated that she had asked the BOCC their preference on date and said they would prefer a Monday night meeting and could do the regular January or February meeting. All PAC members were okay with either date. Kell said she would tentatively schedule it for the January 28 meeting and check with the Clerk of the Board to confirm. If the BOCC is not available for the January meeting, she will schedule it for February.

E. COMMITTEE/STAFF UPDATES – 6:05 p.m.

Kell said her update was the scheduling of the joint meeting. Commissioner Soper asked when they would vote for officers as she believed they had changed the bylaws to have terms be December to December. Commissioner Smith stated that though they had a quorum not everyone was present for a vote. Kell said she could put it on the agenda for January.

Commissioner Ireland asked how many seats total there are, and how many available for the PAC. Kell stated there are seven (7) total and two (2) open seats. One is an at large position from any of the three districts and the other open is from a specific district but could not recall which one. Kell reminded the PAC the get the word out about the two vacancies and to attempt to recruit their friends that would benefit the group.

F. OTHER BUSINESS

Commissioner Smith asked for an update on the PBRS going back to the BOCC. Kell stated that she had briefed the BOCC that morning and it was on the agenda for the following morning at 9am. Kell stated that she felt Commissioner Shutty was ready to sign as is, Commissioner Drexler still wanted it to be more restrictive, and Commissioner Neatherlin was concerned with the grandfathering process.

Commissioner Vogler asked if Kell had any opinion on if it would be beneficial for PAC members to be present at the hearing the following morning. Kell replied that it would be up to them as the BOCC didn't seem to have any specific questions for PAC members at this time about the PBRS.

3. PUBLIC COMMENT ON NON-AGENDA ITEMS – 6:11 p.m.

None.

4. PUBLIC HEARING – Updated Capital Facilities Plan and Rezone - 6:12 p.m.

Updated Capital Facilities Plan (6:12 p.m.)

Kell stated that as there were no representatives from Public Works or Finance present, she was unable to answer most questions they may have and explained that the only updates from the previous draft were to the tables regarding cost. Kell mentioned that she had the original version with her from before the updates, so they could compare if needed.

Commissioner Ireland asked when the last update was performed. Kell replied that it had been updated in 2017 and explained that as she was looking through, realized the chapter as a whole needs updated, but the only updates done at this time were the numbers. A complete update is being planned for 2019.

Kell said that as staff, she completely understands if the PAC feels uncomfortable looking at the updated numbers without being able to ask questions to recommend approval, but also realizes that as this is required to be annually updated by the state and was done so last year, they could move it forward as is with just the numbers updated to meet the requirement.

Commissioner Smith asked if on a policy level, there were any proposed projects that would implicate planning if moved forward. Commissioner Smith explained that he feels the PAC has no real authority or care about the cost when it comes to capital facilities, but rather that no proposed projects interfere with planning regulations. Kell replied that she didn't find anything when going through but could be addressed when the chapter is completely updated in the next year. At this time, the updates to cost do not affect the footprint of the projects proposed.

Commissioner Vogler inquired if paragraph two on page 73, referencing strategic planning was added with the update. Kell checked the original copy she had brought and found it was word for word what it had been. Commissioner Vogler also stated that she spoken with Loretta Swanson from Public Works about the culverts, included in the transportation chapter, and had been told that they will be fish compatible.

Commissioner Ireland asked if everyone was missing pages 25-31. Kell explained that she had only provided the updated pages and not the complete chapter, though she could have, and stated that there were a few other pages also not included in what they were seeing. Commissioner Ireland also what REET (real estate excise tax) stood for, and why money shifted columns from 2020 to 2019. Commissioner Smith explained that capital facilities is not budgeted and is a guide to plan on where to spend money over the next years. As money and projects come and go, things often get moved around or pushed up in the schedule.

Commissioner Soper asked Kell what her staff recommendation would be. Kell said her recommendation would be to approve the update as is, with the condition that a complete update is in the work plan for 2019.

Commissioner Vogler confirmed that there is a regional trails plan in the comprehensive plan. After checking, it was confirmed that Parks and Trails is under Chapter 9.

No Public Comment

At 6:34 Commissioner Smith made a motion to recommend approval of Capital Facilities Update to the BOCC. Motion was seconded by Commissioner Soper.

Vote:

4 in favor

0 opposed

0 abstentions

Motion passed

Rezone - 5.71 Acres from Rural Residential 5 (RR5) to Rural Natural Resource (RNR) in the Rural Area of Mason County, Parcel: 31929-32-00020. (6:38 p.m.)

No Public Comment.

Kell explained that DNR required Kennedy Creek to get an SM6 form signed by the local authority as they were mining slightly out of their boundaries and needed to have them changed. DNR changed the allowed mining boundaries by taking acreage away from one side and adding it to where they were outside the original boundary

Upon review, it was found that the new area was not properly zoned and the SM6 form could not be signed. The previous land was considered legal nonconforming and is not changing, but the new piece needs to change for RR5 to RNR. Kell explained that they are currently not mining in the newly added area, but as it is part of the boundary, it is required to be rezoned.

Kell stated that Squaxin Tribe had contacted her to clarify that there were no streams impacted and were satisfied. No comments came in from any neighbors and Ecology had sent a letter about stormwater that did not impact the rezone as the mining is already occurring.

Commissioner Vogler asked if they would be allowed to mine in the new area in the future. Kell stated that technically if rezoned to RNR the county would allow them, but it would be up to DNR if they could or not. They had indicated they do not plan on it.

Commissioner Vogler also confirmed that there have been no water issues with the mining that has been going on and inquired if rezoned to RNR, if they would be more subject to follow

mining rules and regulations. Commissioner Ireland explained that the Industrial Discharge permit is the same regardless of the zoning so what matters is their operating footprint and not the DNR boundary.

Commissioner Ireland made a motion to recommend the approval of the rezone request. Motion was seconded by Commissioner Smith. (6:45 p.m.)

Vote:

4 in favor

0 opposed

0 abstentions

Motion passed

5. ADJOURN

Commissioner Vogler called the meeting adjourned at 6:46 pm.