



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health
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ADDITIONAL INFORMATION FOR SHORELINE CONDITIONAL USE

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

Uses that are classified, or set forth in the Master Program as conditional uses, may be authorized provided the applicant can demonstrate all of the following:

1. Show that the proposed use will be consistent with the policies of R.C.W. 90.58. and the policies of the Master Program.

1. The project is consistent with the policies and procedures of the SMA. The policy of the SMA is "to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses." RCW 95.58.020. To achieve this policy, the SMA expresses a preference for uses that "are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shorelines." Id. The project satisfies both of these components. Because it is for the cultivation of shellfish seed that depends on nutrient-rich marine waters for food, the project "cannot logically exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation." WAC 173-26-020. Additionally, as set forth in the Habitat Management Plan included with the application materials, the project has been carefully designed to control pollution and prevent damage to the natural environment, and it will fully comply with the 2016 Endangered Species Act & Essential Fish Habitat programmatic consultation for shellfish activities in Washington State inland marine waters.

The project is also consistent with the policies of the SMP, which recognize aquaculture is a preferred use of statewide interest that can provide long-term benefits and protect shoreline ecology; give priority to aquaculture uses in areas well suited to this use; encourage aquaculture for the economic benefits it provides; and provide that aquaculture activities should limit potential negative aesthetic, ecological, and use impacts. MCC 17.50.210(a).

2. Show that the proposed use will not interfere with the normal public use of the shoreline.
2. This project is proposed for a subtidal state lease area formerly utilized for log storage and that experiences low levels of recreational activity. The project site is at least 1,000 feet from the shoreline, outside of normal navigation channels, and will include marine navigational markers to ensure other people utilizing Oakland Bay are aware of the project site and can safely navigate around it.
3. Show that the proposed use of the site and design of the project will be compatible with other permitted uses within the area.
3. As stated above, the project site is a subtidal state lease area formerly utilized for log storage and located at least 1,000 feet from the shoreline. The project will not interfere with the normal public use of the shoreline, and the filter-feeding activity of the juvenile shellfish will improve the quality of Oakland Bay. This project will compliment and support existing shellfish operations in Oakland Bay, including the Taylor FLUPSY and other private tidelands. This project will also enhance the economic development of Mason County.
4. Show that the proposed use will cause no unreasonable adverse effects to the shoreline environment in which it is to be located.

4. As set forth in the supporting application materials, including the Habitat Management Plan, the project is designed to minimize potential damage to the ecology and environment of the shoreline area consistent with the policies of the SMA and the provisions of the SMP. RCW 90.58.020; MCC 17.50.210. The project will also comply with terms, conditions, and conservation measures of the 2016 programmatic ESA & EFH consultation, ensuring it will avoid and minimize potential impacts to listed species, critical habitat, and essential fish habitat.

5. Show that the public interest suffers no substantial detrimental effect.

5. The project will benefit the public interest. As recognized in state law and the SMP, properly-designed aquaculture projects advance the statewide interest, protect the resources and ecology of the shoreline, and have important economic benefits. WAC 173-26-241(3)(b); WAC 173-26-176(3)(a); MCC 17.50.210(a). This project will help strengthen the local economy and improve local water quality as bivalves remove more nutrients from the water column than they input as feces or pseudofeces. This project is located and designed to avoid substantial detrimental effects. The surrounding area is characterized by low density residential development, as well as industrial/port activities including lumber mill, gravel barge, log storage. The project is compatible with other nearby aquaculture facilities, and the proposed floating culture system will be equipped with marine navigational markers to avoid use conflicts.

Other uses, which are not classified or set forth in the Master Program, may be authorized as conditional uses provided that the applicant can demonstrate, in addition to the criteria set forth above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the Use Regulations of the Master Program.

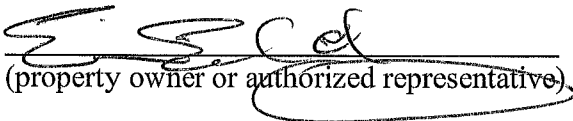
Uses, which are specifically prohibited by the Master Program, may not be authorized.

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

Please attach any additional information, as needed.

ACKNOWLEDGEMENT

I hereby declare, to the best of my knowledge and belief, the forgoing information and all attached information is true and correct.


(property owner or authorized representative)

4/3/2023
(date)