



**BERNER LAW OFFICE, PLLC**

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March 30, 2021

**TRANSMITTED VIA ELECTRONIC MAIL**  
**ONLY TO: KRowen@co.mason.wa.us; and**  
**MWatson@co.mason.wa.us**

Ms. Kell Rowen  
Community Development Administrator  
Mason County  
411 N 5<sup>th</sup> St  
Shelton, WA 98584

Ms. Marissa Watson  
Senior Planner (Long Range)  
Mason County  
411 N 5<sup>th</sup> St  
Shelton, WA 98584

**Re: S-P Venture, LLC**  
**Request for Shoreline Environmental Designation from**  
**“Conservancy” to “Rural”**

Dear Ms. Rowen and Ms. Watson:

This firm represents S-P Venture, LLC (“S-P Venture”). S-P Venture owns two undeveloped parcels of real property located near Chapman Cove on Hammersley Inlet (Mason County Tax Parcel Nos. 32010-42-00010 and 32010-44-00020) (the “Properties”). The Properties contain shoreline located on Hammersley Inlet identified as MR 29 reach in Mason County’s current Shoreline Master Program (“SMP”) Update Inventory and Characterization. We understand that Mason County is currently updating its SMP and, therefore, S-P Venture is requesting a change in designation for the Properties from “Conservancy” to their prior, and more appropriate designation as “Rural” under currently existing Mason County Code.

The Properties are currently designated as “Conservancy.” However, site-specific evaluation of existing conditions completed by a qualified biologist and review of historic use of the Properties demonstrates that the “Conservancy” designation is neither appropriate, nor warranted, under the Shoreline Management Act (RCW 90.58) and Ecology’s SMP Guidelines (WAC 173-26). Instead, we believe the “Rural” shoreline designation is appropriate for the Properties and therefore respectfully request that the proposed designation for the Properties be changed from “Conservancy” to “Rural.”

Ms. Kell Rowen & Ms. Marissa Watson  
Re: S-P Venture, LLC – Request for “Rural” Shoreline Environmental Designation  
March 30, 2021

Enclosed herewith is a Shoreline Reconnaissance Report for the Properties attached at **Exhibit A**, which was prepared by Alex Callendar of Land Services Northwest (the “Callendar Study”). The Callendar Study provides historical use of the Properties and additional details regarding the existing conditions of the Properties.

### **A. Current and Requested Shoreline Environmental Designation**

In the 2017 SMP update, Mason County changed the designation of the Properties from “Rural” to “Conservancy.” We have been provided with information that shows the Properties were designated “Rural” from 1988 to 2017, when Mason County last updated its SMP. However, review of the Properties’ existing conditions and historic usage compared with Ecology’s SMP Guidelines demonstrates that the “Conservancy” designation is in fact inappropriate. Instead, the Properties should be designated as “Rural” as they previously were designated “Rural,” and this can be accomplished using Mason County’s current shoreline designations. S-P Venture’s position is more fully described in the Callendar Study, attached hereto as **Exhibit A** and incorporated herein by reference.

### **B. Conclusion**

S-P Venture hereby requests that Mason County update its Shoreline Environmental Designation for the Properties to “Rural” rather than “Conservancy” based on the information provided in the Callendar Study, and the historical use and planned development of the Properties.

Mason County has a duty to update its SMP in a manner consistent with the Shoreline Management Act (RCW 90.58) and the SMP Guidelines (WAC 173-26). Proper shoreline designation is a key feature of the County’s update process. Because the Properties meet all of the criteria for the proposed “Rural” designation, and do not the current “Conservancy” designation, S-P Venture respectfully requests that the designation of the Properties be changed to “Rural” in the proposed draft SMP.

We are also prepared to submit this information to the Mason County Planning Commission and invite any discussions the County or any other interested parties may have regarding this requested changed in designation from “Conservancy” to “Rural.”

If you would like to discuss this matter, or if you have any questions or concerns, please contact me. Thank you for your attention to this matter.

Best Regards,



Daniel A. Berner

CC: Client (via email only)  
Alex Callendar, MS, PWS, Land Services Northwest (landservicesnw@gmail.com)  
Enclosures: Exhibit A – Shoreline Reconnaissance Report prepared by Alex Callendar, MS, PWS

# EXHIBIT A



Land Services Northwest  
120 State Avenue NE PMB 190  
Olympia WA 98501

March 29, 2021

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To: S-P Venture, LLC

From: Alex Callender MS, PWS, Land Services Northwest

Subject: Critical Areas and Shoreland Reconnaissance for Mason  
County Parcel Nos. 320104200010 and 320104400020

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## 1.0 INTRODUCTION

This Report was developed to provide information on the attributes of the subject property to support a change in the Shoreline Environmental Designation (“SED”) for the subject properties for the current update for the Mason County Shoreline Master Program, which is now underway. Through this review process we are requesting a change to Rural SED which was the former designation for the subject properties before the 2017 update.

Mason County, the Department of Ecology, and possibly other agencies may be interested in the results, findings, and conclusions of this report.

## 1.1 Project Location

The subject properties are described below and mapped (**Figure 1**).

**Table 1 Properties and Shoreline Environmental Designations**

Parcel #	Acreage	Legal Description	Address	Current Land Use Designation	Proposed Shoreline Environmental Designation	Current Shoreline Environmental Designation (2017 Update)	Former SED Pre-2017 Update
320104200010	40.1	LOT B OF SURVEY 43/231 PTN OF PCL 6 OF BLA #97-01 & PTN OF G.L.'S 6-7 & SE SE BOUNDARY LINE AGREEMENT AF #2141374 S 48/78	N/A	Resource – Designated Forestland	Rural	Conservancy	Rural
320104400020	44.6	LOT C OF SURVEY 43/231 PTN OF PCL 6 OF BLA #97-01 & PTN OF G.L. 7 & SE SE BOUNDARY LINE AGREEMENT AF #2141374 S 48/78	N/A	Resource – Designated Forestland	Rural	Conservancy	Rural

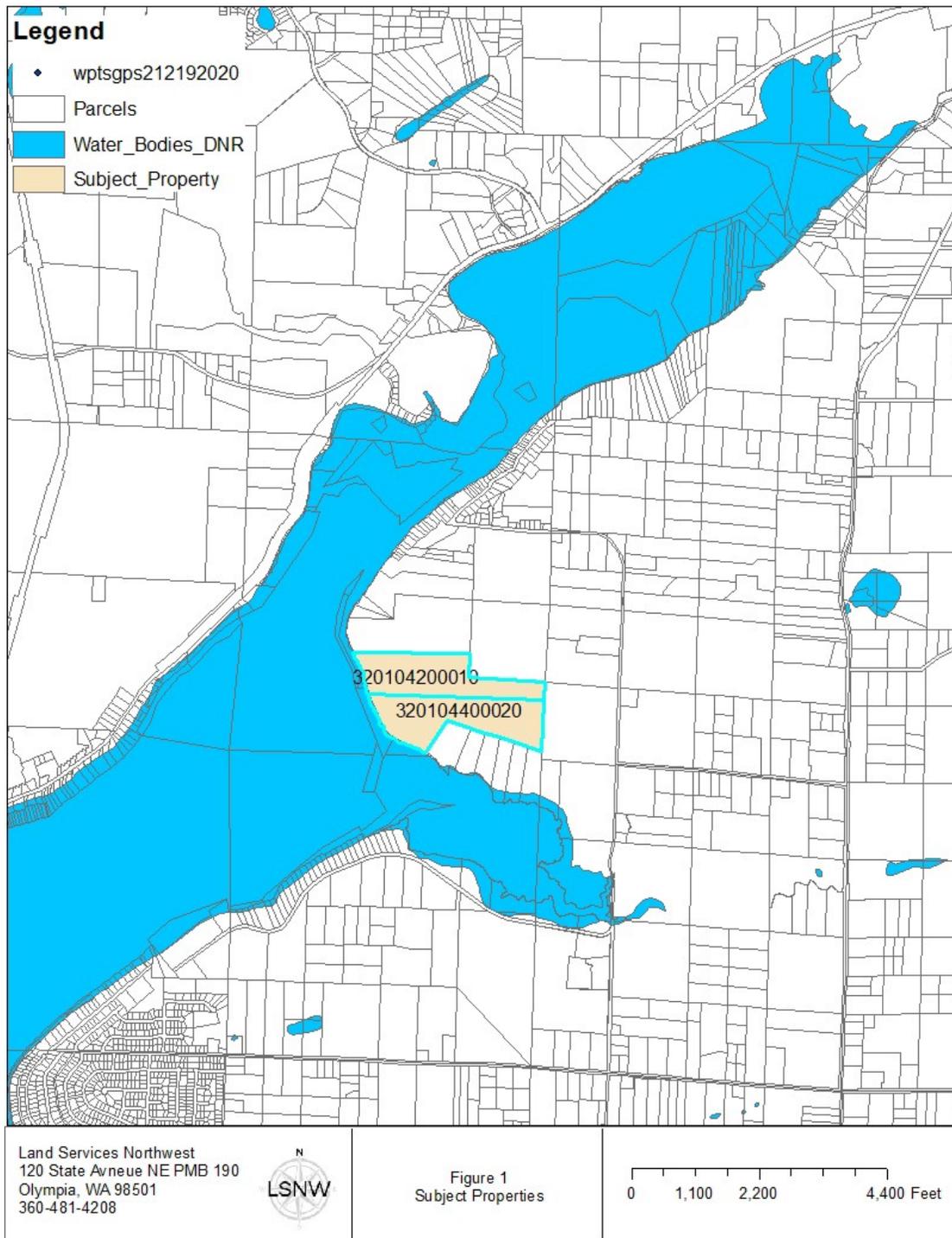
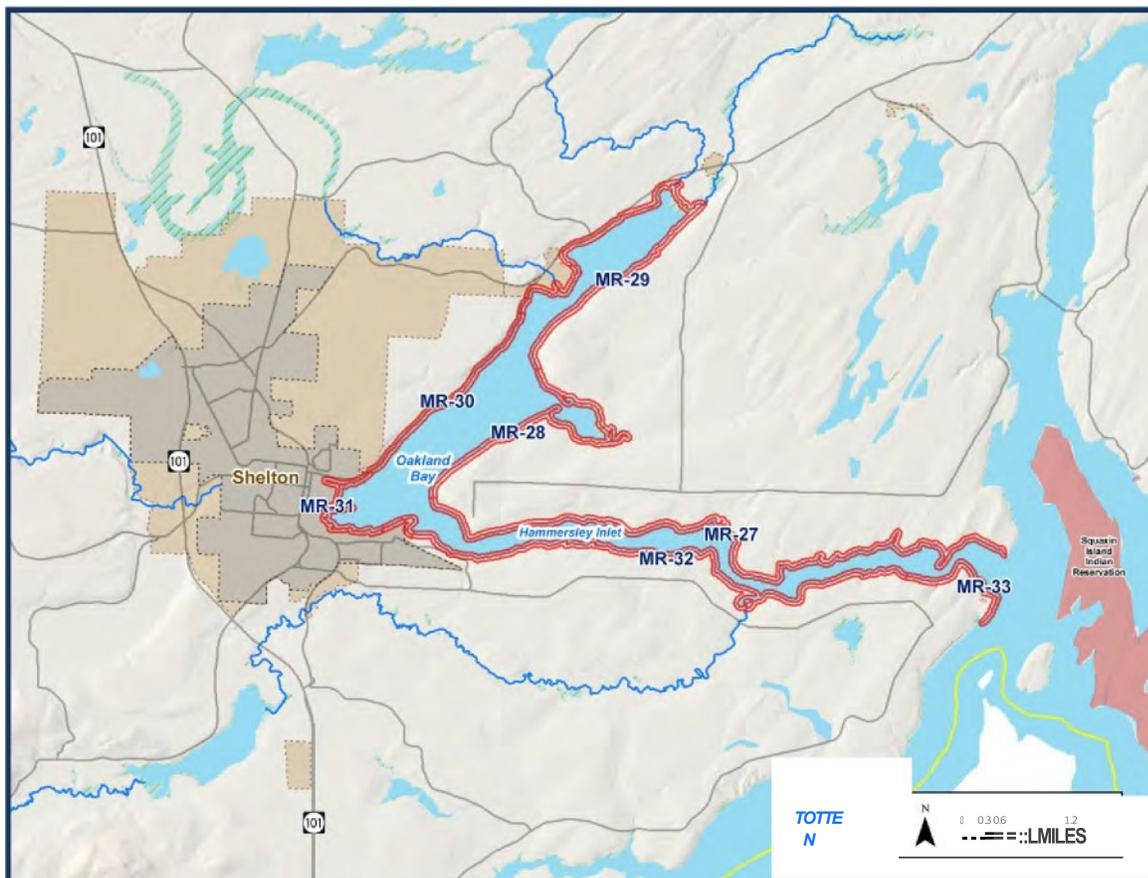


Figure 1 Vicinity Map

## 1.2 Shoreline Segment

The shoreline segment under investigation is found on Oakland Bay, a marine shoreline which is a reach of the Puget Sound, just north of Shelton, Washington. This reach of the Puget Sound is relatively narrow and flows into Hammersley Inlet to the south. This reach is considered part of the South Puget Sound.

There are freshwater streams such as the Malaney Creek, Johns River, Campbell Creek, and Uncle John Creek that flow into this reach, so the water is somewhat brackish. The reach includes Marine Reach 29 in the Inventory and Characterization (Mason County, 2003) (**Figure 2**).



**Figure 2 – Mason County Inventory and Characterization Marine Shoreline Reaches for Oakland Bay**

The subject property is a portion of the properties which was formerly in a Rural Shoreline Designation. This designation was changed during the most recent Shoreline Update which was officially approved in 2017 by the Department of Ecology. This Shoreline Environmental Designation (“SED”), which also includes other properties in this marine reach, were designated Conservancy Shoreline under that update (Figure 3) (Appendix F).

Figure 3 - Mason County WA GIS Web Map

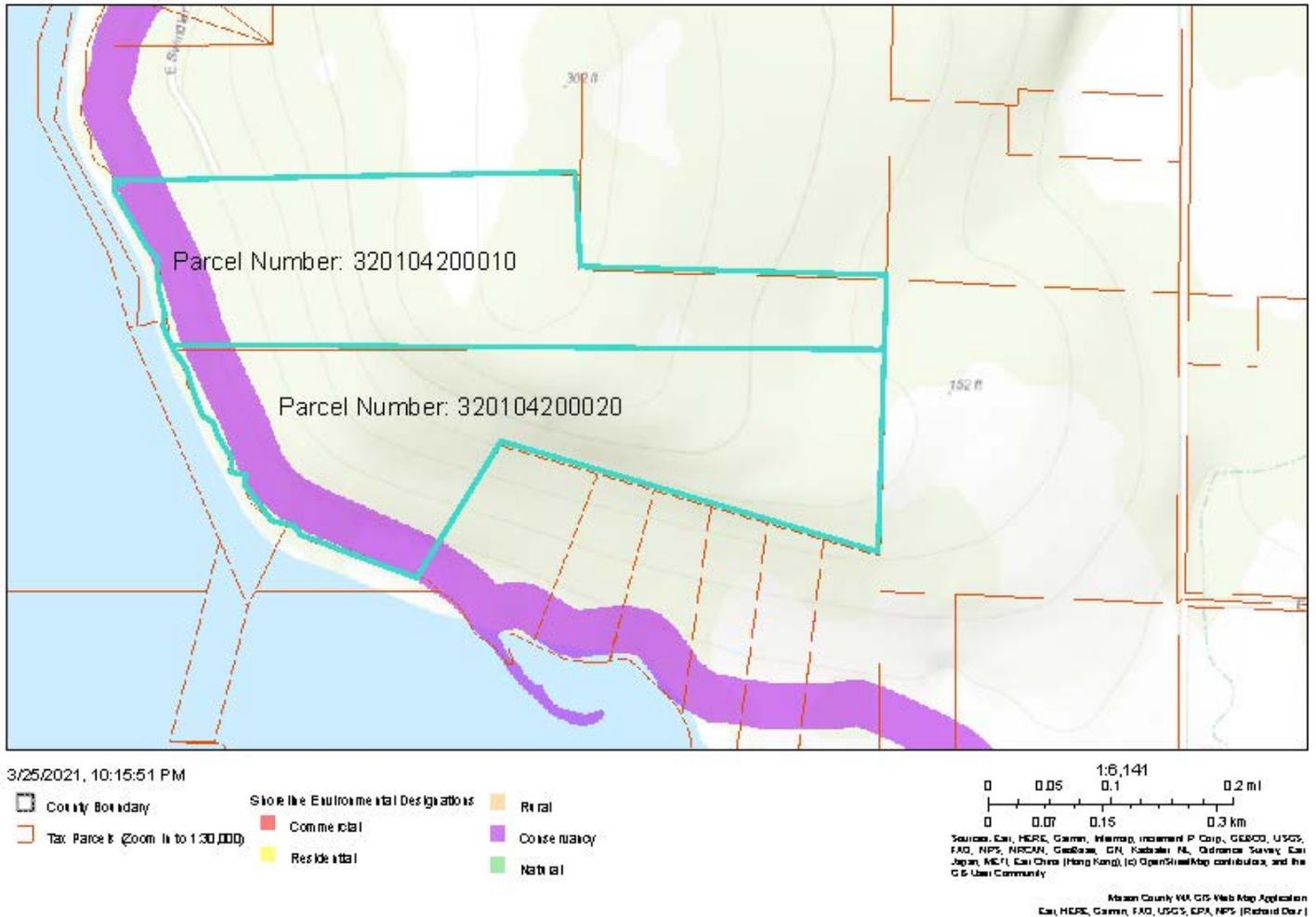


Figure 3 –Shoreline Designations (Mason County, 2017)

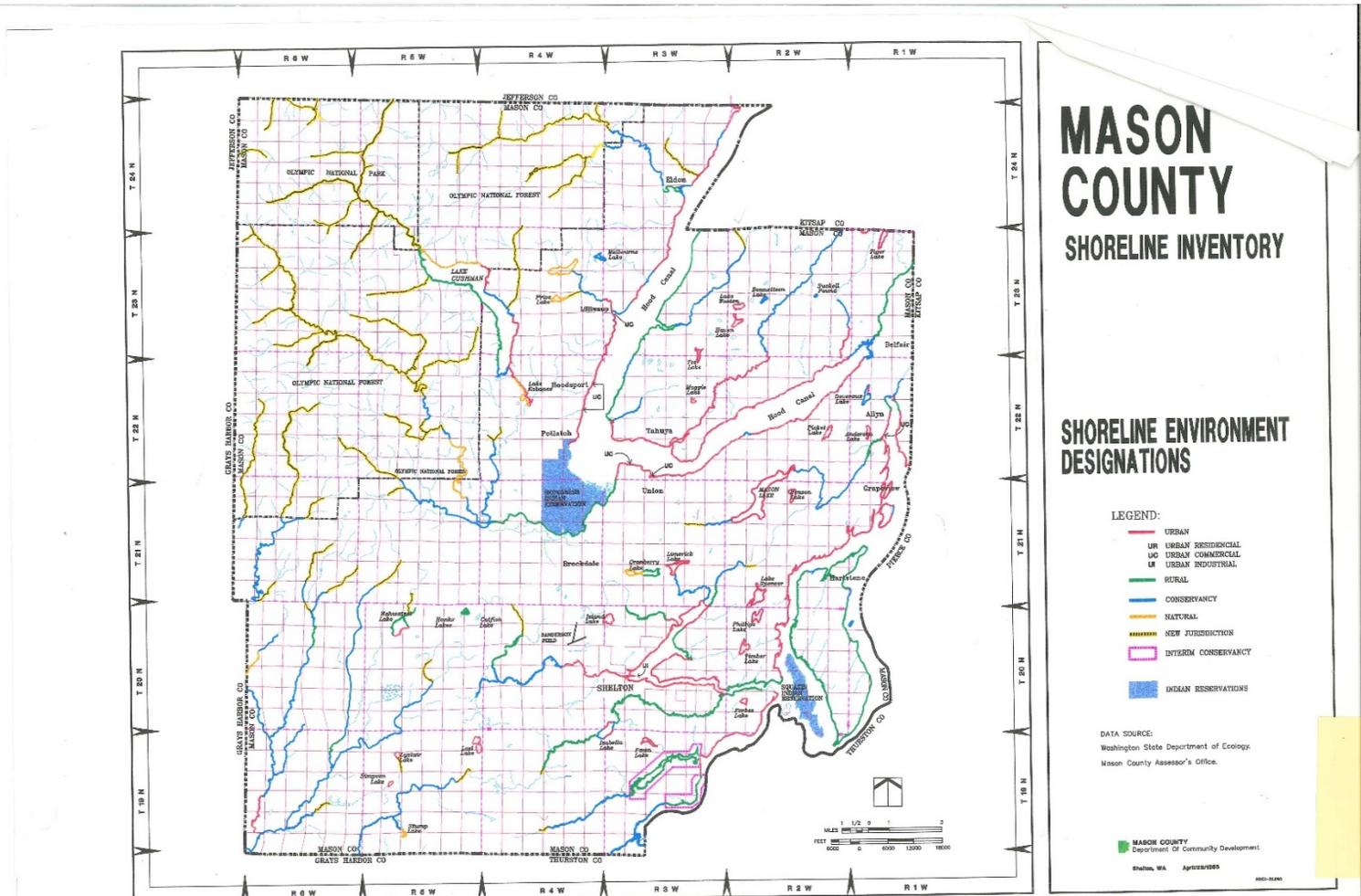
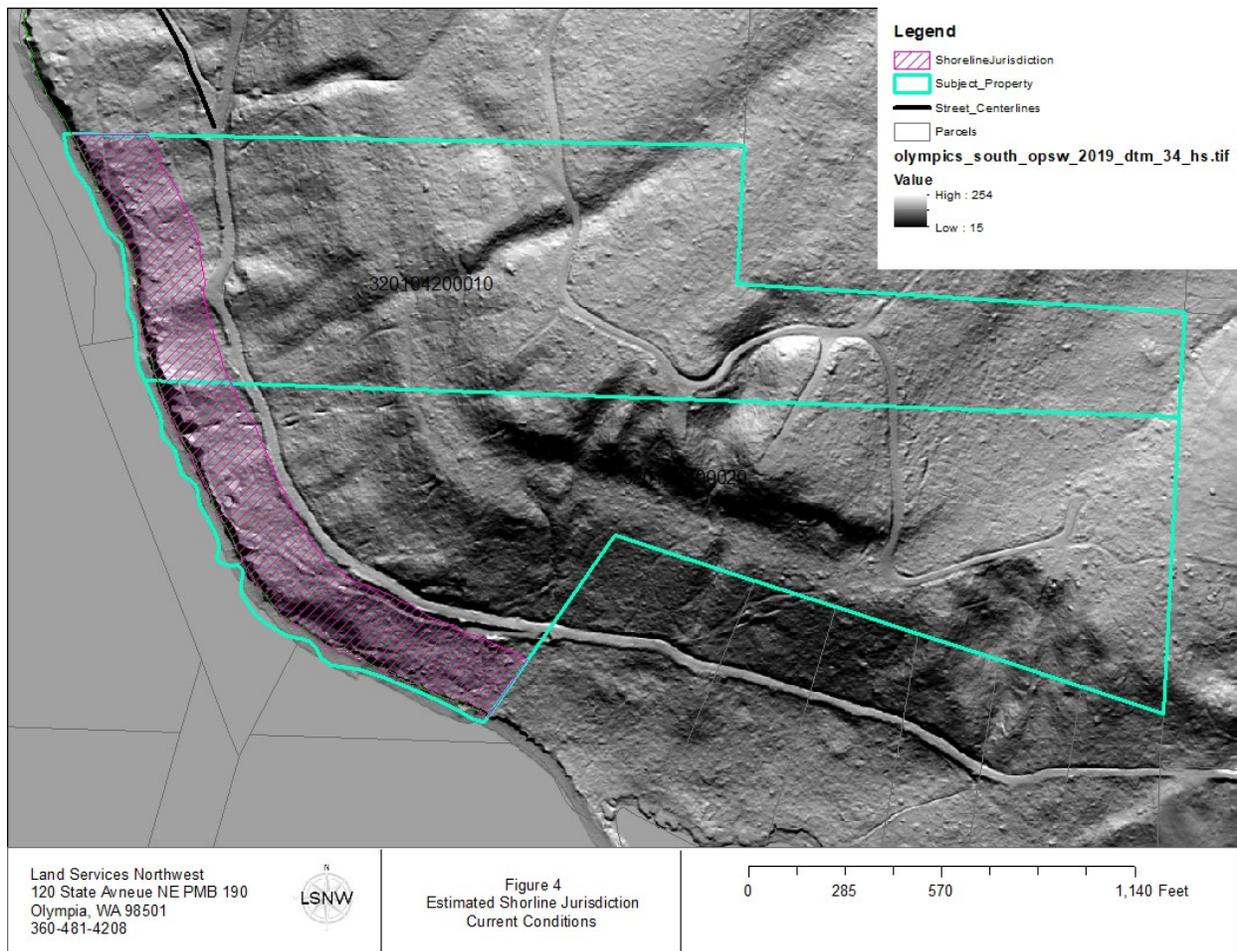


Figure 4 – 1995 Shoreline Environmental Designation Map (Mason 1995)

## 2.0 Historical and Current Conditions

### 2.1 General Property Description and Position in the Landscape

The subject properties lie above Oakland Bay and include the first 5-20 feet of the intertidal zone. The subject properties are 40.1 and 44.6 acres, respectively, and generally have a west facing slope from the East to the West to Oakland Bay. There is approximately 2,228 linear feet of shoreline along the two properties which comprises approximately 10 acres of upland within shoreline jurisdiction (**Figure 4**).



**Figure 5 – Shoreline Jurisdiction**

There are no steep bluffs in the shoreline jurisdiction, so the shoreline is accessible by foot from nearly anywhere along the property shoreline boundary, and extraordinary means are not necessary to reach the shoreline unlike some bluff backed shorelines. Although there are some drainages in the reach, the subject properties do not have any significant drainages or streams which would drain to the shoreline areas. The bay is used for oyster and hard-shell clam aquaculture although the subject properties themselves are unharvested within the property boundaries. There has been no armoring on the subject properties and limited armoring on other parcels.

The properties have been managed as long-term forestry and the most recent cut was 1998. Upland areas have had forest practices and the most recent harvest was in 1998. The regrowth is approximately 23 years old.

Onsite there are roads that were previously developed for forest practices; however, these roads were also improved by the previous owner to be utilized for ingress and egress for earlier development proposals that were not pursued as a result of the loan default of the former owner and thereafter, economic downturns. These roads are viable and well maintained and lie just outside of the estimated shoreline jurisdiction.

## 3.0 EXISTING AND ONSITE INFORMATION

### 3.1 Review of Existing Information

A review of existing information of the property was studied to provide a better understanding of the property and its position in the landscape. The information is included in the Appendix A-G.

#### US Fish and Wildlife Service National Wetland Inventory

The US Fish and Wildlife Service maintains a GIS with wetlands that are detectible using SPOT Satellite photography. This imagery has limitations as the resolution is relatively coarse, therefore it is not always reliable. This data base shows estuarine wetlands in Oakland Bay with the Cowardin Classification of E2NAB which is Estuarine Intertidal Aquatic Bed Regularly Flooded. These wetlands are shown on the western edge of the properties. It does not show any wetlands in the uplands. The satellite photography used for the data is sometimes outdated and not always a high resolution which makes onsite visits necessary to verify.

#### NRCS Soil Survey for Mason County

The NRCS maintains a GIS of soils information for Thurston County. It shows the subject property and surrounding property as having:

- Alderwood Soils
- Everett Soils

No organic or hydric soils found on site and most soils are typical of those found in glacial outwash regions.

#### Mason County Shapefiles

Mason County maintains a GIS shapefile inventory of Zoning, Shoreline Jurisdiction Environmental Designations and other maps (**Appendix D**).

## USGS Topographic Map

The USGS has a list of maps that cover the United States in 7.5 minute quadrants. These maps note wetlands, streams, and lakes. This map does not show any wetlands streams or other features nearby except for Oakland Bay (**Appendix E**).

Since these are just indicators derived from satellite photography and other remote sensing methods,an onsite visit was conducted to verify on site conditions.

## Department of Ecology Water Quality Atlas Data

The Department of Ecology maintains a GIS Database of surface water attributes. In this instance, they show portions of Oakland Bay as listed 303d. The streams that drain to this area are typically impacted and listed 303d as well. The area is under a TMDL to improve water quality as the shellfish operations in the area are extensive. **The water quality parameter was for exceedance on fecal coliform.**

## 3.2 Onsite Survey

### Methods

A walking survey was conducted by working downhill from the subject property to the lower areas to the west and then traversing back up along the hill along the roads through the woods looking for streams and wetlands, steep slopes and other critical features. Suspicious areas where there were depressions, hydrophytic vegetation, or other indicators of wetlands or the flow of water were explored using the methodology found in the Army Corps of Engineers Wetland Delineation Manual (Environmental Laboratory, 1987) and the regional guidance found in the Mountains Coasts and Valleys Supplement to the Corps Manual (USACE, 2010). General observations of habitat, overall shoreline use were also noted. The Ordinary High Water Mark was located using guidance found in the Department of Ecology Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State (ECY, 2016).

### Results

The site was surveyed and there were slopes down to Oakland Bay that were approximately 10-30percent.

The vegetation along the slope was typical for upland area in glacial outwash prairie soils. Douglas fir, Western red cedar, Big leaf maple and Red alder were found in upland areas with an understory of Ocean spray, Osoberry, Snowberry, salal and other smaller forbes. Along the shoreline there were Pacific madrona with an understory of salal and Oregon grape. The area had a varying amounts of invasive species such as English holly, English ivy, Himalayan blackberry and cut leaf blackberry.

## 4.0 SHORELINE JURISDICTION, SHORELINE USE, AND SHORELINE ENVIRONMENTAL DESIGNATION

### 4.1 Shoreline Jurisdictional Area and the Ordinary High Water Mark

The Shoreline Management Act, Chap. 90.58 RCW, defines the Ordinary High Water Mark in RCW 90.58.030(2)(c) as:

(c) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

The Author of this Report is a past employee for the Department of Ecology, and is trained in making these determinations. The protocol can be found in "Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State" (ECY, 2016). Here, the Ordinary High Water Mark was estimated using current Lidar Maps, which is sufficient for the purposes of this Report. Shorelands as defined in the Shoreline Management Act RCW 98.58.030.2.d means "those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology."

### 4.2 Shoreline Use Preferences

#### **Mason County Code ("MCC") Chapter 17.50.070 Preferences and Shorelines of Statewide Significance**

MCC provides the following criteria for use preferences (Commentary in italics):

#### A. USE PREFERENCES

1. The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end, uses shall be preferred which 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.

*Here, the Shoreline Environmental Designation Change from Conservancy to Shoreline Rural would increase the public's opportunity to enjoy the physical and aesthetic qualities of the shorelines of the state and people generally. This would mostly be through water enjoyment / view activities as there is limited intertidal area available for the physical enjoyment of the area.*

*If development was brought about within the limits of the SED, it is expected that there would be no damage to the natural environment due to pollution.*

MCC further provides:

2. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses, including but not limited to, parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial development which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state.

*Here, although there may be easements available, Public Access will be located upland for the better part of the subdivision. It is likely that easements would be available for the subdivision community only. It is not expected that there will be marinas or piers nearby, but there should be a greater opportunity for substantial numbers of people to enjoy the shorelines of the state. Part of the development plan would be to provide access to the shoreline for all the properties in the development via access easements.*

Lastly, MCC provides:

3. Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water (RCW 90.58.020).

*This is the substantial impetus of the requested designation change, as the SMP is a balance that allows for residential development that is tempered with the protection of the ecology of the shoreline. When these tenets are met, the Act is functioning as it should. However, the applicant would appreciate the opportunity to exercise the property rights granted when it obtained the properties pursuant to the loan foreclosure. As the principal investor holding the note for the properties, they were interested in holding the note as it had development potential and value as a residential property.*

*The current owners acquired the properties under a Shoreline Rural SED which was changed during the previous SMP update. The expectation of a predictable permitting environment is paramount in fostering economic development. The protections offered under the residential use provisions will assure no net loss of shoreline functions over time, and the development of this shoreline for residential development should not have cumulative impacts over time which would degrade the shoreline. A look to the adjacent shoreline is indicative of the kind of development which would be expected in this reach. Overall, there is very little change in the overall development intensity, but it would allow the expected development potential that the owners envisioned when they financed the previous owner and now that they own the property, it is even more reasonable to expect that they should be able to maintain the past development potential as there should be no net loss of shoreline functions due to the environmental designation change.*

### 4.3 Current Shoreline Environmental Designation

Currently, the properties are designated as "Conservancy" under Mason County's Shoreline Master Program (SMP) See MCC 17.50.080(A)(2). Under this designation the following apply (Response/Commentary in italics):

2. "Conservancy" shoreline environmental designation

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

*Currently, the property has had forest practices and is in a period of regrowth. There are no actively eroding areas, and the forest is regenerating. There are no recreational opportunities as it is private property and is mostly unused except for the placement of a well on the southern portion of the property.*

b. Designation Criteria. Shorelines with one or more of the following qualities:

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

*The lot was in the process of being developed. The Coastal atlas has a small area of hazard area, however, it appears that the area is developable, especially in the shoreline areas. There is one wetland much higher up on the hillside and a small seasonal stream that is a hillside seep. There were some limited areas of *Salicornia virginica* on the shoreline, however, no delineations were done to quantify the small patches as estuarine wetlands. The area is known to support hardshell clams and other shellfish.*

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

*The property is in a period of conversion from forestry to residential development. There are plans to site homes on the property.*

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

*There are no CMZ's or extensive floodplains on site.*

iv. Areas designated as forestry lands per comprehensive plan designations that do not qualify as natural shoreline environments.

*The area is zoned forestry per the comprehensive plan and does not qualify as natural shoreline, however plans to convert to residential are in the works.*

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

*The area is not suited for low intensity recreational activities. There are no campgrounds or unpaved trails. The area does have roads that were cut in for a previous development that was not executed.*

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

*There is limited intertidal area for beachcombing, however the beach is very accessible. This area is not suitable for docks and piers as the tidal range would have the dock dry most of the time. Waterward of the property is mostly commercial aquacultural operations such as mussel rafts and oyster/clam farms.*

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

*The area has good views, however there is a working shoreline (aquaculture that precludes some recreational opportunities). There are some cultural resources such as middens. Any development would*

*maintain cultural resources according to a discovery plan.*

Puget Sound Nearshore Estuary Restoration Program score of "less degraded." *According to the map in the Mason County SMP Inventory and Characterization this area scores as "less degraded" mostly due to non-development.*

The applicant would like to have the area returned to Rural as it would create more opportunities while maintaining the shoreline functions and values of the area. The Rural designation only differs in the lot width, but other considerations with the two SED's more closely follow the Rural Designation.

#### 4.4 Former and Proposed Environmental Designation

Formerly, the properties were designated Rural under Mason County's Shoreline Master Program (SMP) See MCC 17.50.080(A)(4). Under this designation the following apply (Response/ Commentary in italics): MCC 17.05.080(A)(3), Rural Shoreline Environmental Designation, provides:

3. "Rural" shoreline environmental designation.

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

*This property is located on the edge of urban expansion area and would restrict intensive development along undeveloped shorelines and function as a buffer between urban areas. Some recreational uses would be available.*

b. Designation Criteria. Shorelines located outside UGA's, RAC's, and hamlets that are developed or partially developed; characterized by large lot sizes; designated rural residential 10, rural residential 20, in-holding lands, or agricultural resource lands; and have one or more of the following qualities:

*These properties would meet the designation as partially developed as the roads have been developed for ingress and egress under the former property owner. The lots are currently zoned 1 per five.*

- i. A mix of uses including agriculture, large lot residential, tree farms, and/or moderately intensive recreation (RV or tent campgrounds, paved trails, day-use parks);

*There are lots available at 1 residential unit per five acres. There are no campgrounds paved trails or day-use parks*

- ii. Developed or partially developed areas that include channel migration zones or floodplains; or

*N/A*

- iii. Areas designated as agricultural lands per comprehensive plan designations.

*There are no agricultural lands designated in this area.*

Proposed uses under this study would be Rural.

**Table 2 – Shoreline Environmental Designation Comparison**

Shoreline Environmental Designation						
<b>Conservancy</b>	Contains CMZ and Erosion Hazards Critical Areas	Designated Forestry Aquaculture	Supports “Low intensity” recreation Camping	Supports Low intensity water dependent uses	High Recreational Value Unique cultural Value	PSNERP “Less Degraded”
	Some	Yes	N/A	N/A	N/A	No
<b>Rural</b>	Restrict intensive development along shorelines	Outside UGA Partially developed	Designated Agricultural Lands under Comp Plan	Large Lot Residential	Maintain Open Spaces	Moderately intensive Recreation
	Yes	Yes	No	1-Per Five	In Uplands	No

## 5.0 SHORELINE MASTER PROGRAM UPDATE GUIDELINES AND ECOLOGY GUIDANCE

### 5.1 SMP Guidelines

As we have already mentioned residential uses are a preferred use as long as they are consistent with the SMP and the Shoreline Management Act. Other nearby developments are primarily residential.

- The SMP Guidelines provide extensive direction on developing shoreline environment designations. First, the Guidelines note that master programs “address conditions and opportunities of specific shoreline segments” through environment designations [WAC 173-26-191(1)(a)]. Section 201 directs local governments to “establish environment designations and identify permitted uses and development standards for each environment designation” based on the shoreline inventory and analysis and to prepare policies and regulations [WAC 173-26-201(3)]. Environment designations are addressed more thoroughly in Section 211 of the Guidelines. This section addresses basic requirements, consistency with the local comprehensive plan, required provisions such as management policies and designation criteria, and recommended environment designations. The Guidelines recommends a classification system with six basic shoreline environments:

- High Intensity. • Shoreline Residential. • Urban Conservancy. • Rural Conservancy. • Natural. • Aquatic.

Local governments can establish a classification system different than that included in the Guidelines, or use their current environment designations. However, tailored environment designations **must be consistent with the policies and purposes of the general environment designation provisions in the Guidelines** and cover the breadth of the environments – the complete scheme for shoreline management – as included in the Guidelines [WAC 173-26- 211(4)(c)]. For each environment designation, a purpose, designation criteria and management policies must be established. These are already provided for in the six environment designations recommended (ECY, 2007)

Mason County has provided their own classifications so alignment with the Ecology guidance is not easily done.

**WAC 173-26-211(ii) Classification criteria.** Clearly stated criteria shall provide the basis for classifying or reclassifying a specific shoreline area with an environment designation.

The area that is currently under study is listed in the Mason County SMP Update Inventory and Characterization as MR 29. The current SED for this area is “Conservancy” which was a change from the previous designation as Rural. The applicant would like the commission to consider returning the designation to “Rural” to accommodate a long-standing intention to convert the area to a residential development at a density that is allowed under the Rural designation. This is sustainable and at full buildout will maintain shoreline functions. These properties seem to fit this designation better under the guidelines.

*There are few areas that are “relatively free of human influence in this shoreline segment. All areas except for the wetland at the northern end of Oakland Bay have undergone some development. Roadshave been installed to accommodate development onsite.*

**WAC 173-26-211(5) SED Guidelines****(b) "Rural conservancy" environment.**

(i) **Purpose.** The purpose of the "rural conservancy" environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities. Examples of uses that are appropriate in a "rural conservancy" environment include low-impact outdoor recreation uses, timber harvesting on a sustained-yield basis, agricultural uses, aquaculture, low-intensity residential development and other natural resource-based low-intensity uses.

*The purpose of the rural environment would be kept as the ecological functions and existing natural resources would be maintained. The recreational use would not be lost and aquaculture would be protected.*

**(ii) Management policies.**

(A) Uses in the "rural conservancy" environment should be limited to those which sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.

*As previously mentioned, these resources would be maintained and in some cases improved. The natural character of the shoreline could be maintained as the shoreline would not require extraordinary measures to protect it against erosion.*

Except as noted, commercial and industrial uses should not be allowed. Agriculture, commercial forestry, and aquaculture when consistent with provisions of this chapter may be allowed. Low-intensity, water-oriented commercial and industrial uses may be permitted in the limited instances where those uses have located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the use.

*No Commercial or Industrial Uses would be allowed and are not being sought.*

Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline are mitigated.

*Oakland Bay is a shallow embayment and does not support many of the water enjoyment activities, however they will be allowed as appropriate.*

Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the rural conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-241 (3)(h) and when located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070.

*Mining is not applicable here.*

(B) Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.

*It is expected that the applicant would maintain no net loss of Shoreline functions.*

- (C) Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied, consistent with WAC [173-26-231](#). New development should be designed and located to preclude the need for such work.

*As mention earlier, it is not expected that shoreline protection would be required.*

- (D) Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the environment. As a general matter, meeting this provision will require density, lot coverage, vegetation conservation and other provisions.

*No net loss will be maintained.*

Scientific studies support density or lot coverage limitation standards that assure that development will be limited to a maximum of ten percent total impervious surface area within the lot or parcel, will maintain the existing hydrologic character of the shoreline. However, an alternative standard developed based on scientific information that meets the provisions of this chapter and accomplishes the purpose of the environment designation may be used.

*Impervious Lot coverage would be maintained according to the most recent stormwater guidelines as required for this designation.*

Master programs may allow greater lot coverage to allow development of lots legally created prior to the adoption of a master program prepared under these guidelines. In these instances, master programs shall include measures to assure protection of ecological functions to the extent feasible such as requiring that lot coverage is minimized and vegetation is conserved.

*Vegetation Conservation is required under the current SMP and will likely be require under the new SMP.*

- (E) New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions are protected. Such shoreline modification should not be inconsistent with planning provisions for restoration of shoreline ecological functions.

*No new shoreline stabilization, flood control measures or vegetation removal or other modifications are planned or contemplated at this time. If the area does need structural stabilization, the area would be mitigated within the parameters of no-net-loss and should not result in a reduction of shoreline function.*

(iii) **Designation criteria.** Assign a "rural conservancy" environment designation to shoreline areas outside incorporated municipalities and outside urban growth areas, as defined by RCW 36.70A.110, if any of the following characteristics apply:

- (A) The shoreline is currently supporting lesser-intensity resource-based uses, such as agriculture, forestry, or recreational uses, or is designated agricultural or forest lands pursuant to RCW 36.70A.170;

*This condition is met.*

- (B) The shoreline is currently accommodating residential uses outside urban growth areas and incorporated cities or towns;

*Other lots to the north and south are currently accommodating residential uses outside the urban growth areas.*

- (C) The shoreline is supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood-prone areas;

*There are few environmental limitations, however it is not expected that building will be limited to outside of critical areas and steep banks and other limited areas.*

- (D) The shoreline is of high recreational value or with unique historic or cultural resources; or

*There are some significant cultural resources nearby, but they will be accommodated appropriately if found on site.*

- (E) The shoreline has low-intensity water-dependent uses.

*There are no areas that will accommodate high intensity water dependent uses. Low intensity uses will be considered that do not deplete the resource in the shoreline.*

Areas designated in a local comprehensive plan as "limited areas of more intensive rural development," as provided for in chapter 36.70A RCW, may be designated an alternate shoreline environment, provided it is consistent with the objectives of the Growth Management Act and this chapter. "Master planned resorts" as described in RCW 36.70A.360 may be designated an alternate shoreline environment, provided the applicable master program provisions do not allow significant ecological impacts.

*Noted*

Lands that may otherwise qualify for designation as rural conservancy and which are designated as "mineral resource lands" pursuant to RCW 36.70A.170 and WAC 365-190-070 may be assigned a designation within the "rural conservancy" environment that allows mining and associated uses in addition to other uses consistent with the rural conservancy environment.

*N/A*

## 5.2 Local SMP Use Regulations

Uses contemplated by the SMP under each shoreline designation are set forth in the use regulations. As mentioned before, Residential use is a preferred use as long as it meets the policies and goals of the SMP and the no net loss standards.

The Mason County SMP development standards are found in the table below.

**Table 17.50.110-A: Buffer and dimensional standards for shoreline development.**

	Commercial	Residential	Rural	Conservancy	Natural	Aquatic
<b>1. Minimum Fish &amp; Wildlife Habitat Conservation Area buffer (in feet)</b>						
Streams	150'	150'	150'	150'	150'	NA
Saltwater <sup>1</sup>	50'	100'	100'	150'	150'	NA
Lakes	100'	100'	100'	100'	100'	NA
<b>2. Minimum structural setback from FWHCA (equals buffer plus 15 feet)</b>						
Streams <sup>2</sup>	165'	165'	165'	165'	165'	NA
Saltwater <sup>1,3</sup>	65'	115'	115'	165'	165'	NA
Lakes <sup>3</sup>	115'	115'	115'	115'	115'	NA
3. Maximum height limit <sup>4</sup>	35'	35'	35'	35'	35'	NA
4. Maximum impervious surface coverage (percent of lot) <sup>5</sup>	See current adopted Stormwater Manual for standards.			10%	10%	NA
5. Minimum lot width	50'	50'	100' <sup>6</sup>	200' <sup>6</sup>	200'	NA

<sup>1</sup> Buffer widths for marine bluffs shall be no less than a distance 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.

<sup>2</sup> Or the channel migration zone, whichever is larger.

<sup>3</sup> Common line provisions may apply to residential development per MCC 8.52.170.

<sup>4</sup> Unless a lesser height is required by zoning.

<sup>5</sup> Total lot area excludes area encompassed by streams, wetlands, landslide hazards, floodways, lakes, and saltwater.

<sup>6</sup> For lots created by performance subdivisions in rural and conservancy SED's, the minimum lot width is determined by the zoning (development regulations).

## 6.0 Conclusions

The subject property was explored using commonly accepted protocols. Onsite conditions are neither pristine nor overly developed. The area has been logged and has a high functioning area of regrowth and all the properties have roads to service future development.

Even though there is no development proposed at this time, the current owner would like the opportunity to maintain the investment that they supported in the past, with a slightly higher density than what would be allowed under the Conservancy SED. This would not be inconsistent with the SMA or the local SMP as the guidelines have enough flexibility to allow this development in the Shoreline Rural Designation

There are no physical shoreline modifications, and no piers or docks. A desktop study of the neighboring areas in the shoreline reach found that there were no cumulative impacts of expected development, given the existing development constraints already imposed by the Shoreline Master Program under the new shoreline environmental designation of Rural, and the additional overlay of the Critical Areas Code which would be adopted in shoreline jurisdiction upon acceptance of the new Shoreline Master Program. The designation as Rural rather than Conservancy SED would still result in no net loss of ecological functions in this particular reach without compromising the long-term sustainability of the shoreline functions.

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# Appendix A

## Photos











## Higher Bank Shoreline

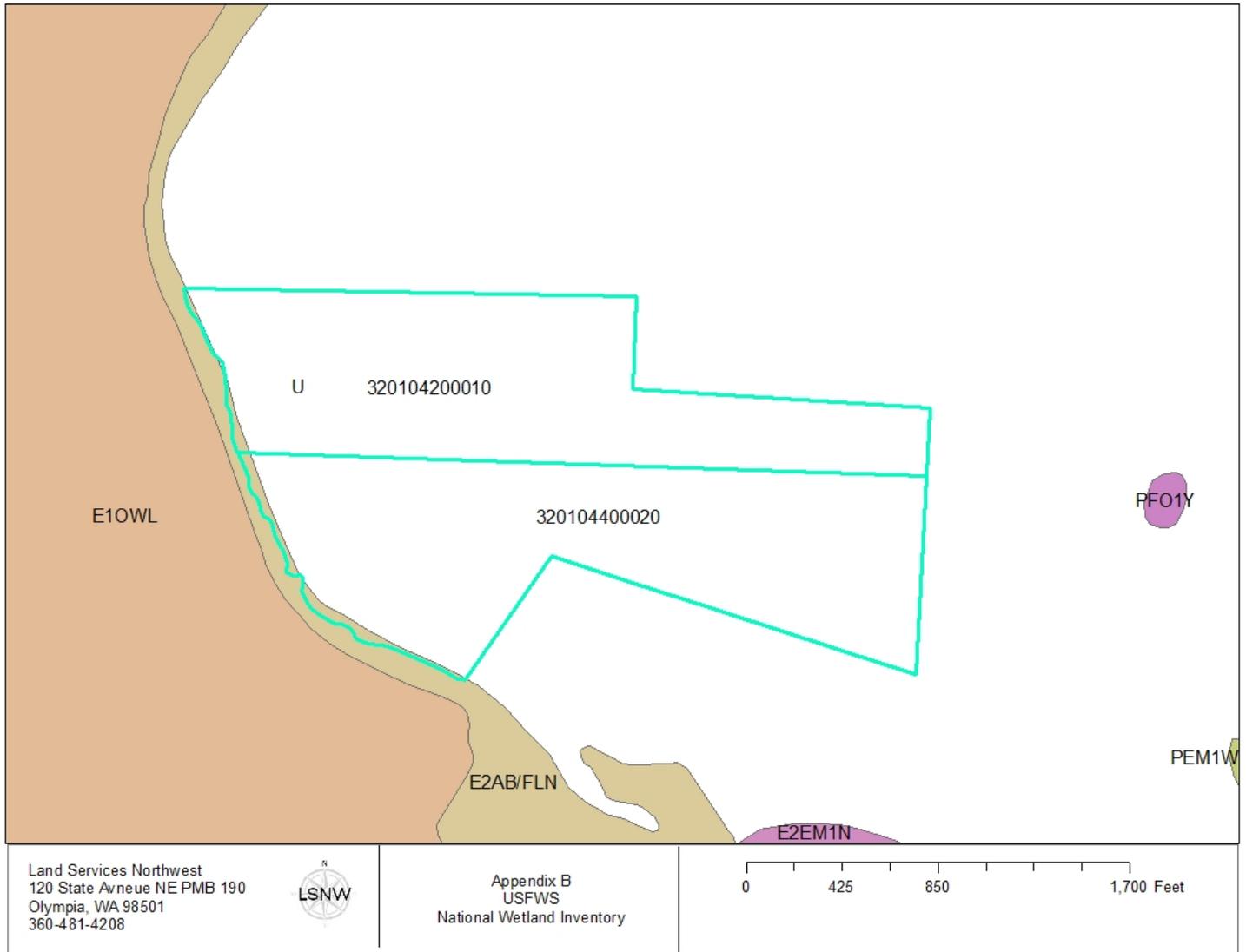




Near Onsite Well

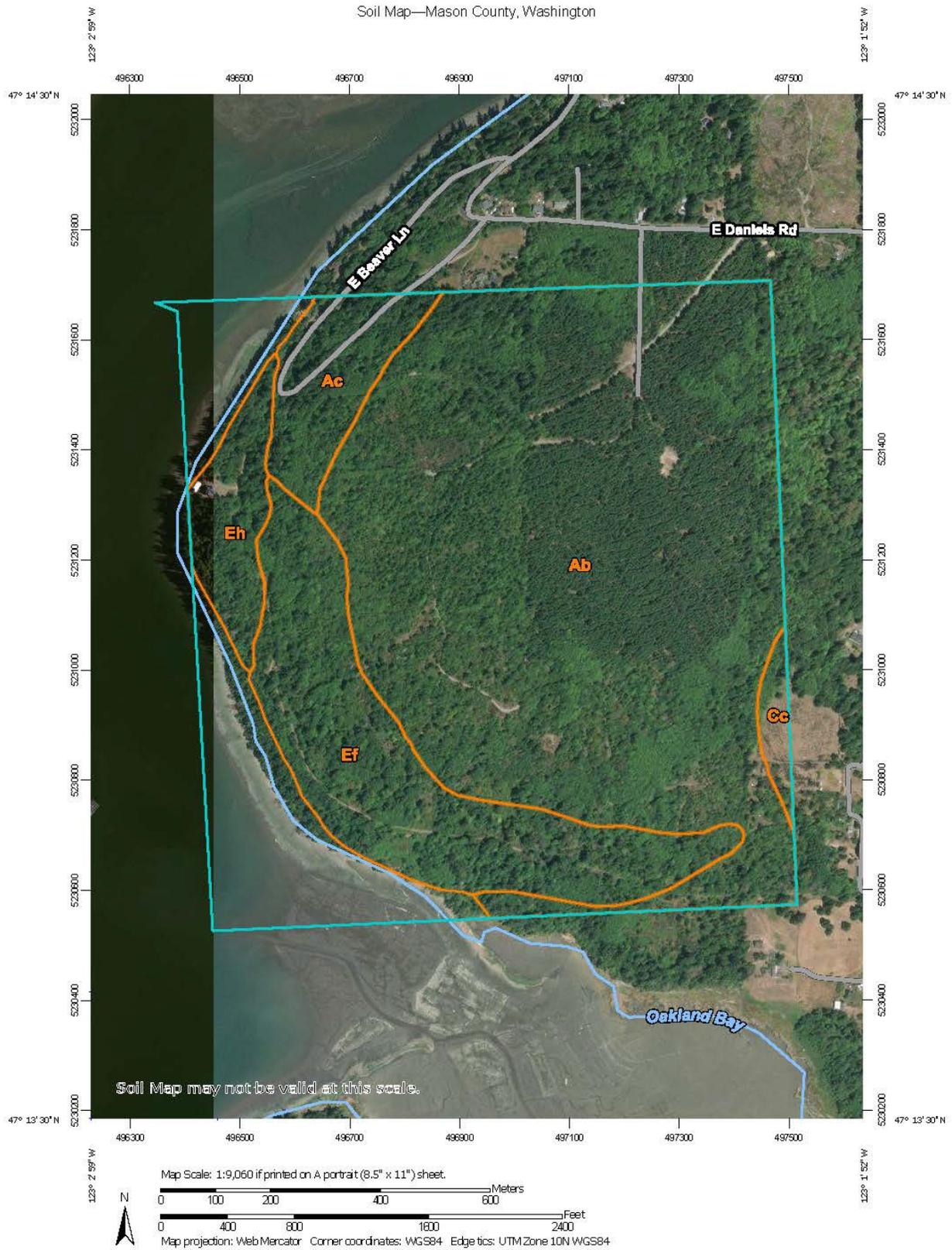
## Appendix B

# USFWS National Wetland Inventory



## Appendix C

### NRCS Soil Survey Map



Soil Map—Mason County, Washington

MAP LEGEND		MAP INFORMATION
<p><b>Area of Interest (AOI)</b></p> <p> Area of Interest (AOI)</p> <p><b>Soils</b></p> <p> Soil Map Unit Polygons</p> <p> Soil Map Unit Lines</p> <p> Soil Map Unit Points</p> <p><b>Special Point Features</b></p> <p> Blowout</p> <p> Borrow Pit</p> <p> Clay Spot</p> <p> Closed Depression</p> <p> Gravel Pit</p> <p> Gravelly Spot</p> <p> Landfill</p> <p> Lava Flow</p> <p> Marsh or swamp</p> <p> Mine or Quarry</p> <p> Miscellaneous Water</p> <p> Perennial Water</p> <p> Rock Outcrop</p> <p> Saline Spot</p> <p> Sandy Spot</p> <p> Severely Eroded Spot</p> <p> Sinkhole</p> <p> Slide or Slip</p> <p> Sodic Spot</p>	<p> Spoil Area</p> <p> Stony Spot</p> <p> Very Stony Spot</p> <p> Wet Spot</p> <p> Other</p> <p> Special Line Features</p> <p><b>Water Features</b></p> <p> Streams and Canals</p> <p><b>Transportation</b></p> <p> Rails</p> <p> Interstate Highways</p> <p> US Routes</p> <p> Major Roads</p> <p> Local Roads</p> <p><b>Background</b></p> <p> Aerial Photography</p>	<p>The soil surveys that comprise your AOI were mapped at 1:31,700.</p> <p><b>Warning: Soil Map may not be valid at this scale.</b></p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p> <p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Source of Map: Natural Resources Conservation Service                  Web Soil Survey URL:                  Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Mason County, Washington                  Survey Area Data: Version 16, Jun 4, 2020</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: Jul 24, 2010—Sep 27, 2016</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>

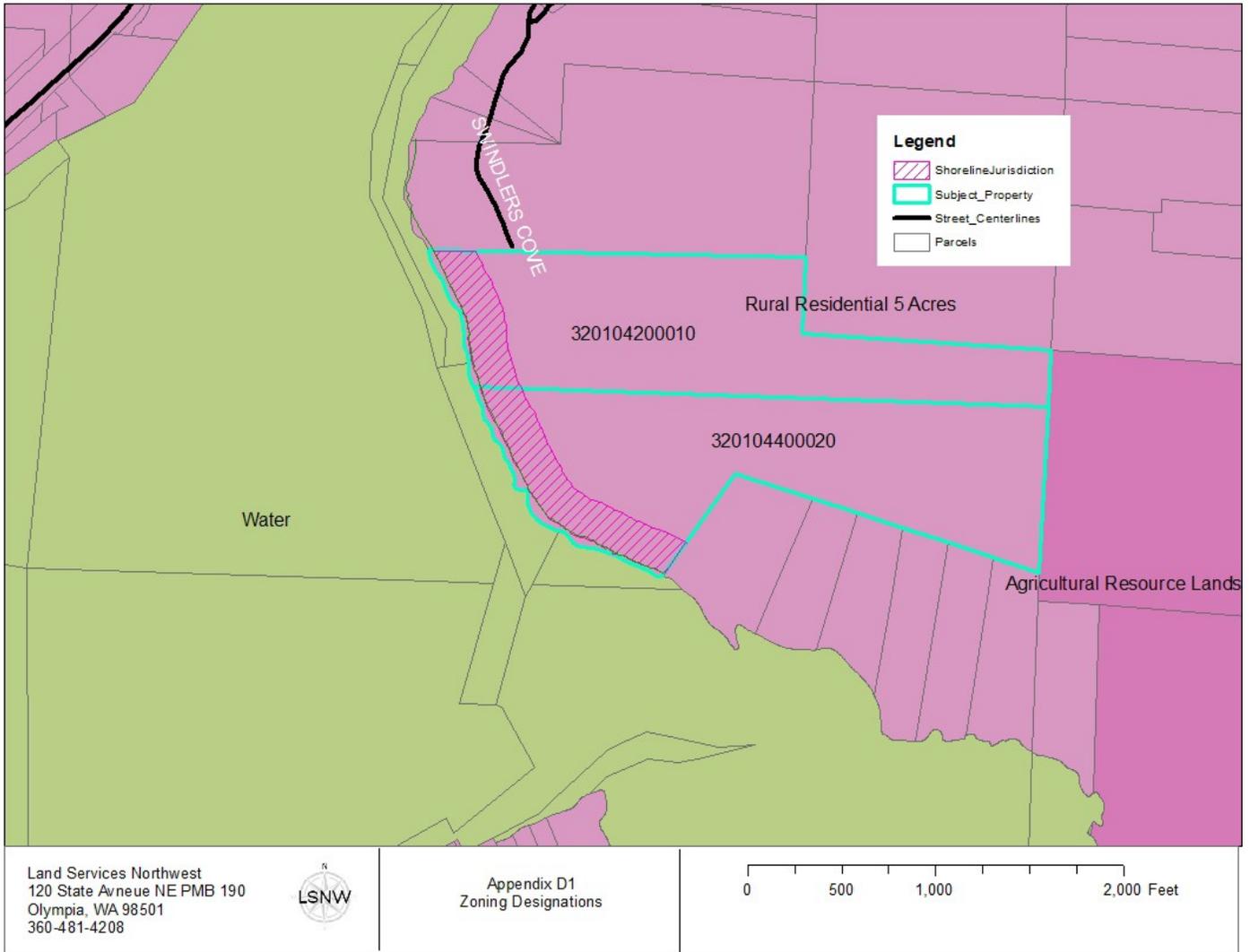
Soil Map—Mason County, Washington

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Ab	Alderwood gravelly sandy loam, 8 to 15 percent slopes	183.4	60.4%
Ac	Alderwood gravelly sandy loam, 15 to 30 percent slopes	15.5	5.1%
Cc	Cloquallum silt loam, 5 to 15 percent slopes	3.4	1.1%
Ef	Everett gravelly loamy sand, 15 to 30 percent slopes	49.9	16.4%
Eh	Everett very gravelly sandy loam, 8 to 15 percent slopes	12.5	4.1%
<b>Totals for Area of Interest</b>		<b>303.7</b>	<b>100.0%</b>

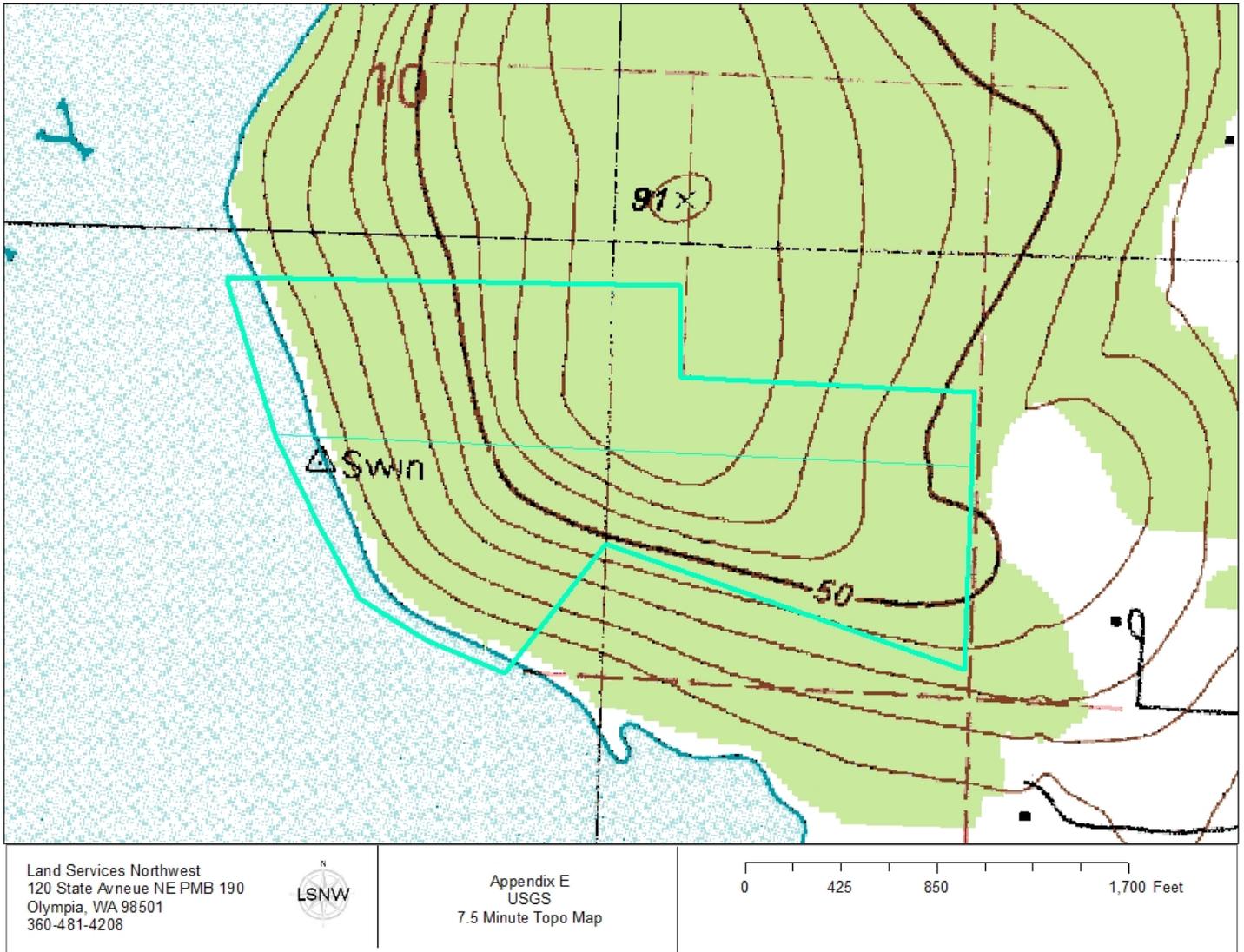
## Appendix D

### Mason County Shapefiles



## Appendix E

### USGS TOPO MAP

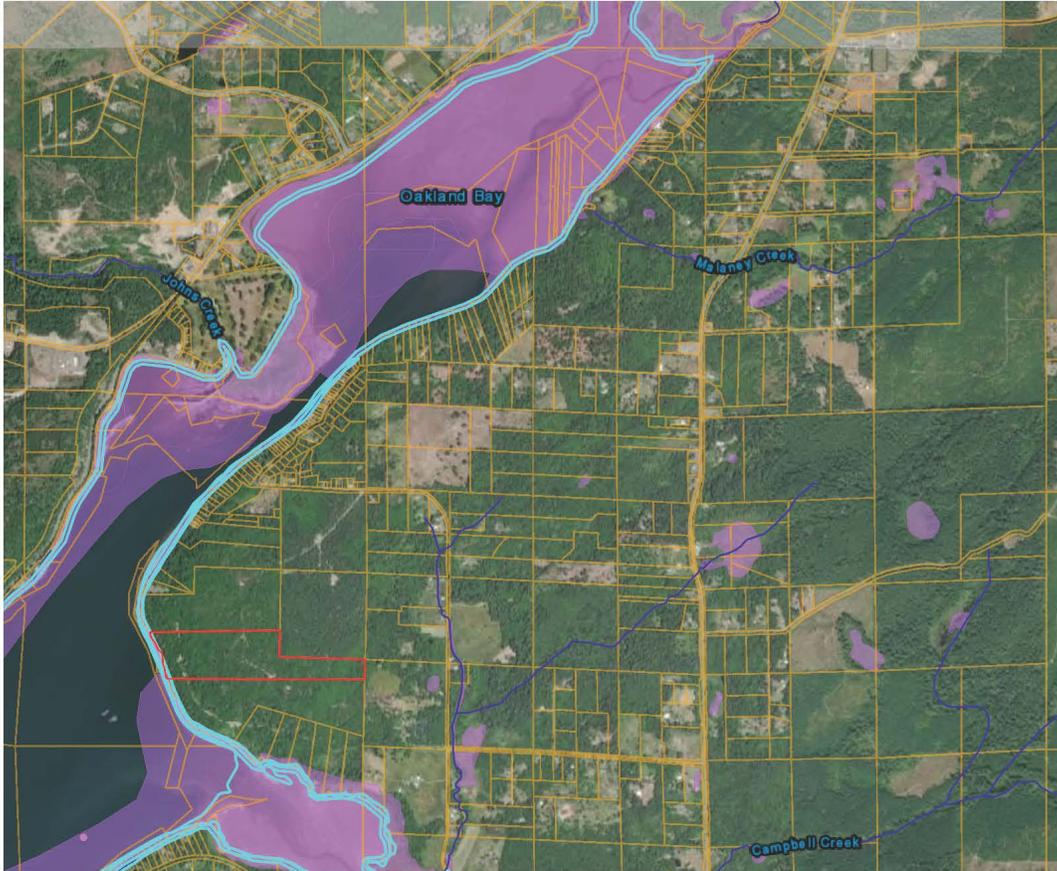


## Appendix F

# Priority Habitats and Species and Salmonscape Map

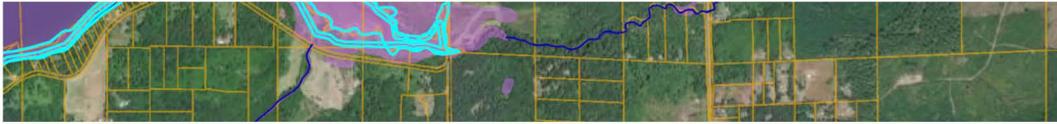


## Priority Habitats and Species on the Web



3/26/2021

PHS Report



Report Date: 03/26/2021, Parcel ID: [32010-42-00010](#)

PHS Species/Habitats Overview:

Occurrence Name	Federal Status	State Status	Generalized Location
Oyster Beds	N/A	N/A	No
Estuarine and Marine Wetland	N/A	N/A	No

PHS Species/Habitats Details:

3/26/2021

PHS Report

Oyster Beds	
Priority Area	Presence
Site Name	Not Given
Accuracy	NA
Notes	Not Given
Source Dataset	Shellfish_Summary
Source Name	Not Given
Source Entity	WDFW
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

3/26/2021

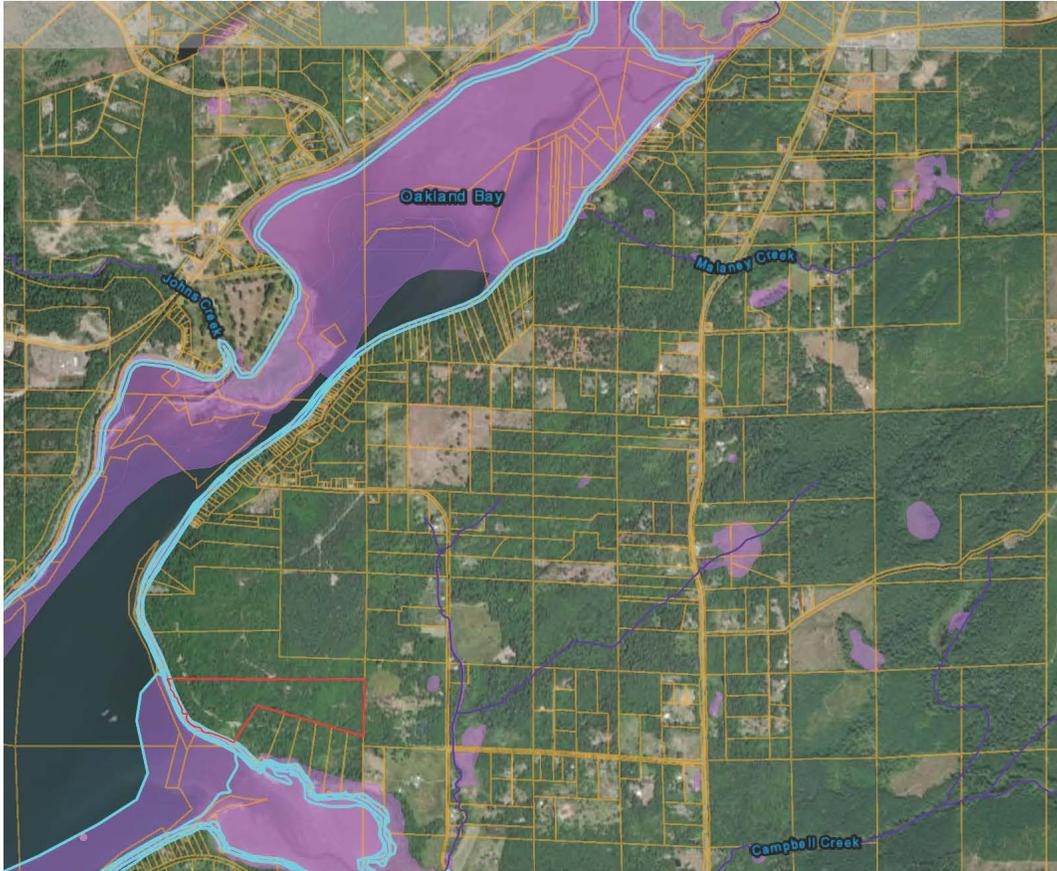
PHS Report

Estuarine and Marine Wetland	
Priority Area	Aquatic Habitat
Site Name	N/A
Accuracy	NA
Notes	Wetland System: Estuarine and Marine Wetland - NWI Code: E2AB/USN
Source Dataset	NWIIWetlands
Source Name	Not Given
Source Entity	US Fish and Wildlife Service
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
ManagementRecommendations	<a href="http://www.ecy.wa.gov/programs/sea/wetlands/bas/index.html">http://www.ecy.wa.gov/programs/sea/wetlands/bas/index.html</a>
Geometry Type	Polygons

DISCLAIMER: This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.



## Priority Habitats and Species on the Web



3/26/2021

PHS Report



Report Date: 03/26/2021, Parcel ID: [32010-44-00020](#)

PHS Species/Habitats Overview:

Occurrence Name	Federal Status	State Status	Generalized Location
Hardshell Clam	N/A	N/A	No
Oyster Beds	N/A	N/A	No
Estuarine and Marine Wetland	N/A	N/A	No

PHS Species/Habitats Details:

3/26/2021

PHS Report

Hardshell Clam	
Priority Area	Presence
Site Name	Not Given
Accuracy	NA
Notes	Not Given
Source Dataset	Shellfish_Summary
Source Name	Not Given
Source Entity	WDFW
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

3/26/2021

PHS Report

Oyster Beds	
Priority Area	Presence
Site Name	Not Given
Accuracy	NA
Notes	Not Given
Source Dataset	Shellfish_Summary
Source Name	Not Given
Source Entity	WDFW
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

3/26/2021

PHS Report

Estuarine and Marine Wetland	
Priority Area	Aquatic Habitat
Site Name	N/A
Accuracy	NA
Notes	Wetland System: Estuarine and Marine Wetland - NWI Code: E2AB/USN
Source Dataset	NWIIWetlands
Source Name	Not Given
Source Entity	US Fish and Wildlife Service
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
ManagementRecommendations	<a href="http://www.ecy.wa.gov/programs/sea/wetlands/bas/index.html">http://www.ecy.wa.gov/programs/sea/wetlands/bas/index.html</a>
Geometry Type	Polygons

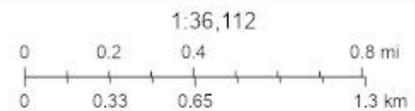
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# Salmonscape Map



March 22, 2021



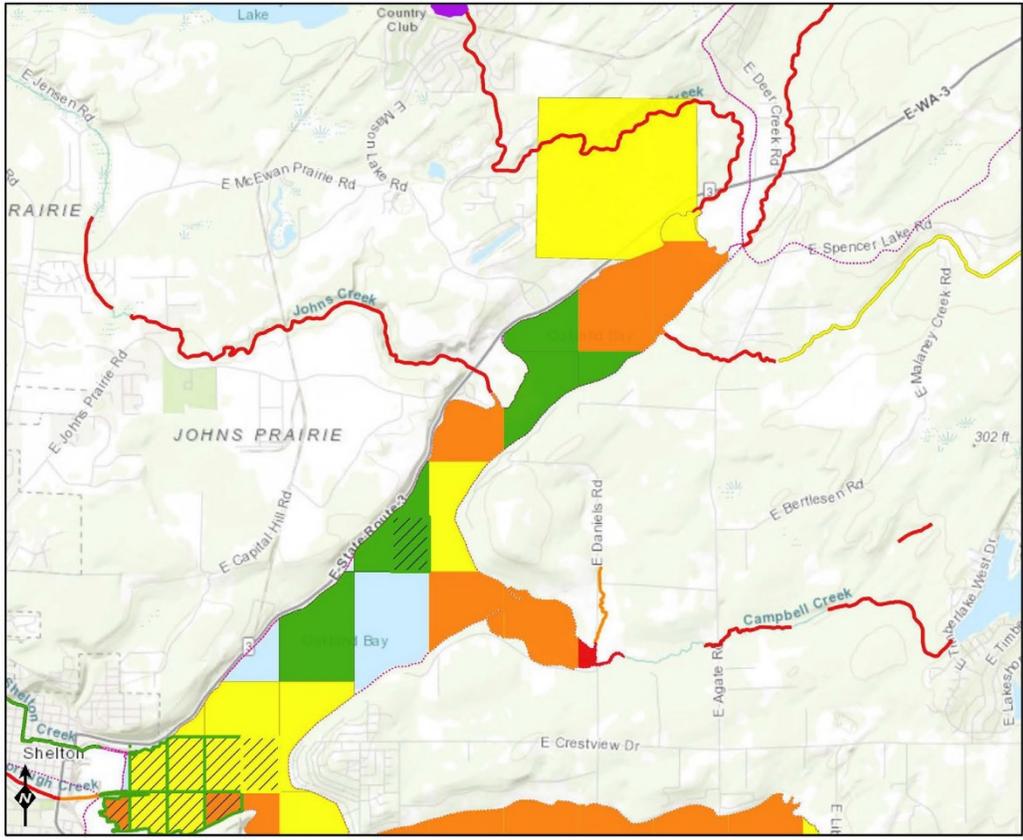
Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, USGS/NOAA, Dale Gombert (WDFW)

## Appendix H

### Department of Ecology Water Quality Atlas Map

March 22, 2021

### 303d Water Quality Atlas Map



- Assessed Water/Sediment**
- Water**
  - Category 5 - 303d
  - Category 4C
  - Category 4B
  - Category 4A
  - Category 2
  - Category 1
- Sediment**
  - Category 5 - 303d
  - Category 4C
  - Category 4B
  - Category 4A
  - Category 2
  - Category 1
- Parcels**
  - Parcel boundary
- Subbasins (12 digit HUCs)**
  - HUC boundary

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and

