

**ORDINANCE NUMBER 38 - 03**  
**AMENDMENTS TO THE MASON COUNTY SHORELINE MASTER PROGRAM**

AN ORDINANCE amending the Mason County Code Title 7 Mason County Shoreline Master Program as part of the Washington Department of Ecology adoption process for amended shoreline master programs, by revising or adding certain definitions listed in Chapter 7.08 Definitions.

WHEREAS, the Board of County Commissioners adopted the Title 7 Mason County Shoreline Master Program revisions to standards and procedures regarding administration, review and approval, enforcement, and appeals in a public hearing on December 17, 2002;

WHEREAS, the Department of Community Development submitted the December 2002 adopted Mason County Shoreline Master Program to the Washington Department of Ecology for review and adoption;

WHEREAS, Mason County and the Department of Ecology met and discussed the scope of the state review of the amended Shoreline Master Program; Department of Ecology commented that typographical errors differing from the 1988 Mason County Shoreline Master Program should be corrected and that a group of definitions (Attachment A) should be included to keep the Mason County Shoreline Master Program consistent with new state laws and administrative codes;

WHEREAS, the Board of County Commissioners held a April 1, 2003 public hearing to discuss the submitted Attachment A proposed revisions and to consider the citizens' testimony on these proposed changes to the Shoreline Master Program.

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Mason County Board of Commissioners hereby approves and ADOPTS the amendments to the Mason County Code Title 7 Mason County Shoreline Master Program that include the Department of Ecology Attachment A, March 18, 2003, which revise or add certain definitions in Chapter 7.08 Definitions, as described by ATTACHMENT A.

DATED this 1st day of April 2003.

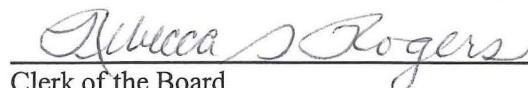
Board of County Commissioners  
Mason County, Washington

  
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Herb Baze, Chair

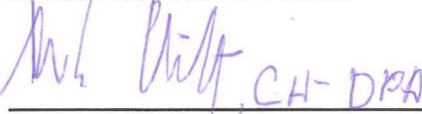
  
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Wesley E. Johnson, Commissioner

  
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Jayni L. Kamin, Commissioner

ATTEST:

  
\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy Prosecuting Attorney

**ATTACHMENT A  
CONDITIONS OF APPROVAL**

*MASON COUNTY SHORELINE MASTER PROGRAM*  
Proposed Permit Administration Amendment

March 18, 2003

The *MASON COUNTY SHORELINE MASTER PROGRAM* (SMP), Chapter 7.08 MCC, is hereby amended to read as follows:

Chapter 7.08 MCC: DEFINITIONS

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*Appurtenant Structure.* A structure which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and ~~((where applicable is located landward of))~~ the perimeter of a ~~((marsh, swamp, or bog))~~ wetland. Normal appurtenant structures include a garage; deck; driveway; utilities; ~~((grading which does not exceed 250 cubic yards (except to construct a conventional drainfield),))~~ storage shed (one story - less than 600 square feet), woodshed, pump house, ~~((and))~~ upland retaining wall and grading which does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

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

~~*Biological Wetlands.* Any shoreline area where the natural vegetation is dominated by aquatic plants and the water table is at surface grade on a periodic or seasonal basis; including but not limited to bogs, marshes, swamps, marine and estuarine shore.~~

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~~*Conditional Use.* The purpose of a Conditional Use Permit is to allow greater flexibility in varying the application of the use regulations of the Master Program. Conditional Use Permits should also be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58. In authorizing a conditional use, special conditions may~~

~~be attached to the permit by local government or the department to prevent undesirable effects of the proposed use~~ Conditional use means a use, development, or substantial development which is classified as a conditional use or not classified within this master program.

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*Emergency Repair.* Emergency construction necessary to protect property from damage by the elements as per ((WAC 173-14-040(d))) WAC 173-27-040, as amended.

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*Exemption.* Those developments set forth in WAC 173-14-040 which do not meet the definition of Substantial Development under RCW 90.98.030(3)(e). ~~(See Chapter 7.13.)~~ Exemptions shall be construed narrowly. Exempt developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, 90.58.390 and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and this master program.

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*Fair Market Value.* The fair market value of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

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

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*Natural Environment.* The natural environment is intended to preserve and restore those natural resource systems existing relatively free of human influence. Local policies to achieve this objective should aim to regulate all potential developments degrading or changing the natural characteristics which make these areas unique and valuable.

The main emphasis of regulation in these areas should be on natural systems and resources which require severe restrictions of intensities and types of uses to maintain them in a natural state. Therefore, activities which may degrade the actual or potential value of this environment should be strictly regulated. Any activity which would bring about a change in the existing situation would be desirable only if such a change would contribute to the preservation of the existing character.

The primary determinant for designating an area as a natural environment is the actual presence of some unique natural or cultural features considered valuable in their natural or original condition which are relatively intolerant of intensive human use.

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*Normal Repair.* To restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (~~WAC 173-14-040(b)~~ WAC 173-27-040, as amended). A reasonable period of time for repair shall be up to one year after decay or partial destruction, except for bulkhead replacement which shall be allowed up to five years. Total replacement which is common practice includes but is not limited to floats, bulkheads and structures damaged by accident, fire and the elements.

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

The rural environment is intended for those areas characterized by intensive agricultural and recreational development. Hence, those areas that are already used for agricultural purposes, or which have agricultural potential should be maintained for present and future agricultural needs. Designation of rural environments should also seek to alleviate pressures or urban expansion on prime farming areas.

New developments in a rural environment are to reflect the character of the surrounding area by limiting residential density, providing permanent open space and maintaining adequate building setbacks from the water to prevent shoreline resources from being destroyed for other rural types of uses.

Public recreation facilities for public use which can be located and designed to minimize conflicts with agricultural activities are recommended for the rural environment. Linear water access which will prevent overcrowding in any one area, trail systems for safe nonmotorized

traffic along scenic corridors and provisions for recreational viewing of water areas illustrate some of the ways to ensure maximum enjoyment of recreational opportunities along shorelines without conflicting with agricultural uses. In a similar fashion, agricultural activities should be conducted in a manner which will enhance the opportunities for shoreline recreation. Farm management practices which prevent erosion and subsequent siltation of water bodies and minimize the flow of waste material into water courses are to be encouraged by the master program for rural environments.

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

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*Substantial Development.* Any development of which the total cost or fair market value exceeds Five Thousand (\$5,000) Dollars, or any development which materially interferes with normal public use of the water or shorelines of the state; except that those developments ~~((delineated in Chapter 15.09.055 MCC are exempt from the))~~ defined above as an "exemption" do not require a substantial development permit ~~((process))~~ but may require a variance or conditional use permit.

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