

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR THE PROPOSED COMPREHENSIVE UPDATE TO THE MASON COUNTY
SHORELINE MASTER PROGRAM**

SMP Submittal accepted April 21, 2017, Mason County Resolution 94-16
Prepared by Rick Mraz on August 23, 2017

Brief Description of Proposed Amendment: Mason County (County) has submitted a comprehensive update to their Shoreline Master Program (SMP) for review and approval by the Department of Ecology (Ecology). This submittal is required to comply with the Shoreline Management Act (SMA) and the SMP Guidelines requirements (RCW 90.58 and WAC 173-26 (Part III) respectively). The updated master program contains locally tailored shoreline management policies, regulations, shoreline designation maps, and administrative provisions. Critical area provisions are adopted by reference in the SMP in Section 17.50.110. Additional reports and supporting information and analyses are included in the submittal and noted below.

FINDINGS OF FACT

Need for amendment: The proposed amendment would replace the County's existing SMP in its entirety. The amendment is needed to comply with the statutory deadline for a comprehensive update of the County's local Shoreline Master Program pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 (State master program approval/amendment procedures and master program guidelines) and WAC 173-27 (Shoreline management permit and enforcement procedures). The County's SMP was originally approved by Ecology in 1974, updated in 1988 and had minor amendments in 2002 and 2006.

Section 17.50.010 of the submitted SMP describes the purpose of the Program:

The shorelines of Mason County are among the most valuable and fragile of its natural resources and there is great concern relating to their utilization, protection, restoration and preservation. In addition, ever-increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state. Unrestricted construction on privately owned or publicly owned shorelines is not in the best public interest; therefore regulation is necessary in order to protect the public interest associated with the shorelines, while, at the same time, recognizing and protecting private property rights, public rights of navigation and corollary rights incidental thereto consistent with the public interest.

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

Ecology finds that the County has documented the need to amend and update its shoreline master program.

Documentation of current conditions:

Mason County's SMP (MCSMP) will regulate activities along 492 miles of freshwater shoreline and 217 miles of marine shoreline). County-wide there are 109 fresh waterbodies identified as shorelines of the state including 64 rivers and streams and 45 lakes.

Upper watersheds in the county are primarily forest resource lands with residential and agricultural uses dominating the mid-portions of the watershed. Areas of increasing urban development are centered on the Urban Growth Areas of Belfair and Allyn.

The Inventory & Characterization report describes existing conditions within the Mason County shorelines and provides a map folio based upon Geographic Information System (GIS) data. The report describes existing land uses, such as residential uses, parks, development and water-dependent industries. It also evaluates existing natural shoreline processes and functions, such as forested riparian areas, wetlands, wildlife habitat and fish present. The inventory report identifies areas suitable for restoration and additional public access. The report provides a foundation for revising the goals, policies, and regulations in the County's SMP. It has helped the County make informed decisions about incorporating the community's vision for the shorelines, accommodating growth, and addressing other shoreline policy objectives like promoting water-dependent uses. It has also helped the County explore opportunities for conservation and restoration of natural areas.

Existing land uses:

Existing land uses in freshwater shoreline areas are mostly in residential uses and forestry. Vacant lands and agriculture land uses make up most of the remaining area. Residential land uses are concentrated around lakes and each house typically has an individual dock or pier.

Existing land uses in the marine shoreline areas are mostly residential. Vacant and forestry land uses are also common. Docks and piers are scattered throughout the marine environment with private marinas concentrated along Hood Canal. The only major industrial area in the County is located on Oakland Bay in the City of Shelton.

Water-dependent uses:

Ports, log booming and storage, shipping, marinas, docks, piers, boating facilities, outfalls, and aquaculture are typically considered to be water-dependent uses. Water-dependent uses in Mason County include docks, piers, boat launches, marinas, commercial aquaculture, and bridges. Single family residential docks are the most common water-dependent use on the county's shorelines. Commercial aquaculture is an important and growing water-dependent industry.

Parks and Public Access:

Many of the shorelines within Mason County have public access. Marine shorelines are accessible through Washington State or County parks or through informal access to public tidelands and beaches from public roads. Most shoreline lakes, although fully developed with private residential homes, are accessible through a Washington Department of Fish and Wildlife boat launch. Public access is encouraged on public lands that lie within the shoreline jurisdiction.

Fish and Wildlife Habitat:

County rivers and streams support numerous species of native salmon and trout, several of which are listed under the Endangered Species Act. Native shellfish beds and forage fish (i.e. sand lance, smelt and herring) are found in the nearshore areas of Hood Canal and South Puget Sound. Many other wildlife species, including marine mammals, shorebirds, and waterfowl, use Mason County shorelines as habitat. Eelgrass and kelp beds, mudflats, estuaries and bays are important habitats in the County. Wetlands provide valuable habitat and water quality benefits to most County shorelines.

Water Quality:

Water quality in Mason County is impaired or degraded. In South Puget Sound, water quality issues include toxic pollutants, elevated water temperatures, fecal coliform bacteria, nutrient loads, and low dissolved oxygen concentrations. In Hood Canal, the main water quality issues are low dissolved oxygen and high summer temperatures. Water quality issues for rivers and streams are sedimentation and high temperature. These issues are caused by stormwater runoff, timber harvest, culverts, and highways and railroads that cross shorelines. The increase in impervious surfaces, installation of septic systems, and human activities along the marine shoreline are all potential sources of water quality degradation. Shellfish closures result from increased nutrients, fecal coliform and corresponding algae blooms.

Nearshore Functions and Coastal Processes:

The marine nearshore character varies considerably across Mason County. There are numerous types of shores along Hood Canal and South Puget Sound. Waves generated by wind are the dominant driver of coastal processes. Nearshore sediment supply is typically derived from eroding bluffs where sediment is transported down-drift by waves to form the varieties of shoreforms found in the County. These coastal processes dictate the many shoretypes of Hood Canal. South Puget Sound contains more sheltered, low-energy shores that form highly complex coast lines with many small bays and inlets. Erosion and sediment transport rates are very low in these environments.

Numerous artificial shoreforms exist along the shores of Mason County. These shorelines no longer resemble or function like their historic types and have resulted in the degradation of coastal processes, particularly along the shores of Hood Canal. Modifications to the natural shoreline include bulkheads, riprap, and fill for bridges or structures. Fewer modifications and changes to nearshore processes have occurred along the shores of South Puget Sound.

Surface water and Groundwater:

Mason County has a significant amount of natural surface water and groundwater resources. However, many of the rivers and creeks in Mason County fall below the Washington State minimum instream flow requirements during some months of the year. Certain streams have been closed to further diversions for some or all of the year. Tacoma Power operates Cushman Dam and has increased minimum flows through the dams to improve flow conditions for salmonid recovery in the North Fork Skokomish River.

Restoration:

Restoration is currently underway in Mason County by a variety of organizations including the Squaxin Island Tribe, Skokomish Tribe, Mason Conservation District, Hood Canal Coordinating Council, Hood Canal Salmon Enhancement Group, South Puget Sound Salmon Enhancement Group,

and Puget Sound Nearshore Ecosystem Restoration Project. Future opportunities for restoration are also included in the report.

Ecology finds that the October 2012 Mason County Shoreline Inventory & Characterization Report adequately inventories and analyzes the current conditions of the shorelines located in the County. These documents synthesize existing information and were used to inform the master program update as well as provide a basis for future protection and restoration opportunities in the County's shoreline jurisdiction, consistent with WAC 173-26-201(3)(c) and (d).

Shoreline Use Analysis: As part of the County's development of the Shoreline Inventory and Characterization Report (ESA, October 2012), data was collected to address the SMP Guideline requirements to project shoreline development trends and identify potential use conflicts to ensure preference is given to uses that are unique to or dependent upon a shoreline location. The County-wide analysis is contained in Chapter 11.

Ecology finds that the County has adequately considered SMA preferred uses and the potential for use conflicts consistent with WAC 173-26-201(3)(d)(ii) and WAC 173-26-201(2)(d).

SMP provisions to be changed by the amendment as proposed: This comprehensive SMP update is intended to entirely replace the County's existing SMP and will regulate a total of 709 miles considered "shorelines of the state." Of this total, 36 percent is considered "shorelines of statewide significance."

Shoreline Jurisdiction: The County proposes to apply the statutory minimum shoreline jurisdiction to river systems in the County: Those lands extending landward for 200 feet in all directions, as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of the Act and this master program. The County is opting not to include additional land necessary for buffers for critical areas.

Ecology finds that the County has appropriately defined shoreline jurisdictional limits consistent with the Act.

Shorelines of Statewide Significance (SSWS): RCW 90.58.020 specifically calls out SSWS for special consideration declaring the "the interest of all of the people shall be paramount in the management" of these shorelines. Approximately 255 miles of county shorelines are shorelines of statewide significance including the Skokomish River, Hood Canal, and Lake Cushman and all areas of Puget Sound waterward of the line of extreme low tide.

The Shoreline Guidelines in WAC 173-26-251 requires that local master programs recognize the specific use preferences identified in the statute and provide for "*optimum implementation*" of the statutory policy. This is done by providing SMP provisions that implement: (a) statewide interest, (b) preserve resources for future generations and (c) give preference to uses identified in RCW 90.58.020.

Ecology finds that the SMP has adequately identified shorelines of statewide significance, includes policies for management of these shorelines in MCSMP Section 17.50.070 consistent with RCW 90.58.020, and includes provisions in the regulations aimed at implementing these policies. Consistent with WAC 173-26-251, the Inventory & Characterization (ESA, October 2012) identifies high quality

ecological resources including wetlands and anadromous fish runs, and other resources of statewide interest such as archaeological and cultural resources, existing and potential public access, and the presence of and future need for international shipping facilities. The Restoration Plan (ESA, Coastal Geologic Services, Herrera Environmental, April 2013) identifies both programmatic and site-specific restoration opportunities.

Shoreline Master Program Goals and Policies: The goals and policies contained in Section 17.50.100 of this SMP address the elements outlined in RCW 90.58.100, General policy goals of the act; WAC 173-26-176, Guidelines for shorelines of the state; and WAC 173-26-191 Master program contents.

Ecology finds that the County has addressed the requirement to include various elements in the SMP and to establish policies per RCW 90.58.100(2), WAC 173-26-176, WAC 173-26-191 and WAC 173-26-201(2)(e).

Shoreline Designations: Assignment of shoreline environment designations (SED) is a fundamental aspect of the SMP update. Shoreline designations were developed and analyzed county-wide. Designations were assigned based on ecological functions, existing and planned development patterns and on the community's vision for the future. The initial deliberative process began with consideration of the *SED Justification Memo (ESA, September 2011)*. The County held a series of workshops to refine the designation criteria with both the Citizen Advisory Committee and the Technical Advisory Committee. The final mapped designations were subject to public review at workshops and during formal public comment periods. The final adopted designations reflect input from community members, tribal governments and state agencies.

The proposed SMP will use six (6): Aquatic, Natural, Conservancy, Rural, Residential, and Commercial. The Shoreline Master Program specifies purpose and designation criteria for each of these SEDs.

The existing and proposed designations are similar in their classification criteria, management objectives, policies and regulations:

- The proposed Natural designation is similar to the existing Natural designation.
- The proposed Conservancy is similar to the existing Conservancy designation.
- High Intensity proposed designation is similar to the existing Urban designation

The proposed designations apply to more acres of land than the existing designations because additional rivers and lakes have been identified as shorelines of the state and the beginning point in which a stream is considered a shoreline of the state has been moved upstream, mostly in areas designated as National Forest Lands. All streams located within the National Forest Lands are proposed to be designated Conservancy, which is why there is an increase as shown in Table 3-1 below. The Natural designation is proposed to increase as well consistent with the findings of the Shoreline Inventory and Characterization report of ecologically intact shorelines. The Rural designation is proposed to decrease consistent with underlying zoning designations and lot patterns. The number of acres designated Commercial will be minimally decreased, and the acres designated Residential will be decreased.

Comparison between distribution of existing SEDs and proposed can be seen in the table below.

Table 3-1. Existing and Proposed Designations for Mason County Shorelines

Shoreline Environment Designations	Existing Designations		Proposed Designations	
	Acres ¹	Percentage of Total ²	Acres ¹	Percentage of Total ²
Natural	772	5%	3,963	15.4%
Conservancy	7,206	43%	16,166	62.8%
Rural	3,616	22%	943	3.6%
Urban Residential (renamed to Residential)	4,882	29%	4,608	17.9%
Urban Industrial (no longer a proposed designation)	116	1%	0	0%
Urban Commercial (renamed to Commercial)	72	0.4%	71	0.3%
<i>Total</i>	<i>16,664</i>	<i>100%</i>	<i>25,751</i>	<i>100%</i>

Ecology finds that the process of evaluation used to assign shoreline designations was appropriately conducted. Ecology also finds that each shoreline designation in the SMP has a clearly stated purpose, designation criteria and policies and is adequately mapped on the County’s Official Shoreline Designation Maps. The designations provide a suitable framework for implementing shoreline policies and regulatory measures specific to each designation. Designation-specific regulations (see Use Table 6-1 and Chapter 6) have been developed that account for different shoreline conditions and assure implementation of the purpose of each environment designation and other policy goals of the SMA, and ensure protection of existing shoreline ecological functions.

General Master Program Provisions: Section 17.50.100 of the SMP includes policies and regulations that address critical areas, vegetation conservation and water quality, archaeological and historic resources, economic development, existing structures and uses, flood hazard reduction, port districts, property rights, public access, storm water and nonpoint pollution. In addition, policies and regulations focused on views and aesthetics are included.

Vegetation conservation provisions are implemented through buffer and other habitat regulations (MCSMP and RO) that prescribe areas in which native vegetation is to be retained. For Type S streams (shoreline waterbodies), it is that area within 150’ of the OHWM. For shoreline lakes, it is that area within 100’ of the OHWM. On Conservancy and Natural saltwater shorelines, it is that area within 150’ of the OHWM. On Rural and Residential shorelines, it is that area within 100’ of the OHWM, and on Commercial shorelines, it is that area within 50’ of the OHWM. These provisions

are synonymous with setback standards and buffer provisions of the County's critical area ordinances. Mitigation sequencing is required for all development.

Ecology finds that the County has appropriately included all the required general provisions in Section 17.50.100 of the proposed SMP consistent with WAC 173-26-221.

Critical Area Provisions: The County has chosen to adopt their critical area regulations by reference (see Section 17.50.110.B.2, which lists a specific dated ordinance. These ordinances address the following critical areas: critical aquifer recharge areas, flood hazard areas, geologic hazard areas, habitat conservation areas, and wetlands. Those elements inconsistent with the SMA and WAC 173-26 Shoreline Guidelines do not apply (see 17.50.110.B.2.a.v.)

Since 1997, Mason County's Resource Ordinance (RO) has been evaluated by numerous Growth Management Hearings Board proceedings and was, after extensive revision, found to be compliant with the requirements of the Growth Management Act in designating and protecting critical areas (See: <http://www.gmhb.wa.gov/CaseDetail.aspx?cid=309>). An oft-stated perspective during the update process was that the existing RO is effectively protective critical areas, consistent with Best Available Science. During the SMP update process, the County made targeted changes to the RO to achieve harmony with the draft SMP.

Changes include the following:

- new and revised definitions to ensure harmony with the regulatory perspectives of the SMP;
- updated references to wetland delineation and rating documents;
- addition of language addressing channel migrations zones (CMZs), including clarification on field determinations of CMZs;
- improved and clarified requirements for addressing landslide hazard areas (created with the assistance of local licensed geologists and engineers);
- the adoption of a Common Line Mitigation Manual (Appendix B to the RO);
- creation of a Best Management Practices manual (Appendix C to the RO);

The SMP also includes targeted language to specifically address certain critical areas, including:

- adding policy and regulatory language to address potential adverse effects to eelgrass and other priority habitats from aquaculture activities;
- adding regulatory language that aligns with other agency requirements for work windows (WAC 220-110-271) to avoid impacts to spawning, migration and rearing of salmonids and other critical species; and
- discouraging shoreline stabilization on feeder bluffs.

The Common Line Mitigation Manual was created to provide more specific direction on how to compensate for the potential impacts to fish and wildlife resulting from the use of the Common Line setback method for residential development. Mitigation (usually in the form of planting vegetation) is now a specific requirement associated with single-family residential development using the Common Line approach.

Ecology finds that the County has adequately defined and protected critical areas as required in WAC 173-26-221(2), and that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources (RCW 36.70A.480(4), RCW 90.58.610).

Shoreline Modifications: WAC 173-26-231(1) distinguishes shoreline modifications from shoreline uses by describing them as those actions “undertaken in support of or in preparation for a shoreline use.” The Guidelines further describe them as follows: “*Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal.*” As a general principle, WAC 173-26-231(2)(b) states that Master Programs shall “*Reduce the adverse effects of shoreline modifications, and, as much as possible, limit shoreline modifications in number and extent.*” (WAC 173-26-231(2)(b)). This principle reinforces the mitigation sequence (WAC 173-26-201(2)(e)) and no net loss (WAC 173-26-186(8)) requirements of the SMP Guidelines.

The County’s *Shoreline Inventory & Characterization Report, (ESA, October 2012)* documents modifications including bridges, bulkheads, roads, dikes and overwater structures like docks. Most of waterbodies show at least some impacts from increasing residential uses resulting in loss of riparian vegetation and overwater structures.

Mason County’s SMP requires that all new shoreline uses and developments, including preferred uses and uses that are exempt from permit requirements, be located, designed, constructed, conducted, and maintained in a manner that maintains shoreline ecological functions.” (See 17.50.110.B.1.a.)

Mason County’s SMP addresses land modifications in a comprehensive fashion by defining “Grading” as:

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

The SMP further notes that:

Cut and fills incidental to a permitted use and less than 200 cubic yards are not subject to the Grading policies or regulations but are still subject to the provisions in the Resource Ordinance.

Fill waterward of the Ordinary High Water Mark is only allowed in limited instances by Conditional Use Permit (17.50.335.B.1), new dredging is also limited (Table 17.50.090-A), and shoreline uses and developments must be located and designed to avoid the need for shoreline stabilization at the time of development and into the future (17.50.340).

Shoreline stabilization for new residential development is regulated consistent with WAC 173-26-231(3)(a). The preference, when stabilization is shown to be needed, is for softer techniques and minimizing the size and extent of new structures (17.50.340.B.3).

With respect to residential docks, Mason County has an established history of regulating and limiting their proliferation, especially in Hood Canal. Mason County has been involved in several Shoreline Hearings Board cases that have established and guided County permitting decisions and strongly influenced this update.

The SMP continues a stated preference for joint-use residential dock facilities and prohibits single-use docks in Hood Canal. Table 17.50.320-A establishes dimensional standards for docks on freshwater lakes. Table 17.50.320-B establishes dimensional standards for docks on saltwater. An additional limit on length is enacted through a maximum depth standard, whereby if a dock reaches -7 feet (Mean Lower Low Water) then that length is the maximum length, even if other standards would allow a

longer dock. Covered moorage associated with residential development is prohibited. Commercial covered moorage is limited to existing marinas (Table 17.50.090-A).

The SMP includes performance and dimensional standards for beach access structures, including a requirement to establish community access for new subdivisions. These provisions, which were not present in the prior version of the SMP, should limit adverse effects from such development.

Ecology finds that the County has adequately considered and addressed shoreline modifications as required in the WAC 173-26-231. The SMP limits clearing, grading and fill to that necessary when in conjunction with an allowed use, requires that shoreline stabilization proposals show need, and limits the amount of overwater coverage by restricting piers and docks and limiting covered moorage.

Provisions in the SMP are crafted to reduce the adverse effects of shoreline modifications and as much as possible to limit the number and extent. Shoreline modification policies and standards are appropriate to the environment designation in which they are proposed, and preference is given to modifications that have a lesser impacts to ecological function.

Shoreline Uses: WAC 173-26-241 outlines specific common uses and types of development that can occur within shoreline jurisdiction. SMPs are to establish a system of use regulations and environment designation provisions that give preference to water-oriented uses or to uses that are consistent with the control of pollution and prevention of damage to the natural environment (WAC 173-26-201(2)(d) and 173-26-211). SMPs should also ensure provisions implement the policies of the SMA while protecting property rights, reduce use conflicts and assure no net loss of shoreline ecological functions.

The MCSMP addresses all the uses set forth in WAC 173-26. Table 17.50.090 identifies the allowed and conditional uses by shoreline designation. Use-specific regulations are set forth in each section. In particular, the following are explicitly prohibited: Non-water-dependent mining, parking as a primary use, and residential development waterward of the OHWM.

The proposed SMP is inconsistent with WAC 173-26-211 with respect to Commercial Uses in the Conservancy SED. The WAC states that:

Except as noted, commercial and industrial uses should not 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.

Comments were received from Futurewise regarding this inconsistency. Ecology has incorporated the county's suggestion for addressing this comment in a required change to Table 17.50.090. The County has indicated that there are no existing Commercial Uses or Commercial Zoning in any areas proposed for a Conservancy SED.

Table 17.50.110-A establishes buffer and setback requirements, height standards and lot width requirements within each SED.

Ecology finds, that with acceptance of the required changes to address Commercial Development in the Conservancy SED, the Mason County SMP adequately identifies uses common along the County's shorelines, establishes a clear preference for water-oriented uses, accommodates water dependent

uses, and clearly shows by shoreline designation, where certain uses are allowed, conditionally allowed and prohibited.

Cumulative Impacts Analysis: Listed as a Governing Principle of the SMP Guidelines, WAC 173-26-186 (8)(d) states “*Local master programs shall evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the Act.*” To ensure this, SMPs shall contain policies, programs and regulations that address adverse cumulative impacts, including those resulting from exempt development, and fairly allocate the burden of addressing cumulative impacts among development opportunities.

A Cumulative Impacts Analysis (CIA) report was initially developed in January 2013 by ESA to evaluate an early draft of the SMP. A subsequent version was developed by revising ESA’s draft in 2016, and based upon the Planning Commission Draft SMP. The CIA was finalized in February 2017 in consideration of the BOCC Draft SMP. A No Net Loss (NNL) Assessment is included in the final draft CIA.

The CIA report took a county-wide look at possible cumulative impacts of “reasonably foreseeable future development” under the policies and regulations of the draft SMP by assessing existing conditions of Mason County shorelines, as documented in the Inventory & Characterization report as well as accounting for beneficial effects of other established regulatory programs.

The Mason County SMP regulations (dated December, 2016) provide a comprehensive update to the existing SMP goals, policies and regulations and establish more uniform management of the County’s shorelines consistent with the Ecology guidelines. The new shoreline environment designation system is consistent with the Ecology recommended system and derives from the conclusions in the Final Draft Shoreline Inventory and Characterization Report (ESA et al., 2012). In addition, the Mason County Shoreline Restoration Plan (ESA et al., 2013) identifies opportunities to improve or restore ecological functions that have been impaired as a result of past development activities. Together, these reports document the existing conditions within the County’s shorelines at the time of this SMP Update.

The NNL analysis was guided by the three factors identified in the Ecology guidelines for evaluating cumulative impacts and no net loss:

- Current circumstances affecting the shorelines and relevant natural processes;
- Reasonably foreseeable future development and use of the shoreline; and
- Beneficial effects of any established regulatory programs under other local, state, and federal laws.

The principle that the regulation of development shall achieve no net loss of ecological functions requires that master program policies and regulations address the cumulative impacts on shoreline ecological functions that would result from future shoreline development and uses that are reasonably foreseeable from this master program. To comply with the general obligation to assure no net loss of shoreline ecological function, the process of developing the policies and regulations of this shoreline master program requires assessment of how proposed policies and regulations cause and avoid such cumulative impacts.

The combination of the following provisions in the SMP has been identified to address cumulative impacts and contribute positively towards a conclusion the Mason County SMP will assure no net loss of ecological functions:

- Reclassification of shorelands using the new proposed shoreline environment designation system that is tied to the existing land use, biological and physical nature, and community vision. For example, shorelines formerly considered Urban Residential have been reclassified in some areas to Conservancy. The Urban Residential area extended beyond urban growth boundaries and was inconsistent with the zoning, land character and existing conditions.
- Incorporation of and improving upon the standards in the Resource Ordinance, as amended, which meets the best available science test at the time of adoption.
- Developing a Channel Migration Zone map, so that CMZ language in the Resource Ordinance will have meaning.
- Special protections for Hood Canal, a shoreline of statewide significance including: restricting single-use docks and piers and prohibiting commercial finfish net pens.
- Assigning a Conservancy designation to the Skokomish River, a shoreline of statewide significance. The SMP reinforces the existing Floodplain Damage Prevention Ordinance which prohibits new structures and substantial improvements in the Skokomish floodplain/floodway.
- New standards for construction of docks, including a prohibition in the Natural designation, and a requirement for a cumulative impacts analysis for construction of new docks when a CUP is required.
- New standards for mitigation sequencing including avoidance, minimization and mitigation for impacts within shoreline jurisdiction. Examples include: for new bulkheads - a new requirement that need is based on geotechnical analysis that erosion imminently threatens a primary structure and that all soft stabilization measures have been seriously considered.
- Requiring a statement of exemption for most activities that are exempt from the shoreline Substantial Development Permit to ensure consistency with the SMP (the statement of exemption is optional for development that doesn't require section 10 or 404 authorization).
- Geotechnical reports required for new development in or near landslide hazard areas will need to 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.
- Amendments to the Resource Ordinance adopted as part of the SMP update clarify how residential development authorized using a common line buffer will provide mitigation. This resolves a problem with the existing Resource Ordinance that vaguely required some restoration, but contained language that did not adequately support that requirement.
- Increasing the minimum Fish and Wildlife Habitat Conservation Area buffers for marine shorelines and clarifying the requirement for building setbacks (see Table 4-1).
- Creating a financial incentive for those who choose to replace hard armoring, such as a rock or concrete bulkhead, with soft stabilization measures. The incentive is simple and the rewards are reaped at time of permit application submittal.

Ecology finds that Mason County has evaluated the cumulative impacts of reasonably foreseeable future development. To assure no net loss, the County adjusted the policies and regulations, shoreline environment designations, and incorporated robust critical areas protections to address the potential for net loss of shoreline ecological functions. The locally adopted SMP fairly allocates the burden of

addressing cumulative impacts among development opportunities. Ecology finds that the County's SMP, supporting Cumulative Impact Analysis, and No Net Loss statement are consistent with the SMP Guideline governing principle (WAC 173-26-186(8)) as well as the legislative intent of the Shoreline Management Act under RCW 90.58.

Restoration Plan: Local SMPs are required to include goals, policies and actions for restoration of impaired shoreline ecological functions (WAC 173-26-201(2)(f); WAC 173-26-186(8)(c)). The goal of these provisions is to improve the overall condition of habitat and resources within the shoreline area over time (WAC 173-26-201(2)(c)).

The County's SMP includes both policies and regulations in Section 17.50.260 that permit and promote restoration efforts along all County shorelines and explicitly link restoration actions to the priorities and projects identified in the Mason County Shoreline Restoration Plan (ESA, et al April 2013).

Mason County, in coordination with members of the Joint Technical Advisory Committee, developed a restoration plan based on the information gathered in the Inventory and Characterization (ESA, 2012). The Final Shoreline Restoration Plan identifies specific and programmatic restoration opportunities and actions for each watershed and waterbody. Chapter 2 of the Plan identifies suggested restoration goals, objectives, actions and success measures. Chapter 4 focuses on restoration priorities and Chapter 5 (marine) and 6 (lakes) identify restoration actions. Existing programs, partners, general timelines and benchmarks and monitoring and adaptive management strategies are also discussed in the document.

Ecology finds that the Final Shoreline Restoration Plan is based on appropriate technical information available to the County during the SMP update. The Final Restoration Plan can serve as an effective tool for the County, non-profit organizations and the public to collectively improve shoreline conditions over time (WAC 173-26-186; WAC 173-26-201).

Amendment History and Review Process:

Amendment History: Mason County applied for and received a three-year grant from Ecology in 2010. Work began in September 2010 consistent with a scope of work described in *SMA Grant No. G1100004*. The grant was managed by Mason County.

Mason County agreed to complete an update of the Shoreline Master Program (SMP) that was developed and adopted in a manner consistent with the procedural and substantive requirements of the Shoreline Management Act (SMA) and its implementing rules, including the Shoreline Master Program Guidelines (Guidelines). The SMP update process includes completion of inventory and analysis reports with corresponding maps and illustrations that characterize shoreline ecological conditions; development of shoreline policies, environment designations, and use regulations; as well as analysis of cumulative impacts and uses, preparation of a shoreline restoration plan and a formal local adoption process. The County hired a consultant in November 2010 (ESA, formerly ESA Adolfson) and worked closely with them in developing documents and implementing a public outreach effort on a county-wide basis. The County also hired a shoreline planner to assist the consultant.

A County-wide draft *Shoreline Inventory and Characterization (I&C)* was issued in January 2011. Ecology provided extensive comments on the first draft. In addition, 241 public comments were

received on the initial report. In response to these comments, the I&C was revised and the final draft was issued in October 2012.

Mason County's review, revision and ultimate adoption of the draft SMP was a thorough and deliberative process. Nearly 100 meetings of citizens, technical and planning committees were held. Ecology staff attended every CAC, JTAC and Planning Commission meeting and provided comment throughout each process.

An early draft master program was produced in January 2013 and reflected CAC and JTAC involvement. This draft was subsequently sent to the Planning Commission where it was further revised. The final draft reflects all three groups' input, plus minor revisions made by the Board of County Commissioners in response to comments during their review. Ecology staff were present at both BOCC hearings and were apprised of the final changes as they were made.

Public Participation: The Public Participation Plan documents all public participation efforts proposed and carried out.

The County sent a "Shape Your Shoreline" mailer to all shoreline property owners, held two open houses, broadcasted information on KMAS (local radio), and published an article in "Shelton Life" regarding the SMP update.

The County presented information on the SMP update to several local groups, including the Ports, Mason County Economic Development Council, the Hood Canal Community Club, the Lower Hood Canal Watershed Coalition, the Mason County Realtors, Tacoma Power, Oakland Bay Clean Water, the Olympia Master Builders, the Mason & Benson Lake Homeowners Association, and the Shelton Rotary.

The County formed and worked with a Citizens Advisory Committee and a Joint Technical Advisory Committee.

Citizens' Advisory Committee: This committee included representatives with interests in ports, commercial businesses, residential development, shellfish industry, forestry, environmental issues and shoreline property owners. A representative of the Skokomish Tribe was also named. The CAC held 27 meetings from 2011 to 2013 and focused on reviewing goals, policies, and regulations and shoreline designation maps. They met jointly with the TAC on a number of occasions and were invited to review the technical documents.

Joint Technical Advisory Committee: This committee included representatives from local, state and federal resource agencies and included citizens with expertise. Representatives of the Skokomish and Squaxin Tribes were named on the committee. The JTAC met 14 times from April 2011 to September 2012 and was tasked with reviewing the technical documents including the inventory and characterization, the restoration plan and the cumulative impacts analysis and no net loss report.

All workshops, open houses and meetings of the advisory committees were open to the public and advertised in the local papers. Mailings to shoreline property owners (>5000) and interested parties were sent out during each of the SMP update phases.

Project Website: Mason County regularly updated the Department of Community Development webpage to share documents and update proceedings related to the SMP update. The website included the project schedule, draft documents and maps, meeting notices, contact information and an e-mail link to submit comments throughout the process.

Local Review Process: The County formed and worked with two groups, the Shoreline Joint Technical Advisory Committee and the Shoreline Citizen's Advisory Committee during the initial phase of the update from 2011 through 2013 to assist in developing the SMP goals, policies, environmental designations, and use/development regulations.

The Joint Technical Advisory Committee held 14 meetings and the Citizen's Advisory Committee held 27 meetings, a "Preliminary Draft SMP" and was completed in January 2013 and the Jurisdiction Map and the Environmental Designation Map were completed in May 2013 (and later revised).

The Planning Advisory Commission (PAC) began their review of the "Preliminary Draft SMP" in January 2013 and found it necessary to also revise the Resource Ordinance (MCC 8.52) and the Development Code (Title 15 MCC) to ensure consistency with the revised SMP and to improve upon outdated references and issues with clarity, readability, and internal consistency.

Pursuant to the State Environmental Policy Act (SEPA), the County issued a Determination of Non-Significance on March 4th, 2016 and filed a Growth Management Act 60-day notice of intent to adopt with the State of Washington Department of Commerce.

After holding 47 public workshops and after significantly revising the "Preliminary Draft SMP," the PAC held public hearings on June 13th, June 20th, and June 27th. The PAC unanimously voted to forward the draft SMP and Resource Ordinance to the Board of County Commissioners on June 27th, 2016.

The Board of County Commissioners considered the SMP and Resource Ordinance together with Staff's Report and public testimony at a duly advertised public hearing on October 25th, 2016. The Board approved a resolution to repeal and replace the SMP and Resource Ordinance on December 6, 2016.

Ecology finds the record submitted adequately documents compliance with WAC 173-26-100 and 110.

State Review Process: The County submitted the SMP on March 31, 2017. Ecology verified the submittal as complete on April 21, 2017. Notice of the state comment period was distributed to potentially interested tribes and interested parties identified by the County on May 9, 2017 (US Mail) and June 14, 2017 (email), in compliance with the requirements of WAC 173-26-120. The state comment period began on May 22, 2017 and was initially scheduled to continue through June 21, 2017. However, an oversight was discovered whereby "e-mail only" notification was not provided at the same time as the regular mailing. As a result, Ecology extended the comment period through July 14, 2017 to provide a full 30-day review for "e-mail only" recipients. Notice was posted on the Ecology website for shoreline master programs: <http://52.33.28.53:8004/programs/sea/shorelines/smp/mycomments/MasonCounty.html> and on Ecology's Public Involvement Calendar. A link to the Ecology website was also placed on the County website. Ecology staff determined a state-sponsored public hearing was not necessary.

A total of seventeen individuals, two organizations, two state agencies, and one federal agency submitted comments on the proposed amendments during the state comment period. Ecology sent all written comments it received to the County on July 26, 2017. On August 16, 2017 the County submitted its responses to issues raised during the state comment period to Ecology.

Summary of Issues Raised during the Ecology Public Review Process: The majority of the comments submitted focused on concerns about impacts from boating activities on Mason Lake. In addition, comments received from Futurewise suggested inconsistency with WAC 173-26 regarding Commercial Uses, Flood Control structures and Fills in shoreline jurisdiction. Futurewise also provided valuable edits for clarification. One citizen and a separate organization expressed concerns about provisions allowing geoduck aquaculture to occur in areas that were previously used for other types of shellfish culture.

WDFW offered two edits to address shoreline stabilization and in-stream structures. WADNR offered a number of suggestions to create harmony between their regulations and the SMP.

The complete record of the responsiveness summary, including Ecology's responses to the issues raised during the comment period, are available as part of the SMP amendment process record in Attachment D.

Consistency with Chapter 90.58 RCW: The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5).

Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of the SMP Submittal Checklist, which was completed by the County and provided with the submittal of the locally adopted SMP.

Consistency with SEPA Requirements: The County submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on March 4, 2016. Comments were accepted until March 18, 2016. Mason County issued a follow-up notice on April 15, 2016, notifying commenters that they were retaining the DNS, and that recommended changes made by commenters would be considered by the Planning Commission in upcoming meetings. Ecology did not comment on the DNS.

Other Studies or Analyses supporting the SMP update: Ecology also reviewed the following reports, studies, map portfolios and data prepared for the County in support of the SMP amendment:

These supporting documents include:

- *Mason County Public Participation Plan, June 2011*
- *Mason County Shoreline Inventory and Characterization (final draft) October 2012*
- *Mason County Cumulative Impacts Analysis and No Net Loss statement (final draft) February 2017*
- *Mason County Restoration Plan, (Final) April 2013*

- *Mason County Shoreline Designation Rationale, September 2011*
- *Mason County Shoreline Environment Designation Map, December 2016*
- *Mason County BOCC-approved Resource Ordinance December, 2016*

Summary of Issues Identified by Ecology as Relevant To Its Decision:

Required changes addressing these issues are listed in Attachment B.

1. The existing SMP is inconsistent with WAC 173-26-211 with respect to Commercial Uses in the Conservancy SED. The WAC states that:

Except as noted, commercial and industrial uses should not 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.

Comments were received from Futurewise regarding this inconsistency. A required change to Table 17.50.090 has been drafted to address this issue with assistance from County staff. The County has indicated there are no existing Commercial Uses or Commercial Zoning in any areas proposed for a Conservancy SED.

2. The County must reference the final updated version of the Resource Ordinance prior to final approval of the SMP as required by WAC 173-26-191(2)(b).

3. The definition of wetlands needs minor amendments for consistency with RCW 90.58.030(2)(h).

4. The description of how the SMP should be reviewed over time should reference the statutorily required “periodic review” required by RCW 90.58.080(4)

Ecology finds that the proposed SMP as approved by Mason County under Resolution No. 96-14 is consistent with the applicable SMP Guideline requirements, provided the county adopts amendments identified within Attachment B - Required Changes.

Pursuant to WAC 173-26-120 Ecology has also identified Recommended Changes (see Attachment C) to the SMP for consideration by the County.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that Mason County’s proposed comprehensive amendment to its SMP, subject to and including Ecology’s required changes (itemized in Attachment B), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that approval of the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c)).

Ecology also concludes that a separate set of recommended changes to the submittal (identified during the review process and itemized in Attachment C) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required but can, if accepted by the County, be included in Ecology's approved SMP amendments. Many of the recommended changes were suggested by county staff, in response to public comments.

Consistent with RCW 36.70A.480(4) and RCW 90.58.610, Ecology concludes that those SMP provisions relating to critical areas within Shoreline Management Act jurisdiction assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the County has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the County has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the County has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the County has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the County's comprehensive SMP update/amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that Mason County has chosen not to exercise its option pursuant to RCW 90.58.030(2)(f)(ii) to increase shoreline jurisdiction to include land necessary for buffers for critical areas located within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the County's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas and their buffer areas (that don't extend beyond SMA jurisdiction) shall be regulated solely by the SMP.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the SMP, are consistent with Shoreline Management Act policy, the applicable guidelines and

implementing rules, once required changes set forth in Attachment B are approved by the County. The county may choose to adopt the recommended changes in Attachment C. Pursuant to RCW 90.58.090(2)(e), the county must notify Ecology of the approval or denial of the recommended changes. Ecology approval of the proposed amendments with required changes is effective fourteen (14) days from Ecology's final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the County may choose to submit an alternative to the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final. Approval of the updated SMP and proposed alternative/s is effective fourteen (14) days from Ecology's final action approving the alternative/s.