

Shoreline Management Master Program

Definitions

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DEFINITIONS. As used herein the following words and phrases shall have the following meanings:

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"Accretion" - The growth of a beach by the addition of material transported by wind and/or water. Included are such shoreforms as barrier beaches, points, spits, hooks, and tombolos.

"Act" - The Shoreline Management Act, Chapter 90.58 RCW [WAC 173-14-030(1)]

"Accessory Use" - Any structure or use incidental and subordinate to a primary use or development (SHB, UWPA pg. 35)

"Adjacent Lands" - Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction). The SMA directs local governments to develop land use controls i.e. zoning, etc. for such lands consistent with the policies of the SMA, related rules, and the local master program. See RCW 90.58.340.

"Agriculture" - The cultivation of the soil, production of crops, and/or raising of livestock, including an incidental preparation of these products for human use.

"Alluvium" - Unconsolidated fragmental material deposited by streams in river beds, flood plains, lakes, fans at the foot of mountain slopes and estuaries.

"Anadromous Fish" - Species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to fresh water rivers and streams to procreate.

"Appurtenance" - A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the perimeter of a marsh, bog, or swamp, and landward of the ordinary high water mark. Normal appurtenances include a garage; deck; driveway; utilities solely servicing the subject single-family residence; fences; and grading which does not exceed two hundred fifty (250) cubic yards (except to construct a conventional drainfield).

"Aquaculture" - The cultivation of fish, shellfish, and/or other aquatic animals or plants, including the incidental preparation of these products for human use.

"Archaeological" - Having to do with the scientific study of material remains of past human life and activities.

"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 building or structure. However, in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure. [WAC 173-14-030(3)]

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"Backshore" - The accretion or erosion zone, located landward of the line of ordinary high tide, which is normally wetted only by storm tides. It may take the form of a more or less narrow storm berm (ridge of wave heaped sand and/or gravel) under a bluff or it may constitute a broader complex of berms, marshes, or dunes landward of the line of ordinary high tide. It is part of the littoral drift process along its seaward boundary.

"Beach" - The zone of unconsolidated material that is moved by waves, wind, and tidal currents, extending landward to the coastline.

"Beach Enhancement/Restoration" - Process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills, and other nonintrusive means as applicable. For purposes of shoreline regulations, beach enhancement is not considered landfill or shoreline stabilization, and therefore not regulated under those uses.

"Beach Feeding" - Process of replenishing a beach by delivery of materials dredged or excavated elsewhere.

"Berm" - A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the line of ordinary high tide. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

"Best Available Technology" - The most effective method, technique, or product available which is generally accepted in the field, and which is demonstrated to be reliable, effective, and preferably low maintenance.

"Bioengineering" - See Soil Bioengineering.

"Biofiltration System" - A storm water or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds, and other vegetative features.

"Biota" - The animals and plants that live in a particular location or region.

"Boat Launch or Ramp" - Graded slopes, slabs, pads, plants, or rails used for launching boats by means of a trailer, hand, or mechanical device.

"Bog" - A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues, and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the nature process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.

"Breakwater" - Offshore structure aligned parallel to shore, sometimes shore-connected, that provides protection from waves.

"Buffer Area" - A parcel or strip of land that is designed and designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, to provide habitat for wildlife, and to afford limited public access.

"Bulkhead" - A solid or open pile wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action.

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"Channel" - An open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stockwatering channels. [WAC 173-14-030(8b)] See also Stream.

"Clearing" - The destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

"Coastline" - The line where terrestrial processes give way to marine processes, tidal currents, wind waves, etc.

"Commercial Feedlot" - see Feedlot.

"Conditional Use" - A use or development which is classified by the Master Program as a conditional use in certain shoreline environments or is not classified by the Master Program. Conditional uses can be permitted only by meeting performance standards that make the use compatible with other permitted uses within that area.

"Covered Moorage" - Boat moorage, with or without walls, that has a roof to protect the vessel.

"CZMP" - Coastal Zone Management Plan.

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"Degrade" - To scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

"Delta" - See River Delta.

"Department" means State of Washington, Department of Ecology.

"Development" - A use, consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any state of water level.

"Director" - The director of the Department of Ecology.

"DNS" - Determination of Nonsignificance, under SEPA.

"Downdrift" - The direction of movement of beach materials.

"Dredging" - The removal of earth, sand, sludge or other materials from the bottom of a stream, river, lake, bay or other water body. However the creation of temporary depressions or contour alterations on tidelands or bedlands through the use of aquaculture harvesting equipment approved by the Department of Fisheries shall not be construed to be dredging as defined in this Master Program.

"Drift Sills" - Small groins which hold sediments in place without blocking longshore drift.

"Dune" - A hill or ridge of sand piled up by the wind and/or wave action.

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"Emergency" - An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements. [RCW 90.58.030(3eiii); WAC 173-14-040(1d)]

"Enhancement" - Alteration of an existing wetland or habitat to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from wetland/habitat creation or restoration projects.

"Erosion" - The wearing away of land by the action of natural forces.

"Estuary" - The zone in which fresh water and saltwaters mingle and effect the total land and water habitat. They are often referred to as "flats," "mud bays," "marshes," or "saltchucks."

"Estuarine Zone" - The zero-gradient sector of a stream where it flows into a standing body of water together with associated wetlands; tidal flows reverse flow in this zone twice daily, determining its upstream limit. It is characterized by low bank channels (distributaries) branching off the main streamway to form a broad, near-level delta; vegetation ranges from marsh to forest, and water is usually brackish due to daily mixing and layering of fresh and salt water. Estuarine shores are rich in aquatic and other bird and animal life, and in their natural condition are the most productive of all shoreline habitats in terms of the marine food chain.

"Exemption" - Certain developments are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit, [RCW 90.58.030(3e); WAC 173-14-030(60;040)]

"Extreme Low Tide" - The lowest line of the land reached by a receding tide.

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"Fair Market Value" - The expected price at which the development can be sold to a willing buyer. For developments which involve non-structural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation of where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project. [WAC 173-14-030(7)]

"Feeder Bluff, Erosional Bluff" - Any bluff (or cliff) experiencing periodic erosion from waves, sliding or slumping, whose eroded earth, sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform. These natural sources of beach material are limited and vital for the long term stability of driftways and accretion shoreforms.

"Feedlot" - An enclosure or facility, of any size, used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or pasture for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations. [RCW 90.58.030(3eiv); WAC 173-14-040(1e)]

"Floating Home" - A structure designed and operated substantially as a permanently based structure and not as a vessel and is typically characterized by permanent utilities and a semi-permanent anchorage/moorage design, and by the lack of adequate self-propulsion to operate as a vessel.

"Floodplain" - Synonymous with one hundred-year floodplain and means that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the SMA. [WAC 173-22-030(2)].

"Floodway" - Those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually. The floodway is identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover conditions. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. The limits of the floodway are based on flood regulation ordinance maps or by a reasonable method which meets the objectives of the SMA. [RCW 90-58-030(2g); WAC 173-22-030(3)]

"Forest Practice" - Any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, pre-commercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control. See WAC 222-16-010(21).

"Foreshore" - In general terms, the beach between mean higher high water and mean lower low water.

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"Gabions" - structures composed of masses or rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

"Grading" - The physical manipulation of the earth's surface and/or drainage pattern in preparation for an intended use or activity.

"Groin" - (also referred to as a spur dike or rock well) - A barrier-type structure extending from the backshore or streambank into a

water body for the purpose of the protection of a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials.

"Guidelines" - Those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs.

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"Habitat" - The place or type of site where a plant or animal naturally or normally lives and grows.

"Hearings Board" - The shorelines hearings board established by the act.

"Height" - The distance measured from the average grade level to the highest point of a structure. However, television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines (or the master program provides otherwise): Provided further, That temporary construction equipment is excluded in this calculation. [WAC 173-14-030(9)]

"Hook" - A split or narrow cape of sand or gravel which turns landward at its outer end.

"Houseboat" - A vessel used for living quarters but licensed and designed substantially as a mobile structure by means of detachable utilities or facilities, anchoring, and the presence of adequate self-propulsion to operate as a vessel.

"HPA Hydraulic Project Approval" - The permit issued by the Washington State Department of Fisheries or Wildlife pursuant to the State Hydraulic Code Chapter 75.20.100-140 RCW.

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"In-kind Replacement" - To replace wetlands, biota or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced or degraded by an activity.

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"Jetty" - A structure(s) projecting out into the sea at the mouth of a river for the purpose of protecting a navigation channel or a harbor, or to influence water currents.

L

"Lacustrine" - of, on, or pertaining to the banks of a lake.

"Lake" - A body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty (20) acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream. [RCW 90.58.030(1d); WAC 173-20-030; WAC 173-22-030(4)]

"Levee" - A large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

"Liberal Construction" - A key concept of shoreline management. Provisions of the Shoreline Management Act are to be liberally construed to give full effect to the objectives and purposes of the Act. Interpretations of the Act must actively promote the Act and not frustrate its purposes. See RCW 90.58.900.

"Littoral Drift" - The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

"**Littoral**" - Living on, or occurring on, the shore.

"**Local Government**" - Any county, incorporated city, or town which contains within its boundaries any lands or waters subject to the Shoreline Act of 1971.

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"**Marshes, Bogs, and Swamps**" - Lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. Such lands must have one or more of the following attributes: a) at least periodically, the land supports predominantly hydrophytes (water dependent plants); and/or b) the substrate is predominately undrained hydric (showing characteristics of saturation soil. [WAC 173-22-030(5)]

"**Marshes**" - Soft, wet areas periodically or continuously flooded to a shallow depth, usually characterized by a particular subclass (monocotyledons) of grasses, cattails, and other low plants.

"**Master Program**" - The comprehensive use plan for a described area, and the use regulations, together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in section 2 of the act.

"**Mean Higher High Tide (MHHT)**" - The arithmetic mean of the higher of two daily high tides calculated from the most recent 19 year tidal cycle.

"**Merchantable Trees**" - All live trees 8" in Diameter at Breast Height (DBH) and larger unless documentation of current, local market conditions are submitted and accepted by the local jurisdiction indicating nonmarketability. "Merchantable trees" shall not include trees smaller than 4" DBH.

"**Mitigation**" - The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal. See WAC 197-11-768, SEPA rules and definition of wetland Mitigation.

"**Mobile Home**" - A semi-permanent residential structure possessing a trailer-like frame and wheels, usually without means of self propulsion, designed to be moved infrequently if necessary.

"**Mooring Buoy**" - A floating object anchored to the bottom of a water body that provides tie up capabilities for vessels.

"**Mulch**" - An addition of organic material (e.g. woodchips, sawdust, straw, grass clippings, or compost, etc.) to bare soils or in planting beds.

"**Multi-Family Dwelling (or residence)**" - A building containing two or more dwelling units, including but not limited to duplexes, apartments, and condominiums.

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"**Native Plants, Native Vegetation**" - Plants which are indigenous to the Puget Sound region, not including noxious weeds or exotic (i. e., introduced species of) plants.

"**Nonconforming Development**" - A shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the applicable shoreline provisions. [WAC 173-14-055(1)]

"**Normal Maintenance**" - Those usual acts to prevent a decline, lapse or cessation from a lawfully established condition. [WAC 173-14-040(1b)]

"**Normal Protective Bulkhead**" - A bulkhead, common to single-family residences, constructed at or near the ordinary high water mark to protect an existing single-family residence, and which sole purpose is for protecting land from erosion, not for the purpose of creating new land. [WAC 173-14-040(1c)]

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"**OHW**" - See Ordinary High Water Mark.

"**Off-site Replacement**" - To replace wetlands away from the site on which a wetland has been impacted by a regulated activity.

"**On-site Replacement**" - To replace wetlands at or adjacent to the site on which a wetland has been impacted by a regulated activity.

"**Ordinary High Water Mark**" - The mark on all lakes, streams and tidal waters, which will be found by examining the beds 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 the effective date of this chapter, or as it may naturally change thereafter. However, in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high water.

"**Out of Kind Replacement**" - To replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.

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"**Permit**" - Any substantial development, variance, conditional use, or revision thereto authorized under provisions of this Master Program and issued by the local government having administrative jurisdiction, subject to review by the department.

"**Practicable Alternative**" - An alternative that is available and capable of being carried out after taking into consideration short-term and long-term cost, options of project scale and phasing, existing technology, and logistics in light of overall project purposes. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

"**Prime Agricultural Land**" - Land areas of Class II and Class III soils of 240 contiguous acres or larger regardless of zoning or shoreline environment designation. Contiguous shall mean adjoining acreage regardless of ownership. Also includes Agricultural Lands of Long Term Significance as defined by the State Growth Management Act of 1990.

"**Principal Use Parking**" - Commercial parking which is the principal use on the property and is not accessory to another use.

"**Public Interest**" - The interest shared by the citizens of the state of community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development. [WAC 173-14-030(14)]

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"**RCW**" - Revised Code of Washington

"**Recreational Vehicle**" - A vehicle licensed, designed and operated for recreational purposes, which has a means of self-propulsion or is readily towable by a car or pickup truck, and is not used as a residence in any one location for extended periods of time (generally more than three months).

"**Residential Development**" - Development which is primarily devoted to or designed for use as a dwelling(s).

"**Restoration**" - To revitalize or reestablish characteristics and processes of a wetland or habitat diminished or lost by past alterations, activities, or catastrophic events.

"**Revetment**" - Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

"Riparian" - Of, on, or pertaining to the banks of a river.

"Riparian Habitat" - The streamside environment which serves as fisheries and wildlife habitat, and also functions for water quality improvements and minimizing flood damage.

"Riprap" - A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure of embankment; also the stone so used.

"River Delta" - Those lands formed as aggregational feature by stratified clay, silt, sand, and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels. [WAC 173-22-030(7)]

"Runoff" - Water that is not absorbed into the soil but rather flows along the ground surface following the topography.



"Scalping, Bar Scalping" - The removal of river bar material without removing material below the water line or affecting the hydrology of the river at the removal site.

"Seawall" - Structure separating land and water areas primarily to prevent erosion and other damage by wave action. Generally more massive and capable of resisting greater wave forces than a bulkhead.

"Sediment" - The material deposited by water or wind.

"SEPA" - State Environmental Policy Act - SEPA requires state agencies, local governments, and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, EISs may be required to be prepared and public comments solicited.

"Setback" - A required open space, specified in shoreline master programs, measured horizontally upland from and perpendicular to the ordinary high water mark.

"Shoreline Environment Designations" - The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4). The Snohomish County Shoreline Management Master Program classifies shorelines into five environments: natural, conservancy, rural, suburban, and urban.

"Shoreline Jurisdiction" - The proper term describing all of the geographic areas covered by the SMA, related rules, and the applicable master program. Also, such areas within a specified local government's authority. See definitions of "shorelines", "shorelines of the state", "shorelines of Statewide Significance", and "associated wetlands".

"Shoreline Master Program (SMP)" - The comprehensive use plan and related use regulations which are used by local governments to administer and enforce the permit system for shoreline management. Master programs must be developed in accordance with the policies of the SMA, be approved and adopted by the state, and be consistent with the rules (WACs) adopted by Ecology.

"Shoreline Permit" - A substantial development, conditional use, revision, or variance permit or any combination thereof. [WAC 173-14-030(13)]



"Shorelines" - All of the water areas of the State, including reservoirs, and their associated wetlands, together with the lands underlying them, except:

a) Shorelines of state-wide significance;

b) Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments; and

c) Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

"Shorelines Hearings Board (SHB)" - A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit and appeals by local government on Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA. See RCW 90.58.170; 90.58.180; and WAC 173-14-170; 173-14-174.

"Shorelines of State-Wide Significance" - Include the following shorelines of the state:

(a) The area between the ordinary high-water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(b) Those areas of Puget Sound and adjacent saltwaters and the Strait of Juan de Fuca between the ordinary high-water mark and the line of extreme low tide as follows:

(i) *Nisqually Delta* - from DeWolf Bight to Tatsolo Point;

(ii) *Birch Bay* - from Point Whitehorn to Birch Point;

(iii) *Hood Canal* - from Tala Point to Foulweather Bluff;

(iv) *Skagit Bay and adjacent area* - from Brown Point to Yokeko Point; and

(v) *Padilla Bay* - from March Point to William Point.

(c) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent saltwaters north to the Canadian line and lying seaward from the line of extreme low tide;

(d) Those lakes, whether natural, artificial or a combination thereof; with a surface acreage of 1,000 acres, or more, measured at the ordinary high-water mark;

(e) Those natural rivers or segments thereof, as follows:

(i) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second, or more;

(ii) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at 200 cubic feet per second, or more, or those portions of rivers east of the crest of the Cascade range downstream from the first 300 square miles of drainage area, whichever is longer;

(f) Those wetlands associated with (a) through (e).

"Shorelines of the State" - means the total of all "shorelines" and "Shorelines of state-wide significance" within the state.

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"Sign" - A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

"Single-Family Residence" - A detached dwelling designed for and occupied by one family and includes normal appurtenances thereto within a contiguous ownership.

"Slash" - The organic debris which is produced by logging operations.

"SMA" - The Shoreline Management Act of 1971 Chapter 90.58 RCW, as amended.

"Soil Bioengineering" - An applied science that combines structural, biological, and ecological concepts to construct living structures that stabilize the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

"Solid Waste" - All putrescible and nonputrescible solid and semisolid wastes including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

"Spit" - An accretion shoreform which extends seaward from and parallel to the shoreline. They are usually characterized by a wave-built berm on the windward side and a more gently sloping, muddy or marshy shore in the leeward side. A curved spit is normally called a hook.

"State Master Program" - The cumulative total of all master programs approved or adopted by the Department of Ecology.

"Stream" - A naturally occurring body of periodic or continuously flowing water where: A) the mean annual flow is greater than twenty cubic feet per second, and b) the water is contained within a channel. [WAC 173-22-030(8)]. See also Channel, and Tidal Water.

"Streamway" - A general term describing the bed and banks of a stream.

"Structure" - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels. (WAC 173-14-030 (5))

"Subdivision" - The division or redivisions of land, including short subdivision.

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"Substantial Development" - Any development of which the total cost, or fair market value, exceeds two thousand-five hundred dollars (\$2,500.00) or any development which materially interferes with normal public use of the water or shorelines of the state except that the following shall not be considered substantial developments:

- a) Normal maintenance or repair of existing structures or developments, including damage by fire, accident, or elements;
- b) Construction of the normal protective bulkhead, common to single-family residences;
- c) Emergency construction necessary to protect property from damage by the elements;
- d) Construction of a barn or similar agricultural structure on wetlands. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including, but not limited to, head gates, pumping facilities, and irrigation channels. However, a feedlot of any size, all processing plants, all other activities of a commercial nature, or alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary for farming or ranching activities.
- e) Construction or modification of navigational aids, such as channel markers and anchor buoys;
- f) Construction on wetlands by an owner, lessee, or contract purchaser, of a single-family residence, for his own use or for the use of his family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof. Construction of a single-family residence and appurtenances as defined in this Master Program and for purposes of this exemption shall be located landward of the ordinary high water mark.
- g) The holder of a certification from the Governor pursuant to RCW 80.50 shall not be required to obtain a permit;
- h) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single family residence, for which the cost of fair market value, whichever is higher, does not exceed two thousand five hundred dollars (\$2,500.00).

i) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;

j) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

k) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of the 1975 amendatory Shoreline Management Act which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system. However, any new development associated with said diking or drainage systems, which would 1) reclaim lands which are not being used for agricultural purposes at the time of development is proposed, 2) increase the level of protection provided, or 3) enlarge the land area for which protection is provided, shall not be considered operation and maintenance under this exemption.

"Swale" - A vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.

"Swamp" - A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid wetland soils vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.

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"Tidal Flats" - Marshy or muddy areas of the seabed which are covered and uncovered by the rise and fall of tidal water.

"Tidal Prism" - The volume of water present between mean low and mean high tide.

"Tidal Water" - Includes marine and estuarine waters bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream. [WAC 183-22-030 (9)]

"Tidelands" - Land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

"Tombolo" - A causeway-like accretion spit that connects an offshore rock or island to the main shore, or to another island.

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"Upland" - Generally described as the area above and landward of the OHWM.

V

"Variance" - A means to grant relief from the specific bulk, dimensional or performance standards specified in the applicable master program. Variance permits must be specifically approved, approved with conditions, or denied by Ecology. (See WAC 173-14-150)

"Vessel" - Ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with normal public use of the water. (WAC 173-14-030(18)).

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"WAC" - Washington Administrative Code.

"WDOE" - The Washington State Department of Ecology.

"Water-bar" - A diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which cause soil movement and erosion.

"Water-dependent" - A use or a portion of a use which requires direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

"Water-enjoyment" - A recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of the use and which through the location, design and operation assure the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline space of the project must be devoted to provisions that accommodate public shoreline enjoyment. Examples may include parks, piers, museums, restaurants, educational/scientific reserves, resorts, and mixed use projects.

"Water-oriented" - Refers to any combination of water-dependent, water-related, and/or water enjoyment uses and serves as an all encompassing definition for priority uses under the SMA. Nonwater-oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples include professional office, automobile sales or repair shops, mini-storage facilities, multi-family residential development, department stores, and gas stations.

"Water-related" - A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a waterfront location. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

"Watercourse" - Any portion of a channel, bed, bank, or bottom within the ordinary high water mark of waters of the state. This definition does not include irrigation ditches, canals, stormwater runoff devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by humans.

"Wetland Mitigation" - Avoiding and minimizing adverse impacts to wetlands, including, in the following order of preferences:

- (1) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
- (5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

"Wetlands, Associated Wetlands, Wetland areas (Jurisdictional)" - Those lands extending landward for 200 feet in all directions, as measured on a horizontal plane from the ordinary high water mark; floodways, floodplains, and all marshes, bogs and swamps, and river deltas associated with the streams, lakes, and tidal waters subject to the SMA. See RCW 90.58.030(2f), WAC 173-16-030(17); WAC 173-22-030(10).

"Wetted Perimeter" - The areas of a watercourse covered with water, flowing or nonflowing.

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"Zoning" - To designate by ordinance, including maps, areas of land reserved and regulated for specific land uses.