

CHAPTER 8

DEFINITIONS

Accessory Use - Any structure or use incidental and subordinate to a primary use or development.

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 Washington Shoreline Management Act (SMA) of 1971, as amended, Chapter 90.58 RCW.

Adjacent Lands - Lands adjacent to the shorelines of the state or shorelands, and therefore outside of shoreline jurisdiction as defined by the SMA. The SMA directs local governments to develop land use controls (i.e. zoning, comprehensive planning) for such lands consistent with the policies of the SMA, related rules, and the local Master Program. See RCW 90.58.340.

Administrator - The City of Shelton Director of Planning or his/her designee, charged with the responsibility of administering this Shoreline Master Program.

Agricultural Activities - Agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

New agricultural activities are activities that meet the definition of agricultural activities but are proposed on land not currently in agricultural use.

Agricultural products include, but are not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products

including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products;

Agricultural equipment and agricultural facilities include, but are not limited to:

1. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
2. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; and
3. Farm residences and associated equipment, lands, and facilities.

Agricultural facilities do not include seasonal farmers' markets, and roadside fruit and vegetable stands.

Agricultural lands means those specific land areas on which agricultural activities are conducted as of the date of adoption of a local Master Program pursuant to the state guidelines adopted December 17, 2003, as evidenced by aerial photography or other documentation. After the effective date of the Master Program, land converted to agricultural use is subject to compliance with the requirements of the Master Program (WAC 173-26-020).

Amendment - A revision, update, addition, deletion, and/or re-enactment to an existing Shoreline Master Program (WAC 173-26-020).

Applicant - An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

Approval - An official action by a local government legislative body agreeing to submit a proposed Shoreline Master Program or amendments to Ecology for review and official action; or an official action by Ecology to make a local government Shoreline Master Program effective, thereby incorporating the approved SMP or amendment into the state Master Program (WAC 173-26-020).

Appurtenance - An appurtenance is necessarily connected to the use and enjoyment of a single-family residence. Normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield and grading which does not exceed two hundred fifty (250) cubic yards (except to construct a conventional drainfield) (WAC 173-27-040(2)(g)).

Aquaculture - The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery. (WAC-26-241(3))

Associated Wetlands - Those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act (WAC 173-22-030)

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 located under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure (WAC 173-27-030). Structures within shoreline jurisdiction shall comply with the definition contained herein.

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, meadows, 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.

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

Bedlands - The bed of navigable waters.

Benthic Organism - Organisms that live in or on the bottom of a body of water.

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 requires low maintenance.

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

Boat House - Any walled and roofed structure built over water or upland and used for storage of watercraft or float planes and associated equipment and not used as a dwelling unit.

Boating Facilities – Marinas, both backshore and foreshore, dry storage and wet moorage types, liveboards, boat launches, covered moorage, boathouses, mooring buoys, marine travel lifts, floats, piers and docks.

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

Bog - A type of wetland where (1) organic (peat or muck) soil layers comprise at least 16 of the first 32 inches of the soil profile; or (2) there is more than 70% cover of mosses at ground level and more than 30% of the total shrub and herbaceous cover consists of species listed in Table 3 – Characteristic Bog Species in Washington State found in Hrubby, 2004, Washington State Wetlands Rating System for Western Washington, Ecology publication #04-06-025, or as revised by Ecology. Many bogs have soils classified as peat or muck, are nutrient poor, have a low pH (acidic), and are fed largely by rainfall rather than streams or groundwater. .

Breakwater - Offshore structure, sometimes shore-connected, that provides protection from waves.

Buffer - The area adjacent to the outer boundaries of a critical area, such as wetlands, habitat conservation areas (streams, marine shorelines), and/or landslide hazard areas, that provides an area for related ecological functions to take place and/or separates and protects critical areas from adverse impacts associated with adjacent land uses..

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 erosion by wave action.

A normal protective bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. (WAC 173-27-040)

Buoy – See Mooring Buoy.

Channel - An open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stockwatering channels .

Channel Migration Zone - The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings (WAC 173-26-020). It encompasses that area of current and historic lateral stream channel movement that is subject to

erosion, bank destabilization, rapid stream incision, and/or channel shifting, as well as adjacent areas that are susceptible to channel erosion.

City - The City of Shelton, Washington.

Clean Water Act - The primary federal law providing water pollution prevention and control; previously known as the Federal Water Pollution Control Act. See 33 USC 1251 et seq.

CFR - Code of Federal Regulations.

Clearing - The removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.

Commercial Development - Uses that are involved in wholesale, retail, service and business trade. Examples of commercial uses include hotels, motels, grocery markets, shopping centers, restaurants, shops, offices, and private or public indoor recreation facilities. Excluded from this definition are residential subdivisions, boating uses and industry.

Community Structure - A building, dock, or other structure which is intended for the common use of the residents of a particular subdivision or community. It is not intended to serve as a public facility.

Conditional Use - A use, development, or substantial development which is classified as a conditional use or is not classified within the Master Program (WAC 173-27-030).

Conditional Use Permit - Local governments are authorized under the SMA to include provisions for authorizing land uses and developments that may be permitted by conditional use permits (CUP). The purpose of the conditional use permit is to allow greater flexibility in varying the application of the use regulations of the Master Program.

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

Critical Areas - The following areas as required in SMC 21.64 shall be regarded as critical areas:

1. Critical aquifer recharge areas (see SMC Chapter 21.66).
2. Wetlands.
3. Geologically hazardous areas.
4. Frequently flooded areas.
5. Fish and wildlife habitat conservation areas.

Critical Saltwater Habitats - All kelp beds; eelgrass beds; spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial

and recreational shellfish beds; mudflats; intertidal habitats with vascular plants; and areas with which priority species have a primary association (WAC 173-26-221).

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

Development – An activity 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 of the state subject to the Shoreline Management Act of 1971 at any state of water level (RCW 90.58.030(3)(a)). “Development” does NOT include projects that only involve dismantling or removing structures without any associated development or redevelopment.

Development Regulations - The controls placed on development or land uses, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a Shoreline Master Program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto (WAC 173-26-020).

Dock – A landing and/or moorage facility which abuts the shoreline; is used for commercial and/or pleasure craft; and does not include recreational decks, storage facilities or other appurtenances (WAC 173-27-040).

Dock, Community – A dock which is intended for the common use of the residents of a particular subdivision or community.

Dock, Joint-Use - A dock serving two or more lots each of which has water frontage.

Dredge Spoil or Dredge Material Disposal- Dredge spoil is the material removed by dredging. Dredge material disposal is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands for other uses or disposing of the byproducts of dredging.

Dredging - The removal or displacement of earth or sediments such as gravel, sand, mud or silt and/or other materials or debris from any stream, river, lake or marine water body and associated wetlands. .

Drift Sector or Drift Cell - A particular reach of marine shore in which littoral drift may occur without significant interruption, and which contains any and all natural sources of such drift, and also any shoreform(s) accreted by such drift. Each normal drift sector contains these shore process elements: feeder bluff or estuary, driftway, littoral drift, and accretion shoreform.

Driftway - That portion of the marine shore process corridor, primarily the upper foreshore, through which sand and gravel are transported by littoral drift. The

driftway is the essential component between the feeder bluff and the accretion shoreform of an integral drift sector. Driftways are also characterized by intermittent, narrow berm beaches.

Ecological Functions or Shoreline Functions - The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem(WAC 173-26-200 (2)(c)).

Ecology - The Washington State Department of Ecology, also referred to as the Department.

Ecosystem-wide Processes - The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Effective Date of Permit - The effective date of shoreline substantial development, conditional use and variance permits shall be the date of filing (for shoreline substantial development permit the date of filing is the date Ecology receives the local government's decision; for conditional use and variance permits the date of filing is the date Ecology's decision is transmitted to the local government).

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 provisions of this Master Program. Emergency construction does not include development of new permanent protective structures where none previously existed (WAC 173-27-040).

Enhancement - Actions performed within an existing degraded critical area and/or buffer to intentionally increase or augment one or more functions or values of the existing critical area or buffer. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing nonindigenous plant or animal species.

Erosion - A process whereby wind, rain, water and other natural agents mobilize, transport, and deposit soil particles.

Estuary - The zone in which fresh water and saltwater mingle and affect the total land and water habitat.

Estuarine Zone, Estuary - 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 branching off the main streamway to form a broad, near-level delta; bank, bed and delta materials are typically silt and clay, banks are stable, 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 - Exempt developments are those set forth in Section 2.3.2 of this Program which are not required to obtain a shoreline substantial development permit but which must otherwise comply with applicable provisions of the act and the local Master Program. Conditional use and/or variance permits may also be required even though the activity does not need a substantial development permit (WAC 173-27-030).

Extreme Low Tide - The lowest line on the land reached by a receding tide (RCW 90.58.030(2)(a)). For the purposes of the Shoreline Master Program, it is the contour 4.5 feet below mean lower low water (WAC 332-30-106 (18)).

Fair Market Value - The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials. (WAC 173-27-030).

Feasible - An action, such as a development project, mitigation, or preservation requirement, that meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2. The action provides a reasonable likelihood of achieving its intended purpose; and
3. The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames (WAC 173-26-020).

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.

Fill - The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land (WAC 173-26-020).

Float - A fixed platform structure anchored in and floating upon a water body that does not connect to the shore, and is used for water-dependent recreation or moorage for vessels or watercraft.

Floating Home - A single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a boat, even though it may be capable of being towed.. (See also Houseboat.)

Floodplain - Synonymous with one-hundred (100) year floodplain and refers to the land area susceptible to inundation with a one percent (1%) chance of being equaled or exceeded in any given year. The limits of this area are based on flood ordinance regulation maps or a reasonable method which meets the objectives of the SMA (WAC 173-26-020).

Floodway - The area, as identified in this Program, that has been established in Federal Emergency Management Agency flood insurance rate maps or floodway maps. The floodway shall not include those 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 (RCW 90.58.030(2)(b)).

Foreshore - The intertidal area between mean higher high water and mean low water.

Forest Practice - Uses and activities relating to the growing, harvesting and limited processing of timber. This includes, but is not limited to, (1) site preparation and regeneration; (2) protection from insects, fire and disease; (3) silvicultural practices such as thinning, fertilization and release from competing vegetation; and (4) harvesting.

Gabions - Structures composed of masses of 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.

Geotechnical Report or Geotechnical Analysis - A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed

development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes (WAC 173-26-020).

Grading - The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land (WAC 173-26-020).

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

Groin (also referred to as a spur dike or rock weir) - 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 by Ecology to implement the policy of Chapter 90.58 RCW and WAC 173-26 for regulation of use of the shorelines of the state prior to adoption of Master Programs. Such standards shall also provide criteria for local governments and Ecology in developing and amending Master Programs (WAC 173-26-020).

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

Hearing(s) Board or State Shorelines Hearings Board - Established by the Shoreline Management Act of 1971 to decide appeals of cases involving shoreline substantial development permits, conditional uses, or variances (RCW 90.58.030).

Hearings Examiner - The Hearings Examiner of the City of Shelton.

Height - The distance measured from the average grade level to the highest point of a structure; provided that television antennas, chimneys, flag poles, and similar appurtenances shall not be used in calculating height except where such appurtenances obstruct the view of the shoreline of a substantial number of residences adjoining such shorelines. Temporary construction equipment is excluded in this calculation (WAC 173-27-030). For all overwater structures height shall be measured from ordinary high water mark.

Houseboat - A structure used for living quarters which may be licensed as a vessel but is designed primarily to be a residence. See also Floating Home.

HPA - Hydraulic Project Approval. The permit issued by the Washington State Department of Fish and Wildlife pursuant to the State Hydraulic Code Chapter 75.20.100-140 RCW and Chapter 220-110 WAC.

Industrial Development - Facilities for processing, manufacturing and storage of finished or semi-finished goods. Examples of industrial development include container ship terminals, log storage, log rafting, lumber milling and processing, petroleum storage, transport and storage, ship building, and tug and barge operations.

Institutional Uses - Facilities for the provision of educational, medical, cultural, social, public safety, and/or recreational services to the community, including but not limited to schools, colleges, libraries, museums, community centers, government offices, and the relevant essential public facilities identified in WAC 365-196-550.

In-stream Structure - A structure placed by humans within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose (WAC 173-26-241).

Intertidal - The substratum from extreme low water of spring tides to the upper limit of spray or influence from ocean derived salts. It includes areas that are sometimes submerged and sometimes exposed to air, mud and sand flats, rocky shores, salt marshes, and some terrestrial areas where salt influences are present.

Jetty - Structures that are generally perpendicular to shore extending through or past the intertidal zone. They are built singly or in pairs at harbor entrances or river mouths mainly to prevent shoaling or accretion from littoral drift in entrance channels, which may or may not be dredged. Jetties also serve to protect channels from storm waves or cross currents, and stabilize inlets through barrier beaches. Most jetties are of riprap mound construction.

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.

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

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

Liveaboard - A boat principally used as an overwater residence, being occupied in a single location for a period exceeding two (2) months in any one (1) calendar year. Liveaboards are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring, and the presence of adequate self-propulsion and steering equipment to operate as a boat.

Marina - A water-dependent use that consists of a system of piers, buoys, or floats providing permanent or long-term moorage for ten (10) or more vessels. Community moorage facilities, yacht club facilities, and camp or resort moorage

areas providing moorage for ten (10) or more vessels are also included in this definition.

Marine – Tidally influenced waters of Puget Sound and associated bays, estuaries and inlets.

Marine Travel Lift - A mechanical device or sling that can hoist vessels off trailers and transport them into the water. Often associated with dry land moorage.

Mark - A visible line on the bank with respect to vegetation, soil, or other physical line created by erosion, barnacles, or leaching. In the case of two hydrologic systems interacting at the site, the higher of the two marks is used.

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 RCW 90.58.020 (RCW 90.58.030).

May - The action is acceptable, provided it conforms to the provisions of this Master Program (WAC 173-26-020).

Mean Higher High Water (MHHW) - The arithmetic mean of the higher of two daily high tides calculated from the most recent 19 year tidal cycle. It is measured from the mean lower low water = 0.0 tidal elevation (WAC 220-110-020).

Mean Lower Low Water (MLLW) - The arithmetic mean of the lower of two daily low tides calculated from the most recent 19 year tidal cycle (elevation: 0.0 feet) (WAC 220-110-020).

Mining - The removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses. Historically, the most common form of mining in shoreline areas is for sand and gravel because of the geomorphic association of rivers and sand and gravel deposits (WAC 173-26-241).

Mooring Buoy - A buoy secured to the bottom by permanent moorings and provided with means for mooring a vessel by use of its anchor chain or mooring lines.

Must - A mandate; the action is required (WAC 173-26-020).

Natural Topography or Existing Topography - The topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling (WAC 173-27-030).

Nonconforming Development - A structure or development 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 173-27-080).

Nonconforming Use - A use or activity that was lawfully established prior to the date of the applicable SMA/SMP and which no longer conforms to the applicable shoreline provisions (WAC 173-27-080).

Nonwater-oriented Use - Those uses that are not water-dependent, water-related, or water-enjoyment (WAC 173-26-020).

Normal Maintenance - Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040). See Normal Repair.

Normal Protective Bulkhead - See Bulkhead.

Normal Repair - To restore a development to a state comparable to its original condition, including but not limited to its size, shape configuration, location and external appearance, within a reasonable period after decay or partial destruction except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment. (WAC 173-27-040). See Normal Maintenance.

OHW, Ordinary High Water Mark - That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or Ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water (RCW 90.58.030). The following criteria clarify this mark on those waters within the City of Shelton per WAC 173-22-030(5), specifically, lakes, streams and marine waters.

1. Tidal waters.
 - a. In high energy environments where the action of waves or currents is sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the line of vegetation. Where there is no vegetative cover for less than one hundred (100) feet parallel to the shoreline, the ordinary high water mark is the average tidal elevation of the adjacent lines of vegetation. Where the ordinary high water mark cannot be found, it is the elevation of mean higher high tide;

- b. In low energy environments where the action of waves and currents is not sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the landward limit of salt tolerant vegetation. "Salt tolerant vegetation" means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand;
2. Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water;
3. Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

Parking - Temporary storage of automobiles or other motorized vehicles.

Periodic - Occurring at regular intervals.

Permit (or Shoreline Permit) - Any substantial development, variance, conditional use permit, or revision, or any combination thereof, authorized under Chapter 90.58 RCW (WAC 173-27-030).

Pier - A fixed platform structure supported by piles generally built from the shore and extending out over the water to provide water access or moorage.

Pier, Community - A pier which is intended for the common use of the residents of a particular subdivision or community.

Pier, Joint-Use - A pier serving two (2) or more lots each of which has water frontage.

Point - A low profile shoreline promontory that may be either the wave-cut shelf remaining from an ancient bluff or the final accretional phase of a hooked spit that closed the leeward side gap.

Port - A public enterprise providing services and facilities for commerce, transportation and economic development.

Primary Structure - The structure associated with the principal use of the property. It may also include single family residential appurtenant structures (such as garages, attached decks, driveways, utilities, and septic tanks and drainfields) that cannot feasibly be relocated. It does not include structures such as tool sheds, gazebos, greenhouses, or other ancillary residential improvements that can feasibly be moved landward to prevent the erosion threat.

Provisions - Policies, regulations, standards, guideline criteria or environment designations (WAC 173-26-020).

Public Access - The ability of the general public to reach, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations (WAC 173-26-221).

Public Interest - The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-27-030).

RCW - Revised Code of Washington.

Recreational Development - Commercial and public facilities designed and used to provide recreational opportunities to the public (WAC 173-26-241).

Residential Development - Development of single-family and multi-family residences and their normal appurtenances, and the creation of new residential lots through land division.

Restore, Restoration, Ecological Restoration - The reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions (WAC 173-26-020).

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

Riparian Corridor or Riparian Zone - The area adjacent to a water body (stream, lake or marine water) that contains vegetation that influences the aquatic ecosystem, nearshore area and/or and fish and wildlife habitat by providing shade, fine or large woody material, nutrients, organic debris, sediment filtration, and terrestrial insects (prey production). Riparian areas include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., zone of influence). Riparian zones provide important wildlife habitat. They provide sites for foraging, breeding and nesting; cover to escape predators or weather; and corridors that connect different parts of a watershed for dispersal and migration.

Riparian Vegetation - Vegetation that tolerates and/or requires moist conditions and periodic free-flowing water thus creating a transitional zone between aquatic and terrestrial habitats which provides cover, shade and food sources for aquatic and terrestrial insects for fish species. Riparian vegetation and their root systems stabilize streambanks, attenuate high water flows, provide wildlife habitat and travel corridors, and provide a source of limbs and other woody debris to terrestrial and aquatic ecosystems, which, in turn, stabilize streambeds.

Riprap - A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment.

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

Seaward - To or toward the sea.

Sediment - The material deposited by water or wind.

Setback - The distance an activity, building, or structure must be located from the edges of all critical area buffers or from the edges of all critical areas if no buffers are required.

Shall - A mandate; the action must be done (WAC 173-26-020).

Shorelands or Shoreland Areas - Those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (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 Chapter 173-22 WAC, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58 (RCW 90.58.030).

Shoreline Administrator - The City of Shelton Director of Planning and Community Development or his/her designee responsible for administering this Program.

Shoreline Environment Designations - The categories of shorelines established by this Program in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas (WAC 173-26-211).

Shoreline Jurisdiction - All shorelines of the state and shorelands (WAC 173-26-020 and RCW 90.58.030).

Shoreline Master Program (SMP), Master Program or 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 RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of a Shoreline Master Program approved under Chapter 90.58 RCW shall be considered an element of the city's comprehensive plan. All other portions of the Shoreline Master Program for a city adopted under Chapter 90.58 RCW, including use regulations, shall be considered a part of the city's development regulations (WAC 173-26-020).

Shoreline Modifications - Actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other

shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals (WAC 173-26-020).

Shoreline Permit - See Permit.

Shoreline Stabilization - Actions taken to address erosion impacts to property and structures caused by processes such as current, flood, wind, or waves. These actions include structural and nonstructural methods. Structural measures include but are not limited to bulkheads, revetments, riprap and soft structural measures such as bioengineering or beach enhancement. Nonstructural measures include building setbacks, relocation of structures, and groundwater management.

Shorelines - All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them, except: (a) shorelines of statewide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less, and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes. See RCW 90.58.030(2)(d) and WAC 173-18, 173-26 and 173-22.

Shorelines Hearings Board (SHB) - See Hearings Board.

Shorelines of Statewide Significance - A select category of shorelines of the state, defined in RCW 90.58.030(2)(f), where special policies and regulations apply. Within the jurisdiction of the City of Shelton, those areas of Puget Sound lying seaward from the line of extreme low tide qualify as shorelines of statewide significance.

Shorelines of the State - The total of all “shorelines” and “shorelines of statewide significance” within the state (RCW 90.58.030).

Should - The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and the Guidelines, against taking the action (WAC 173-26-020).

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.

Significant Vegetation Removal - The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal (WAC 173-26-020).

Single-family residence - A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance (WAC 173-27-040).

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

Soil Bioengineering - An applied science that combines structure, 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.

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, silt or marshy shore on the lagoon or leeward side. A curved spit is normally called a hook.

Structure - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts jointed together in some definite manner, whether installed on, above, or below the surface of ground or water, except for vessels (WAC 173-27-030).

Substantial Development - Any development of which the total cost or fair market value exceeds six thousand four hundred and sixteen dollars (\$6,416), or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. See also Development and Exemption.

Substantially Degrade - To cause significant ecological impact (WAC 173-26-020).

Subtidal - The area of the marine environment below extreme low tide.

Sustainable Development - Development which maintains a balance between the health of the natural environment and the needs of the human community which lives within it.

Terrestrial - Of or relating to land, as distinct from air or water.

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 173-22-030(9)).

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

Transportation Facility - Structures and developments that aid in land and water surface movement of people, goods, and services.

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

Utilities - Services and facilities that produce, convey, store, or process power, power, oil, gas, natural gas, sewage, communications, water and the like.

Utilities, Accessory - On-site utility features serving a primary use, such as a water, sewer or gas line to a residence.

Variance - A means to grant relief from the specific bulk, dimensional or performance standards specified in the Master Program and not a means to vary a use of a shoreline (WAC 173-27-030).

Vegetation Conservation - Includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species (WAC 173-26-221).

Vessel - A ship, boat, barge, or any other floating craft which is designed and used for navigation and does not interfere with normal public use of the water.

WAC - Washington Administrative Code.

Water-dependent - A use or a portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations (WAC 173-26-020). Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, log haulout/float areas, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

Water-enjoyment - Recreational uses, or other uses that facilitate 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 characteristic of the use and which through location, design and operation ensures 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-oriented space within the project must be devoted to specific aspects of the use that foster shoreline enjoyment (WAC 173-26-020). Examples may include parks, piers, museums, restaurants, educational/scientific reserves and resorts.

Water-oriented - A use that is water-dependent, water-related, or water-enjoyment use, or a combination of such uses (WAC 173-26-020). Nonwater-oriented examples include professional offices, automobile sales or repair shops, mini-storage facilities, multi-family residential development, department stores, and gas stations.

Water Quality - The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this Master Program, the term "water quantity" refers only to development and uses regulated under the Shoreline Management Act and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this Master Program, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340 (WAC 173-26-020).

Water-related - A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- 1) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- 2) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient (WAC 173-26-020).

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.

WDFW - Washington Department of Fish and Wildlife.

Weeds - Invasive nonnative shoreline vegetation or plants listed on the State Noxious Weed List.