

## CHAPTER 8 DEFINITIONS

For purposes of this Program, the following definitions shall apply. Additional definitions applicable to this Program can be found in CCC Section 40.100.070.

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| Accessory structure | “Accessory structure” means a subordinate building incidental to the use of the main building.  |
| Accessory use       | “Accessory use” means any use or activity incidental and subordinate to a primary use or development.   |
| Accretion           | “Accretion” means the growth of a beach by the addition of material transported by wind and/or water. Included are such shore forms as barrier beaches, points, spits, hooks, and tombolos.   |
| Act                 | “Act” means the Washington State Shoreline Management Act of 1971 (RCW 90.58), as amended.  |
| Adjacent lands      | “Adjacent lands” means lands adjacent to the shorelines of the state (not in shoreline jurisdiction) (RCW 90.58.340).   |
| Aggrieved person    | Aggrieved person” means a person who is suffering from an infringement or denial of legal rights or claims.   |
| Agricultural land   | “Agricultural land” 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 this program, land converted to agricultural use is subject to compliance with the requirements of this Program.   |
| Amendment           | “Amendment” means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.   |
| Appurtenance        | “Appurtenance” means a structure or development normally and necessarily connected to a primary use. Examples of normal appurtenances include garages (up to three cars), shops (up to one thousand (1000) square feet), decks, driveways, utilities, and fences.   |
| Aquaculture         | “Aquaculture” means the cultivation or farming of fish, shellfish, or other aquatic plants and animals (WAC 173-26-020(6)).   |
| Associated wetlands | “Associated wetlands” means those wetlands which are in proximity to and either influence or are influenced by waters of a lake, river or stream subject to the Shoreline Management Act.   |
| Average grade level | “Average Grade Level” means 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. For 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(3)). |

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| Beach enhancement         | “Beach enhancement” means the process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation drift sills, and other non-intrusive means as applicable.  |
| Bedlands                  | “Bedlands” means those submerged lands, including tidelands where appropriate, underlying navigable waters.   |
| Berm                      | “Berm” means: <ul style="list-style-type: none"> <li>• a linear mound or series of mounds of earth, sand and/or gravel generally paralleling the water at or landward of the line of ordinary high water; or</li> <li>• a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.</li> </ul>   |
| Best available science    | “Best available science” means the most reliable and available scientific information, most often used in the context of local government compliance with the State Growth Management Act (RCW 36.70A.172) for developing policies and development regulations regarding critical areas (WAC 365-195).  |
| Best available technology | “Best available technology” means 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            | “Bioengineering” means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation (WAC 220-110-020(12)). |
| Boat                      | “Boat” means any floating vessel or watercraft, including ships and barges, which is designed and used for navigation for commerce or recreation.   |
| Boat house                | “Boat house” means an over-water structure designed for storage of boats.   |
| Boat launch facility      | “Boat launch facility” means a facility or structure providing access in and out of the water for boats, such as ramps, rails, or lift stations.  |
| Breakwater                | “Breakwater” means a structure aligned parallel to shore, sometimes shore-connected, that provides protection from waves.   |
| Buffer area               | “Buffer area” means a tract or strip of land that is designed and designated to permanently remain vegetated in a natural condition to protect an adjacent aquatic or wetland site from upland impacts, improve water quality, and to provide habitat for wildlife.   |
| Bulkhead                  | “Bulkhead” means a solid, open-pile, or irregular wall of rock, rip-rap, concrete, steel, or timber or combination of these materials   |

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|                         | erected parallel to and near ordinary high water mark to provide a protective vertical wall resistant to water and wave action.   |
| Channel                 | “Channel” means an open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stock-watering channels (WAC 173-27-030(8b)).   |
| Channel migration zone  | “Channel migration zone” means 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.   |
| Clean Water Act         | “Clean Water Act” means the primary federal law providing water pollution prevention and control, previously known as the Federal Water Pollution Control Act (33 USC 1251 et seq.).  |
| Commercial              | “Commercial” means a business use or activity at a scale greater than a home business or cottage industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include restaurants, offices, and retail shops.  |
| Commercial fishing      | “Commercial fishing” means the activity of capturing fish and other seafood under a commercial license.   |
| Conditional use         | “Conditional use” means a use, development, or substantial development which is classified as a conditional use, or is not classified within this Program, and requires a conditional use permit (WAC 173-27-030(4)).   |
| Covered moorage         | “Covered moorage” means a boat moorage, with or without walls, that has a roof to protect a boat.   |
| Critical habitat        | “Critical habitat” means specific geographical areas that possess physical or biological features that are essential to the conservation of federally-listed species. These designated areas may require special management considerations or protection.   |
| Date of filing          | <p>“Date of filing” means the date of actual receipt by Ecology of the County’s decision.</p> <ul style="list-style-type: none"> <li>• For a variance or conditional use permit, the date of filing is the date Ecology’s decision is transmitted to the County.</li> <li>• For a variance or conditional use permit decision in conjunction with a shoreline substantial development permit decision, the date of filing is the date Ecology’s decision is transmitted to the County.</li> </ul> |
| Development regulations | “Development regulations” means 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 RCW 90.58, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto (WAC 173-26-020(8)).   |

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| Dike                      | “Dike” means an artificial embankment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.   |
| Dock                      | “Dock” means a landing or moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances.  |
| Dredge material           | “Dredge material” means material removed by dredging.  |
| Dredging                  | “Dredging” means the removal or displacement of earth or sediments such as gravel, sand, mud, silt, or debris from below the OHWM of any stream, river, lake, water body, or wetland.  |
| Dredging, maintenance     | “Maintenance dredging” means dredging for the purpose of maintaining a prescribed minimum depth previously authorized by a federal, state, and/or local permit as part of any specific waterway project. Maintenance dredging also includes dredging that maintains the previously authorized width of a channel, boat basin or berthing area. |
| Dredging, non-maintenance | “Non-maintenance dredging” means any dredging that is not maintenance dredging.  |
| Drift sector              | “Drift sector” means the extent of the littoral drift area downstream from and caused by a breakwater, jetty, rock weir or groin.  |
| Ecology                   | “Ecology” means the Washington Department of Ecology.  |
| Ecosystem-wide processes  | “Ecosystem-wide processes” means 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 (WAC 173-26-020(12)).      |
| Effective date of permit  | “Effective date of permit” means, for shoreline substantial development, conditional use, and variance permits, the date of filing as provided in RCW 90.58.140(6) which includes completion of all appeals or legal actions.  |
| Emergency                 | “Emergency” means the 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 WAC 173-27.   |
| Enhancement               | “Enhancement” means alterations performed to improve the condition of an existing degraded area so that shoreline functions provided are of a higher quality. Enhancements are to be distinguished from resource creation or restoration projects.   |
| Erosion                   | “Erosion” means the general process or the group of processes whereby the material of the earth’s crust are loosened, dissolved, or worn away, and simultaneously moved from one place to another, by natural forces that include weathering, solution, corrosion, and transportation, but usually exclude mass wasting.                       |

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| Exempt/exemption                            | “Exempt/exemption” means developments that are not required to obtain a Shoreline Substantial Development Permit but which must otherwise comply with applicable provisions of the Act and this Program.   |
| Fair market value                           | “Fair market value” means 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(8)).   |
| Feasible                                    | <p>“Feasible” means an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• The action provides a reasonable likelihood of achieving its intended purpose; and</li> <li>• The action does not physically preclude achieving the project's primary intended legal use.</li> </ul> <p>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.</p> |
| Feeder bluff                                | “Feeder bluff” means any bluff (or cliff) experiencing periodic erosion from waves, sliding, slumping, whose eroded earth, sand, or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform. Feeder bluff exceptional segments lack a backshore, old or rotten logs, and coniferous bluff vegetation.   |
| Fill  | “Fill” means 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 of or creates dry land (WAC 173-26-020(16)).   |
| Fill, speculative                           | “Speculative fill” means the placement of fill material not associated with an approved project.   |
| Fish and wildlife habitat conservation area | “Fish and wildlife habitat conservation areas” means habitat for endangered, threatened and sensitive species; priority habitats and areas associated with priority species; habitats of local importance,   |

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|                            | and water bodies, and that are designated in CCC Chapter 40.440.  |
| Float                      | “Float” means a fixed platform structure anchored in and floating upon a water body that does not connect to the shore, and that provides landing for water dependent recreation or moorage for vessels or watercraft.  |
| Floating home              | “Floating home” means 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.   |
| Flood hazard reduction     | “Flood hazard reduction” means measures taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program. |
| Floodplain                 | “Floodplain” means the 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 limit of this area shall be based upon flood hazard maps as adopted in CCC Chapter 40.420 or a reasonable method which meets the objectives of the Act (WAC 173-26-020(15)).  |
| Forb                       | “Forb” means an herbaceous, non-woody plant other than grass.   |
| Forest practices           | “Forest practices” means 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 (WAC 222-16-010(21)).   |
| Gabion                     | “Gabion” means a structure composed of masses of rocks, rubble, or masonry held tightly together usually by wire mesh so as to form blocks or walls. They are sometimes used on heavy erosion areas to retard wave action, to reduce mass wasting, or as foundations for breakwaters or jetties.  |
| Geologic hazard area study | “Geological hazard area study” means a scientific study or evaluation of geological, hydrological, geochemical and/or geomorphological aspects of a site conducted by a qualified expert that meets the requirements of CCC Section 40.430.030 (C)(4).  |
| Grassy swale               | “Grassy swale” means a vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.   |
| Groin                      | “Groin” means a barrier-type structure extending from the backshore or stream bank into a water body for the purpose of the protection of a shoreline and adjacent upland by influencing the  |

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|                            | movement of water and/or deposition of material.   |
| Height                     | “Height” means the distance measured from the average grade level to the highest point of a structure; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines (or the master program provides otherwise); and provided further that temporary construction equipment is excluded in this calculation (WAC 173-27-030(9)).                          |
| Hook                       | “Hook” means a spit or narrow cape of sand or gravel which turns landward at its outer end.  |
| Institutional use          | “Institutional use” means a use and related structure(s) for the provision of educational, medical, cultural, public safety, social and/or recreational services to the community, including but not limited to schools, colleges, museums, community centers, and the relevant essential public facilities identified in WAC 365-196-550.   |
| In-stream structure        | “In-stream structure” means 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. A stormwater outfall is not an in-stream structure. |
| Interested party           | “Interested party” means a person who has notified local government of their desire to receive a copy of the final order on a permit under WAC 173-27-030.   |
| Invasive                   | “Invasive” means a non-native plant or animal species that: <ul style="list-style-type: none"> <li>• causes or may cause significant displacement in range or significant reduction in abundance of native species; or</li> <li>• threatens or may threaten natural resources or their use in the state; or</li> <li>• causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or</li> <li>• threatens or harms human health (RCW 77.08.010(28)).</li> </ul>  |
| Jetty                      | “Jetty” means a structure usually projecting out into the water for the purpose of protecting a navigation channel, a harbor, or to influence water currents.  |
| Joint-use moorage facility | “Joint-use moorage facility” means a moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents with adjoining lots, each with water frontage, or of a certain subdivision or community within shoreline jurisdiction or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft. A joint-use moorage facility is a marina if: <ul style="list-style-type: none"> <li>• it provides commercial goods or services;</li> </ul> |

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|                           | <ul style="list-style-type: none"> <li>• it is of a large scale (more than ten slips);</li> <li>• moorage is proposed to be leased to upland property owners; or</li> <li>• the proposal includes a boat launching facility other than a ramp.</li> </ul>  |
| Lake                      | “Lake” means 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 elevation of the lake’s ordinary high water mark within the stream (RCW 90.58.030(Id); WAC 173-20-030; WAC 173-22-030(4)).  |
| Levee                     | “Levee” means a large dike or embankment, often having an access road along the top, which is designed as part of a system to project land from floods.  |
| Limited utility extension | “Limited utility extension” means the extension of a utility service that is categorically exempt under RCW 43.21C for natural gas, electricity, telephone, water or sewer to service an existing use and which will not extend more than twenty-five hundred (2500) linear feet within the shorelines of the state.   |
| Littoral                  | “Littoral” means the area of the shore from the OHWM waterward to a depth of two meters below ordinary low water or to the maximum extent of non-persistent emergent plants.   |
| Littoral drift            | “Littoral drift” means the mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and current.   |
| Live-aboard               | “Live-aboard” means a boat or vessel principally used as an over-water residence. Principal use as an over-water residence means that it is occupied in a single location for a period exceeding two months in any one calendar year. Live-aboards 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.   |
| Local government          | “Local government” means any county, incorporated city, or town which contains within its boundaries shorelines of the state subject to chapter 90.58 RCW.   |
| Log booming               | “Log booming” means the placement in or removal of logs and log bundles from the water, and the assembly and disassembly of rafts for waterborne transportation.   |
| Marina                    | “Marina” means a water-dependent commercial use which consists of a system of piers, buoys, or floats that provides moorage for at least ten boats. For the purposes of this Program, large community moorage facilities, yacht club facilities, and camp or resort moorage areas are also considered marinas. Boat launch facilities and supplies and services for small commercial or pleasure craft are often associated with marinas. Uses accessory to marinas may include fuel docks and storage, boating equipment sales and rental, repair services, public launching, bait and tackle |

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|                       | shops, potable water, waste disposal, administration, parking, groceries, and dry goods.<br>“Foreshore marinas” are marinas located waterward of the ordinary high water mark.<br>“Backshore marinas” are marinas located landward of the ordinary high water mark. There are two common types of backshore marinas: <ul style="list-style-type: none"> <li>• a wet-moorage marina that is dredged out of the land artificially creating a basin; and</li> <li>• a dry-moorage marina which has upland storage with a hoist, marine travel lift, or ramp for water access.</li> </ul> |
| Marine railway        | “Marine railway” means a set of steel rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.   |
| Marine travel lift    | “Marine travel lift” means a mechanical device that can hoist vessels off trailers and transport them into the water. Often associated with dry land moorage.   |
| May                   | “May” means the action is acceptable, provided it conforms to the provisions of this Program.   |
| Merchantable trees    | “Merchantable trees” means live trees, six (6) inches in diameter at breast height (DBH) and larger, unless documentation of current, local market conditions are submitted and accepted by the local jurisdiction indicating non-marketability. "Merchantable trees" shall not include trees smaller than four (4) inches DBH.   |
| Mining                | “Mining” means the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses (WAC 173-26-241).   |
| Mitigation            | “Mitigation” means to avoid, minimize or compensate for adverse impacts to shoreline ecological functions and processes.  |
| Mixed-use project     | “Mixed-use project” means a development which includes a combination of components, such as residential uses, hotels, marinas, habitat improvement actions, public access provisions, and other uses.   |
| Moorage               | “Moorage” means a pier, dock, buoy or float, either fixed or floating, to which boats may be secured.   |
| Mooring buoy          | “Mooring buoy” means a floating object anchored to the bottom of a water body that provides tie-up capabilities for boats or watercraft.  |
| Multi-family dwelling | “Multi-family dwelling” means a building containing two or more dwelling units including but not limited to duplexes, apartments, and condominiums.   |
| Must                  | “Must” means a mandate; the action is required.   |
| Navigational channels | “Navigational channels” means those routes on the waters of Clark County beyond the outer harbor line, commonly used by ships for useful commerce.  |

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| Navigable waters         | “Navigable waters” means that a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The state of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court (WAC 332-30-106).  |
| Non-conforming structure | “Non-conforming structure” means a structure that was lawfully constructed or established prior to the effective date of the applicable Act or Program provision, and that no longer conforms to the applicable shoreline provisions (WAC 173-27-080(1)).   |
| Non-conforming use       | “Non-conforming use” means a use or activity that was lawfully established prior to the effective date of the applicable Act or Program provision, and that no longer conforms to the applicable shoreline provisions. (WAC 173-27-080(1)).   |
| Normal maintenance       | “Normal maintenance” means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2)(b)). See also “normal repair”.   |
| Normal repair            | “Normal repair” means 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 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(2)(b)). See also “normal maintenance”. |
| Noxious weeds            | “Noxious weeds” means non-native plants which are destructive, competitive, and difficult to control, as defined by the Washington State Noxious Weed Control Board.  |
| Operation                | “Operation” means an industrial, commercial, institutional, or residential activity that may be publicly or privately-owned and operated, and may involve the use of stationary facilities, equipment, transport vehicles, or transfer equipment. To the extent allowed by state or federal law, this definition includes all federal, state, or local government entities.   |
| Ordinary high water mark | “Ordinary high water mark” means that mark found by examining the bed and banks of a body of water 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  |

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|                      | accordance with permits issued by a local government 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 OHWM adjoining fresh water shall be the line of mean high water (RCW 90.58.030(2)(b) and WAC 173-22-030(6)).  |
| Outer harbor line    | “Outer harbor line” means the line located and established by the Department of Natural Resources in navigable waters that delineates the extent of water area that may be leased to private interests.  |
| Over-water structure | “Over-water structure” means a structure or other construction located waterward of the ordinary high water mark (OHWM) or a structure or other construction erected on piling above the surface of the water, or upon a float.  |
| Parking              | “Parking” means the temporary storage of automobiles or other motorized vehicles. Accessory parking is that which directly serves an approved shoreline use.   |
| Party of record      | “Party of record” means all persons, agencies or organizations who have submitted written comments in response to a notice of application, made oral comments in a formal public hearing conducted on the application, or requested in writing to be a “party of record.” Notwithstanding any of the foregoing, no person shall be a party of record who has not furnished an accurate post office mailing address.                            |
| Permit               | “Permit” means any substantial development, variance, conditional use permit, or revision authorized under RCW 90.58.  |
| Permitted use        | “Permitted use” means a use which is allowed under the rules and regulations of this Program.  |
| Person               | “Person” means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.   |
| Pier                 | “Pier” means a fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water-dependent recreation or moorage for vessels or watercraft and does not include above water storage.   |
| Pierhead line        | “Pierhead line” means the waterward limit to which open pile work may be constructed as designated by the Federal government.  |
| Point                | “Point” means a low profile shoreline promontory of more or less triangular shape, the top of which extends seaward. A point may be the wavecut shelf remnant of a headland bluff or a purely accretional deposit which began as a hooked spit and becomes a point by subsequently closing the lagoon gap between the headland and the tip of the hook. Points are characterized by converging berms that normally enclose a lagoon, marsh, or |

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|                               | meadow, depending on the point's stage of development.   |
| Port                          | "Port" means a municipal corporation which is a special purpose district of local government authorized by the Washington State Constitution and regulated by RCW Chapter 53.  |
| Potentially harmful materials | <p>"Potentially harmful materials" means hazardous materials as defined in this section as well as other materials such as the following which, if discharged or improperly disposed, may present a risk to water resources:</p> <ul style="list-style-type: none"> <li>• petroleum products including but not limited to petroleum fuel and petroleum based coating and preserving materials;</li> <li>• oils containing PCB's;</li> <li>• antifreeze and other liquid automotive products;</li> <li>• metals, either in particulate or dissolved form, in concentrations above established regulatory standards; flammable or explosive materials;</li> <li>• radioactive material;</li> <li>• used batteries; corrosives, acids, alkalis, or bases;</li> <li>• paints, stains, resins, lacquers or varnishes;</li> <li>• degreasers;</li> <li>• solvents;</li> <li>• construction materials;</li> <li>• drain cleaners and other toxic liquid household products;</li> <li>• pesticides, herbicides, fungicides or fertilizers unless applied in accordance with local, state and federal standards;</li> <li>• steam cleaning and carpet cleaning wastes;</li> <li>• car wash water;</li> <li>• laundry wastewater;</li> <li>• soaps, detergents, ammonia;</li> <li>• swimming pool backwash;</li> <li>• chlorine, bromine, and other disinfectants;</li> <li>• heated water;</li> <li>• domestic animal wastes;</li> <li>• sewage;</li> <li>• recreational vehicle waste;</li> <li>• animal carcasses, excluding salmonids;</li> <li>• food wastes;</li> <li>• collected lawn clippings, leaves or branches;</li> <li>• trash or debris;</li> <li>• silt, sediment, or gravel;</li> <li>• dyes; and</li> <li>• untreated or unapproved wastewater from industrial processes.</li> </ul> |
| Priority species              | "Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that   |

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|   | <p>meet any of the following criteria:</p> <ul style="list-style-type: none"> <li>• State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.</li> <li>• Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.</li> <li>• Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.</li> <li>• Species listed under the federal Endangered Species Act as proposed, threatened, or endangered (WAC 173-26-020(25)).</li> </ul> |
| <p>Program (Shoreline Master Program)</p> | <p>“Program” means the comprehensive use plan for the county’s shorelands, 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 Clark County’s comprehensive plan. All other portions of the shoreline master program for Clark County adopted under RCW 90.58, including use regulations, shall be considered a part of Clark County’s development regulations.</p>   |
| <p>Project area</p>                       | <p>“Project area” means the area which will be directly physically affected by a proposed development.</p>  |
| <p>Provisions</p>                         | <p>“Provisions” means policies, regulations, standards, guideline criteria, or environment designations.</p>  |
| <p>Public access</p>                      | <p>“Public access” means the physical ability of the general public to reach, touch 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).</p>   |
| <p>Public interest</p>                    | <p>“Public interest” means 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</p>  |

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|                        | 173-27-030(14)).  |
| Qualified professional | “Qualified professional” means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4).  |
| Recreational use       | <p>“Recreational use” means a use and related structures for the provision of recreational activities, as follows:</p> <ul style="list-style-type: none"> <li>• Active recreational use/facility: involves a large number of participants or viewers; requires high levels of maintenance; or that result in high levels of noise. Examples are sports fields, golf courses, skate parks, and motorized boat launches.</li> <li>• Passive recreational use/facility: involves a small number of participants or viewers at any given time; requires low levels of maintenance; or that result in little noise generation. Examples are wildlife viewing areas, picnic tables, hand launch facilities and non-motorized trails.</li> </ul> |
| Residential use        | “Residential use” means the development of single-family and multi-family dwellings and their normal appurtenances, and the creation of new residential lots through land division.   |
| Restoration            | “Restoration” means to re-establish or upgrade impaired ecological processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, 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.  |
| Revetment              | “Revetment” means a sloped wall constructed of riprap or other material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement. A revetment typically slopes waterward and has rough or jagged facing. The slope differentiates it from a bulkhead, which is a vertical structure.  |
| Riprap                 | “Riprap” means a foundation or retaining wall of stones or rock placed along the water's edge or on an embankment to prevent erosion.   |
| Rock weir              | See “groin”.  |
| Setback                | “Setback” means the distance an activity or structure must be located from the ordinary high water mark.  |
| Shall                  | “Shall” means a mandate; the action must be done.   |
| Shorelands             | “Shorelands” means those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the OHWM; the full extent of floodplains; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of this Program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.   |

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| Shoreline Administrator                  | “Shoreline Administrator” means the responsible official or his/her designee.  |
| Shoreline designations                   | “Shoreline designations” means 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.  |
| Shoreline ecological functions           | “Shoreline ecological functions” means 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)).  |
| Shoreline jurisdiction                   | “Shoreline jurisdiction” means all shorelines of the state and shorelands, as defined in RCW 90.58.030.  |
| Shoreline modifications                  | “Shoreline modifications” means those 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.   |
| Shoreline restoration project            | “Shoreline restoration project” means a project designed to restore impaired ecological function of a shoreline.   |
| Shoreline stabilization                  | “Shoreline stabilization” means actions taken to address erosion impacts to property and structures caused by processes such as current, flood, wind, or waves. Structural measures include but are not limited to bulkheads, revetments and rip-rap. Non-structural measures include building setbacks, relocation of structures, and bioengineered methods that use vegetation or wood.  |
| Shoreline substantial development permit | “Shoreline substantial development permit” means the permit required by this Program for uses that are substantial developments in shoreline jurisdiction.   |
| Shorelines                               | “Shorelines” means all of the water areas of Clark County, 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. (RCW 90.58.030(2)(d) and WAC 173-18, 173-22 and 173-26). |
| Shorelines Hearings Board                | “Shorelines Hearings Board” means the quasi-judicial body established by the Shoreline Management Act of 1971 to hear appeals by any aggrieved party on the issuance of a substantial development permits, conditional uses, variance or, enforcement penalties.   |

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| Shorelines of statewide significance | <p>“Shorelines of statewide significance” means a select category of shorelines of the state, defined in RCW 90.58.030(2)(f), where special policies apply, and as described below:</p> <ul style="list-style-type: none"> <li>• 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, and their associated shorelands; and</li> <li>• Those natural rivers or segments thereof, downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second or more, and their associated shorelands.</li> </ul> |
| Shoreline of the state               | <p>“Shorelines of the state” means the total of all “shorelines” and “shorelines of statewide significance” within the state.</p>  |
| Should                               | <p>“Should” means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and WAC 173-26, against taking the action.</p>   |
| Sign                                 | <p>“Sign” means any structure, device, advertisement, advertising device, or visual representation intended to advertise, identify, or communicate information to attract the attention of the public for any reason. Informational signs are non-commercial and intended to communicate safety, directional, navigation, educational, or interpretive information.</p>  |
| Significant vegetation removal       | <p>“Significant vegetation removal” means 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, where it does not affect ecological functions, does not constitute significant vegetation removal (WAC 173-26-020(33)).</p>  |
| Solid waste facility                 | <p>“Solid waste facility” means any land or structure where solid waste is stored, collected, transported, or processed in any form, whether loose, baled or containerized, including but not limited to the following: transfer stations, landfills, or solid waste loading facilities. Solid waste handling and disposal facilities do not include the following: handling or disposal of solid waste as an incidental part of an otherwise permitted use; and solid waste recycling and reclamation activities not conducted on the same site as and accessory to the handling and disposal of garbage and refuse.</p>                |
| Standing                             | <p>“Standing” means the right to file a lawsuit or file a petition if a person or entity can demonstrate that a decision made in accordance with this Program will result in direct and substantial impacts because of the decision different from that which would be experienced by the general public.</p>  |

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| Stormwater              | “Stormwater” means runoff resulting from precipitation or snowmelt, including surface runoff, drainage, and interflow.   |
| Substantial development | “Substantial development” means any development of which the total cost or fair market value exceeds five thousand, seven hundred and eighteen dollars (\$5,718), or as adjusted by the State Office of Financial Management, or any development which materially interferes with the normal public use of the water or shorelines of the state, except as specifically exempted pursuant to RCW 90.58.030(3e) and WAC 173-27-040. |
| Substantially degrade   | “Substantially degrade” means to cause significant ecological impact (WAC 173-26-020(35)).   |
| Surface water           | “Surface water” means water that flows across the land surface, in channels, or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.   |
| Terrestrial             | “Terrestrial” means of or relating to land as distinct from air and water.   |
| Transmit                | “Transmit” means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination (WAC 173-27-030(16)).   |
| Transportation facility | “Transportation facility” means a road, railway, bridge, and related structures such as culverts, fills, embankments, for the purpose of moving people or freight using motorized and non-motorized means of transport, including the relevant essential public facilities identified in WAC 365-196-550.  |
| Upland                  | “Upland” means generally the dry land area above and landward of the OHWM.   |
| Variance                | “Variance” means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline. See RCW 90.58.160 and WAC 173-27-030(17).   |
| Vegetation conservation | “Vegetation conservation” means 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                  | See “boat”.  |
| View corridor           | “View corridor” means a portion of a viewshed reserved through development regulations for the purpose of retaining the ability of the public to see a particular object (such as a mountain or body of water) or a landscape within a context which fosters appreciation of its aesthetic value.  |
| Water-dependent use     | “Water-dependent” means a use or a portion of a use which  |

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|                               | requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations.   |
| Water-enjoyment use           | “Water-enjoyment use” means a recreational use or other use that facilitates 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 the specific aspects of the use that fosters shoreline enjoyment. |
| Water frontage                | “Water frontage” means the portion of a parcel adjacent to the OHWM between property lines.  |
| Water-oriented use            | “Water-oriented use” means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.  |
| Water quality                 | “Water quality” means the characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. (WAC 173-26-020(42)).   |
| Water quantity                | “Water quantity” means development and uses affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground- water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340 (WAC 173-26-020(42)).   |
| Water-related use             | <p>“Water-related use” means a use or portion of use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:</p> <ul style="list-style-type: none"> <li>• of 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</li> <li>• the use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers make its services less expensive and/or more convenient.</li> </ul>   |
| Watershed restoration project | <p>“Watershed restoration project” means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of a the plan and consists of one or more of the following activities (RCW 89.08.460):</p> <ul style="list-style-type: none"> <li>• A project that involves less than ten (10) miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;</li> </ul>  |

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|      | <ul style="list-style-type: none"><li>• A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or</li><li>• A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark of the stream.</li></ul> |
| Weir | “Weir” means a structure in a stream or river for measuring or regulating stream flow.  |