

As noted in Attachment C Item #30, the following 68 definitions are proposed for revision as detailed below:

**Agricultural Activities** – See WAC 173-26-020 – Definitions. 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.

**Agricultural Equipment and Agricultural Facilities** – See WAC 173-26-020 – Definitions. A term including but not limited to: (a) the following used in agricultural operations: Equipment; machinery; constructed shelter, 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; (b) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (c) farm residences and associated equipment, lands, and facilities; and (d) roadside stands and on-farm markets for marketing fruit or vegetables.

**Agricultural Land** – See WAC 173-26-020 – Definitions. Those specific land areas on which agriculture activities are conducted.

**Aquaculture** – See WAC 173-26-020 – Definitions. The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include upland finfish rearing facilities, which are considered agriculture. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. the harvest of wild geoduck associated with the state managed wildstock geoduck fishery.

**Associated Wetland** – See WAC 173-22-030 – Definitions. Those wetlands ~~that~~ which are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the SMA. Refer to RCW 90.58.030.

**Average Grade Level** – See WAC 173-27-030 – Definitions. 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: 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.

**Channel Migration Zone (CMZ)** – See WAC 173-26-020 – Definitions. 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.

**Clearing** – The destruction or removal of vegetation (e.g., ground cover, shrubs and trees); including but not limited to, root material removal and/or topsoil removal.

**Commercial Use** – A business use or activity involving retail or wholesale marketing of goods and services. (e.g., Examples of commercial uses include restaurants, offices, and retail shops, etc.).

**Conditional Use** – See WAC 173-27-030 – Definitions. A use, development, or substantial development which is classified as a conditional use or is not classified within this SMP. (WAC 173-27-030(4)).

**Critical Areas** – See SMC 18.13.010 – Definitions and WAC 173-26-020 – Definitions.

**Development** – See RCW 90.58.030 – Definitions and Concepts and WAC 173-27-030 – Definitions. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the SMA of the state subject to Chapter 90.58 RCW at any state of water level ~~(RCW 90.58.030(3d3a)).~~ "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment.

**Ecological Function or Shoreline Function** – See WAC 173-26-020 – Definitions. The work performed or the 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.

**Ecosystem-wide Processes** – See WAC 173-26-020 – Definitions. 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.

**Fair Market Value** – See WAC 173-27-030 – Definitions. 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** – See WAC 173-26-020 – Definitions. For the purpose of this SMP, that an action (e.g., a development project, mitigation, or preservation requirement, etc.) meets all of the following conditions: (a) 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; (b) the action provides a reasonable likelihood of achieving its intended purpose; and (c) the action does not physically preclude achieving the project's primary intended legal use. In cases where this SMP requires certain actions ~~are required~~ unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the City and State may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

**Fill** – See WAC 173-26-020 – Definitions. 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.

**Fish and Wildlife Habitat Conservation Areas** – See SMC 18.13.010 – Definitions. ~~Areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. These areas may also include locally important habitats and species. Fish and wildlife habitat conservation areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.~~

**Exhibit 1 to Ecology's Attachment C. Recommended Changes – City Staff Suggested Edits to Chapter 7 Definitions**

**Floating Home** – ~~See WAC 173-26-020 – Definitions.~~ A single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

**Flood or Flooding** – ~~See SMC 18.13.010 – Definitions. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1. the overflow of inland or tidal waters; 2. the unusual and rapid accumulation or runoff of surface waters from any sources.~~

**Floodplain or Flood Plain**– ~~See WAC 173-22-030 – Definitions and WAC 173-26-020 – Definitions. An area term~~ synonymous with 100-year floodplain and means the land area susceptible to ~~being inundated by stream derived waters~~ with a 1 percent chance of being equaled or exceeded in any given year. The limits of this area ~~are is~~ based on flood regulation ordinance maps or a reasonable method ~~that which~~ meets the objectives of the SMA ~~(WAC 173-26-020).~~

**Gangway** – A walkway that connects a pier to a dock; ~~often used in areas where the water level changes because of tidal or seasonal variations.~~

**Garden** – An area devoted to the cultivation of soil or production of crops in a manner incidental and subordinate to the principal use of the property. ~~Examples include (e.g., private residential gardens, community gardens, and or pea patches associated with a public park, etc.).~~

**Geologically Hazardous Areas** – ~~See SMC 18.13.010 – Definitions. Areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events (as designated by WAC 365-190-080(4)) may not be suited to development consistent with public health, safety or environmental standards. Types of geologically hazardous areas include erosion, landslide, seismic, volcanic hazards, and mine.~~

**Geotechnical Report or Geotechnical Analysis** – ~~See WAC 173-26-020 – Definitions.~~ 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.

**Grading** – ~~See WAC 173-26-020 – Definitions.~~ The movement or ~~re~~distribution of the soil, sand, rock, gravel, sediment or other material on a site in a manner that alters the natural contour of the land.

**Height** – ~~See WAC 173-27-030 – Definitions. A measurement from average grade level to the highest point of a structure: Provided, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines; Provided further, That temporary construction equipment is excluded in this calculation.~~

**May** – ~~See WAC 173-26-020 – Definitions.~~ The action is acceptable, provided it conforms to the provisions of this SMP.

**Modification or Shoreline Modification** – ~~See WAC 173-26-020 – Definitions.~~ Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element (e.g., dike, breakwater, pier, weir, dredged basin, fill, bulkhead, ~~or~~ other shoreline structure, ~~etc.~~) or other actions (e.g., clearing, grading, application of chemicals, etc.).

Exhibit 1 to Ecology's Attachment C. Recommended Changes – City Staff Suggested Edits to Chapter 7 Definitions

**Mooring Buoy** – A floating object anchored to the bottom of a waterbody ~~that to~~ provides tie up capabilities for boats or watercraft.

**Must** – See WAC 173-26-020 – Definitions. A mandate; the action is required.

**Native**– See SMC 18.13.010 – Definitions.

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

**Nonwater-Oriented Use** – See WAC 173-26-020 – Definitions. Those uses that are not water-dependended, water-related, or water enjoyment. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multifamily residential development, department stores and gas stations.

**Oregon White Oak Woodland** – A priority habitat involving stands of pure oak or oak/conifer associations where canopy coverage of the oak component of the stand is 25 percent; or where total canopy coverage of the stand is less than 25 percent, but oak accounts for at least 50 percent of the canopy coverage present. The latter is often referred to as an oak savanna. ~~East of the Cascades, priority oak habitat is stands 5 acres in size. In urban or urbanizing areas, single oaks, or stands of oaks less than 1 acre, may also be considered priority habitat when found to be particularly valuable to fish and wildlife (i.e., they contain many cavities, have a large diameter at breast height [DBH], are used by priority species, or have a large canopy).~~

**Ordinary High Water Mark or OHWM** – See RCW 90.58.030 – Definitions and Concepts and WAC 173-22-030 – Definitions. 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 existed on June 1, 1971, as it may have naturally changed thereafter, or as it may change thereafter in accordance with permits issued by a local government or Ecology: provided that in any area where the OHWM cannot be found, the OHWM 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.

**Pier** – An overwater structure ~~that~~ adjoining the shoreline built on a fixed platform to provide access and a landing or moorage place for commercial, industrial and pleasure watercraft.

**Priority Habitat** – See WAC 173-26-020 – Definitions. A hHabitat types or elements with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes (a) comparatively high fish or wildlife density; (b) comparatively high fish or wildlife species diversity; (c) fish spawning habitat; (d) important wildlife habitat; (e) important fish or wildlife seasonal range; (f) important fish or wildlife movement corridor; (g) rearing or foraging habitat; (h) important marine mammal haul-out; (i) refugia habitat; (j) limited availability; (k) high vulnerability to habitat alteration; (l) unique or dependent species; or (m) shellfish bed as classified by WDFW. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

**Priority Species** – See WAC 173-26-020 – Definitions. Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed in WAC 173-26.020(31).

**Public Interest** – See WAC 173-27-030 – Definitions. 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.

**Restoration, Restore, Restoration or Ecological Restoration** – See WAC 173-26-020 – Definitions. The re-establishment or upgrading of impaired ecological shoreline 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. ~~For the purposes of permitting, proposals for fish acclimation facilities are considered a form of restoration.~~ Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre- European settlement conditions.

**River Delta** – See WAC 173-22-030 – Definitions. Those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels.

**Shall** – See WAC 173-26-020 – Definitions. A mandate; the action ~~is required~~must be done.

**Shorelands or Shoreland Area** – Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the OHWM; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by Ecology. Optional areas allowed by RCW 90.58.030 are not included by the City.

**Shoreline Habitat and Natural Systems Enhancement Projects** – ~~these~~Those activities proposed and conducted specifically for the primary purpose of establishing, restoring, or enhancing habitat for priority species in the shoreline.

**Shoreline Stabilization** – ~~actions~~Actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes (e.g., current, flood, tides, wind, wave action, etc.). These actions include structural and non-structural methods.

**Shoreline Stabilization , Nonstructural** – Shoreline stabilization methods ~~including~~ing building setbacks, relocation of the structure to be protected, ground water management, and/or planning and regulatory measures to avoid the need for structural stabilization.

**Shoreline Stabilization, Structural** – Shoreline stabilization methods ~~can be~~including “hard” or “soft types. Hard structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads. These static structures are traditionally constructed of rock, concrete, wood, metal, or other materials that deflect, rather than absorb, wave energy. Soft structural measures rely on softer materials (e.g., vegetation, drift logs, gravel, etc.). They are intended to absorb wave energy, mimicking the function of a natural beach. Examples of soft and hard stabilization techniques are listed below.

**Shorelines** – See RCW 90.58.030 – Definitions and Concepts. All of the water areas of the state, including reservoirs and their associated shorelands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d).

**Shorelines of Statewide Significance** – See RCW 90.58.030 – Definitions and Concepts. A select category of shorelines of the state, defined in RCW 90.58.030(2)(f), including larger lakes and rivers with higher flow.

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**Shorelines of the State** – See RCW 90.58.030 – Definitions and Concepts. The total of all “shorelines” and “shorelines of statewide significance” within the state.

**Significant Vegetation Removal** – See WAC 173-26-020 – Definitions. 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.

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

**Stream** – See SMC 18.13.010 – Definitions and WAC 173-22-030 – Definitions.

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

**Substantial Development** – See RCW 90.58.030 – Definitions and Concepts. Any development of which the total cost or fair market value exceeds \$7,047, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established here is adjusted for inflation by OFM every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period, as defined by RCW 90.58.030(3)(e). Some activities shall not be considered substantial developments for the purpose of this SMP; see also SMP Chapter 2.

**Substantially Degrade** – See WAC 173-26-020 – Definitions. To cause significant ecological impact.

**Transportation Facilities** – Those structures and developments ~~that aiding~~ in land and water surface movement of people, goods, and services (e.g., They include roads, and highways, bridges, and causeways, bikeways, trails, and railroad facilities, etc.).

**Utilities, Accessory** – Utilities composed of small-scale distribution and collection facilities connected directly to development within the shoreline area: (e.g., Examples include local power, telephone, cable, gas, water, sewer, and stormwater service lines, etc.).

**Utilities, Primary** – Utilities comprising trunk lines or mains that serve neighborhoods, areas and cities: (e.g., Examples include solid waste handling and disposal sites, water transmission lines, sewage treatment facilities, sewage lift stations and mains, power generating or transmission facilities, gas storage and transmission facilities, and stormwater mains and regional facilities, etc.).

**Variance** – See WAC 173-27-030 – Definitions. ~~A means to grant relief from way by which an adjustment is made in the application of the specific bulk, dimensional or performance standards set forth in this SMP and not a means to vary a use of a shoreline. regulations of this title to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same zone or vicinity and which adjustment remedies disparity in privileges. A variance is a form of special exception.~~

**Vessel** – See WAC 173-27-030 – Definitions. Ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.



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**Water-Dependent Use** – See WAC 173-26-020 – Definitions. A use or a portion of a use which cannot exist in ~~any other~~ location that is not adjacent to the water and which ~~and~~ is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include moorage structures (including those associated with residential properties), ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

**Water-Enjoyment Use** – See WAC 173-26-020 – Definitions. 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-Oriented Use** – See WAC 173-26-020 – Definitions. ~~Any combination of use that is~~ water-dependent, water-related, ~~and/or water enjoyment~~ or a combination of such uses ~~and serves as an all-encompassing definition for priority uses under the SMA. Non-water-oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multifamily residential development, department stores and gas stations.~~

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

**Water-Related Use** – See WAC 173-26-020 – Definitions. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because: (a) 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 (b) 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.

**Wetlands or Wetland Areas** – See SMC 18.13.010 – Definitions, RCW 90.58.030 – Definitions and Concepts, and WAC 173-22-030 – Definitions. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland in order to mitigate conversion of wetlands.