

## Chapter 11 Definitions

### A

1. Abandon means to terminate the use of a structure by an affirmative act such as changing to a new use; or to cease, terminate, or vacate a use or structure through nonaction. Land uses that have been discontinued for eighteen (18) or more consecutive months are considered abandoned and no longer vested under this Program; except that agriculture, which has been discontinued for five (5) consecutive years, is considered abandoned and will no longer be vested under this Program. Subsequent uses of the property must be in conformance with this Program and the County Code, as they apply.
2. Abutting means adjoining with a common boundary line or any portion thereof.
3. Accessory dwelling unit or “ADU” means a separate dwelling unit within a single-family dwelling or a separate structure associated with a single-family dwelling which is incidental and subordinate to the primary residential use of the property. Accessory dwelling units are further defined as follows:
  - a. Detached. Those accessory dwelling units that are lawfully constructed within existing outbuildings, or stand alone, where the ADU does not share a common wall with the primary residential dwelling unit.
  - b. Attached. Those accessory dwelling units that share a common wall or floor/ceiling with the primary dwelling unit and do not meet the definition of detached accessory dwelling unit.
4. Accessory use means any legally established use or structure which is necessary for the full use and enjoyment of the primary use of the property, is typically associated with the primary use, and is subordinate to or incidental to the primary use of a parcel and which includes the utilities necessary to serve the accessory use.
5. Accretion means the slow addition of land by the deposition of water-borne sediment through the net effect of wave action and longshore drift.
6. Act means the Shoreline Management Act of 1971 (RCW 90.58) as amended.
7. Adequate means acceptable but not excessive.
8. Adjacent means (in addition to abutting) that which is near or close; for example, an industrial district across the road or highway from a commercial district shall be considered as adjacent.
9. Adjacent lands, shoreline means lands adjacent to the shorelines of the state (outside of shoreline jurisdiction). See RCW 90.58.340.
10. Administrator means means the Director of the Department of Community Development or his/her designee, who is responsible for carrying out the administrative duties set forth in this code.
11. Adverse impact means a condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions or substantially degrades ecological functions or processes.

12. Advertising means publicly displayed messages or signs, billboards, placards, or buildings that direct attention to promotion of a business, service, or product.
13. Aggrieved party means a party of record who can demonstrate the following:
  - a. The land use decision will prejudice the person;
  - b. The asserted interests are among those the County is required by County code, federal or state law or regulation to consider in making a land use decision; and
  - c. A decision on appeal in favor of the person would substantially eliminate or redress the prejudice alleged to be caused by the land use decision.
14. Agricultural activities means 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.
15. Agricultural land means those specific land areas on which agriculture activities are conducted as of the date of adoption of this Program pursuant to the state guidelines (WAC 173-26) as evidenced by aerial photography or other documentation. After the effective date of the Program, land converted to agricultural use is subject to compliance with the requirements of the Program.
16. Agriculture, existing and ongoing means any agricultural activity conducted on an ongoing basis on lands enrolled in the open space tax program for agriculture or designated as agricultural lands of long-term commercial significance on the official map of Comprehensive Plan land use designations; provided, that agricultural activities were conducted on those lands at any time during the five-year period preceding April 28, 2003. Agricultural use ceases when the area on which it is conducted is converted to a nonagricultural use.
17. Agriculture, new means agricultural activities proposed or conducted after April 28, 2003, and that do not meet the definition of existing and ongoing agriculture.
18. Allowed use means uses allowed subject to the provisions of this Program, including meeting applicable performance and development standards; if a building permit or other development permit (e.g., stormwater permit) is required, the use is subject to the project review and approval process.
19. Alteration means any human induced change in an existing condition of a shoreline and/or its buffer. Alterations include, but are not limited to grading; filling; channelizing; dredging; clearing (vegetation); draining; constructing structures; compaction, excavation, or any other activity that changes the character of a site.
20. Alteration, nonconforming structures means any change or rearrangement in the supporting members of existing buildings, such as bearing walls, columns, beams, girders, or interior partitions, as well as any changes in doors, windows, means of egress or ingress or any

enlargement to or diminution of a building or structure, horizontally or vertically, or the moving of a building from one location to another. This definition excludes normal repair and maintenance, such as painting or roof replacement, but includes more substantial changes.

21. Alteration, nonconforming use means the expansion, modification or intensification of a use that does not conform to the land use regulations of this Program.
22. Anadromous fish means fish species that spend part of their lifecycle in saltwater, but return to freshwater to reproduce.
23. Appeal means a request by an applicant or citizen that a decision made pursuant to this Program be reviewed for its correctness and legality by another person, agency or court of law having jurisdiction to hear such an appeal.
24. Applicant means the owner or owners of record of the property subject to a project permit application under this Program, or authorized representative thereof.
25. Application means the forms, plans and accompanying documents required for any project permit approval under this code.
26. Aquatic Habitat Conservation Areas means the subset of fish and wildlife habitat conservation areas listed in WAC 395-190-130(1) that occur in the water.
27. Aquaculture means the farming or culture of food fish, shellfish, or other aquatic plants or animals either on land or in freshwater or saltwater areas, and may include development such as structures or rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of wildstock geoducks on state-owned lands. Wildstock geoduck harvest is a fishery.
28. Aquaculture activity means actions directly pertaining to growing, handling, or harvesting of aquaculture produce including but not limited to propagation, stocking, feeding, disease treatment, waste disposal, water use, development of habitat and structures. Excluded from this definition are related commercial or industrial uses such as wholesale and retail sales, or final processing and freezing.
29. Aquaculture facility or farm means any facility or tract of land used to culture aquatic products. Each geographically separate facility or tract of land used for aquaculture shall constitute a separate facility/farm, provided that adjoining farms/facilities with separate operators shall be considered separate facilities/farms.
30. Archaeological means having to do with the scientific study of material remains of past human life and activities.
31. Archaeological resource/site means a geographic locality including, but not limited to, submerged and submersible lands and the bed of the sea that contains physical evidence of an indigenous and subsequent culture including material remains of past human life, monuments, symbols, tools, facilities, graves, skeletal remains and technological byproducts:
  - a. That are associated with events that have made a significant contribution to the broad patterns of our history; or
  - b. That are associated with the lives of significant persons in our past; or

- c. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - d. That have yielded or may be likely to yield, information important in history or prehistory.
32. Archaeologist means a person who has designed and executed an archaeological study as evidenced by a thesis or dissertation and has been awarded an advanced degree such as an M.A., M.S. or Ph.D. from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology; has a minimum of one (1) year of field experience with at least twenty-four (24) weeks of field work under the supervision of a professional archaeologist, including no less than twelve (12) weeks of survey or reconnaissance work, and at least eight (8) weeks of supervised laboratory experience. Twenty (20) weeks of field work in a supervisory capacity must be documentable with a report produced by the individual on the field work.
33. Associated wetlands means wetlands that are in proximity to tidal waters, lakes, rivers or streams that are subject to the Shoreline Management Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include but are not limited to: location contiguous to a shoreline waterbody, formation by tidally influenced geo-hydraulic processes, presence of a surface connection including through a culvert or tide gate, location in part or whole within the 100-year floodplain of a shoreline, periodic inundation, and/or hydraulic continuity.
34. Average grade level means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure. In the case of structures to be built over the water, the average grade level shall be the elevation of the ordinary high water.

## **B**

35. Beach means the zone of accumulated, unconsolidated sediment that is moved by waves, wind and tidal currents.
36. Beach restoration and enhancement means the alteration of freshwater and marine shorelines or submerged shorelines for the purposes of recreational enhancement, or aquatic habitat creation, reestablishment or upgrading.
37. Base flood means the flood having a one percent chance of being equaled or exceeded in any given year; also known as the 100-year flood, as shown on the FIRM maps.
38. Base flood elevation means the elevation for which there is a one percent chance in any given year that flood levels will equal or exceed it.
39. Beach access structure means a structural pathway/walkway for purposes of providing pedestrian access to a beach or shoreline area, not for motorized vehicle access. It often includes a stairway, tram, stair tower, platform and/or elevated walkway anchored to the ground surface by structural means.

40. Beds of navigable waters means those lands lying waterward of and below the line of navigability on rivers and lakes not subject to tidal flow, or extreme low tide mark in navigable tidal waters, or the outer harbor line where harbor area has been created (RCW 79.105.060(2)).
41. Bedrock means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.
42. Berm or protective berm means one or several accreted linear mounds of sand and gravel generally paralleling the shore on a beach in the vicinity of the mean higher high water and the ordinary high water mark. Natural berms are normally composed of a variety of sediment sizes and may be vegetated on the landward portion, and are naturally formed by net shore drift. Also, a linear mound used to screen an adjacent activity (e.g., a parking lot) from transmitting excess noise and glare.
43. Best management practices (BMPs) means systems of practices, schedules of activities, prohibitions, maintenance procedures, and management measures that prevent or minimize adverse impacts to the environment.
44. Bioengineering or Biostabilization means the practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of bundles of stems, root systems, or other living plant material, soft gabions, fabric or other soil stabilization techniques, and limited rock toe protection where appropriate. Bioengineering projects often include habitat enhancement measures (e.g., anchored logs, root wads, etc.). Such techniques may be applied to creeks, rivers, lakes, reservoirs, and marine waters. Bioengineering may also be applied in upland areas away from the immediate shoreline.
45. Board (BOCC) means the Board of County commissioners for Clallam County.
46. Boat building and repair, commercial means a commercial establishment where boats are constructed, dismantled, stored, serviced, or repaired, including maintenance work thereon.
47. Boating facilities means any public or private facility for launching or wet storage of vessels or watercraft, including such facilities that additionally provide landing for water dependent recreation. This includes marinas, open water moorage and anchorage areas, boat launch ramps, boat lifts, mooring buoys, piers, floats and docks or any other similar single-user or shared-use facility for public recreational use or private residential use. For purposes of this Program, upland boathouses, boat repair shops, and other upland (dry) boat storage structures are not considered boating facilities.
48. Boathouse means an enclosed structure on land designed and used exclusively for the storage of boats and boating equipment and not used as a dwelling unit.
49. Boat launch or boat ramp means a slab, pad, plank, rail, or graded slope used for launching boats by means of a trailer, hand, or mechanical device.
50. Boat lift is an in-water structure used for the dry berthing of vessels above the water level and lowering of vessels into the water periodically. A boat lift as herein defined is used to berth and launch a single vessel, suspended over the water's surface. A boat lift is generally a manufactured unit without a canopy cover and may be placed in the water adjacent to a dock/pier or as a stand-alone structure. A boat lift may be designed either for boats or personal watercraft. A boat lift is to be differentiated from a hoist or crane used for the launching or haul-out of vessels.

51. Bottom aquaculture means all aquaculture systems that are set on or securely and rigidly attached to the tidelands or bedlands and do not extend higher than six feet from the bottom (excluding hoists and similar apparatus). Bottom aquaculture includes but is not limited to geoduck tubes, oyster longlines, clam netting, oyster rack and bags, and clam bags. Bottom aquaculture does not include aquaculture suspended from rafts or buoys or contained in floating net pens.
52. Breakwater means an offshore structure that is generally built parallel to shore that may or may not be connected to land, and may be floating or stationary. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion. Most breakwaters in the Pacific Coast are rip-rap mound construction.
53. Buffer means the area abutting to a shoreline or critical area that separates and protects the area from adverse impacts associated with adjacent land uses.
54. Building means any structure used or intended for supporting or sheltering any use or occupancy as defined in the International Building Code.
55. Building envelope means:
  - a. A three-dimensional space in which a building or structure may be built meeting septic requirements;
  - b. A plat restriction for the purpose of defining building coverage areas for individual lots, or for describing shoreline building setbacks;
  - c. The buildable area of a lot, tract or parcel after applicable setbacks, buffers, easements and other restrictions on the lot, tract or parcel are taken into account.
56. Bulkhead means a wall usually constructed parallel to the shore with the primary purpose of containing and preventing the loss of soil caused by erosion or wave action. Bulkheads are usually constructed of rock, poured-in-place concrete, steel or aluminum sheet piling, wood or wood and structural steel combinations. They may be either thin structures penetrating deep into the ground, or more massive structures resting on the surface.

## **C**

57. Campground and camping facilities means a facility in which sites are offered for persons using tents or other personal, portable overnight shelters. Campgrounds are for short-term stays and do not include trailer parks.
58. Certificate of occupancy or use means a document issued by the Clallam County building official as the final approval acknowledging that all conditions and requirements have been met and that the occupancy or use of a development is allowed.
59. Channel means an open waterway either naturally or artificially created to convey water.
60. Channel migration zone means the area along a river or stream within which the channel can reasonably be expected to migrate over time as a result of normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

61. Channelization means the straightening, relocation, deepening or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.
62. Chemical means any synthetic substance or mixture of such substances used as a cleaner, solvent, adhesive, paint, varnish, or other coating layer, or for a fertilizer, herbicide, pesticide, insecticide, or rodenticide.
63. Clearing means the destruction or removal, by hand or with mechanical means, of vegetative ground cover, shrubs or trees. Clearing may or may not include removing root material or topsoil.
64. Cluster development means a development design technique that groups or clusters buildings in specific areas on a site to minimize environmental impacts related to impervious surface, clearing and other impacts.
65. Commercial development means any premises devoted primarily to the wholesaling or retailing of a product or service for the purpose of generating an income. Examples of commercial development include, but are not limited to, restaurants, resorts, and retail shops.
66. Commercial fish means those species of fish that are classified under the Washington Department of Fish and Wildlife Food Fish Classification as commercial fish (WAC 220-12-010).
67. Commercial recreational facility means a place designed and equipped for sports and leisure-time activities that is operated as a business and open to the public for a fee.
68. Commercial sign means any object, device, display or structure that is used for attracting attention to any commercial use, product, service, or activity.
69. Commercial use 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.
70. Community dock means a dock that serves multiple residential properties including upland and waterfront lots in a subdivision or similar community setting.
71. Compatible means uses or activities capable of existing together or in the vicinity of one another without disharmony or without generating effects or impacts which are disruptive to the normal use and enjoyment of surrounding property.
72. Compensatory mitigation means replacing resources or functions, at an equivalent or greater level, to offset unavoidable impacts that remain after all appropriate and practicable avoidance and minimization measures have been implemented. Compensatory mitigation includes, but is not limited to, creation, restoration, enhancement, preservation, and rehabilitation of wetlands, buffers, and other habitats or resources.
73. Comprehensive Plan means the Clallam County Comprehensive Plan.
74. Condominium means real property, portions of which are designed for separate ownership and the remainder of which is designated for common ownership solely by owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded in accordance with Chapters 64.32 and 64.34 RCW. Condominiums are not

- confined to residential units, such as apartments, but also include offices and other types of space in commercial buildings.
75. Conservation means the prudent management of rivers, streams, wetlands, wildlife and other environmental resources in order to preserve and protect them. This includes the careful use of natural resources to prevent depletion or harm to the environment.
76. Conservation district means a special purpose district, like a fire district or school district, organized in accordance with Chapter 89.08 RCW for the purpose of providing assistance to landowners for the conservation of renewable resources.
77. Conservation easement means a legal agreement that the property owner enters into to restrict uses of the land for purposes of natural resources conservation. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property.
78. Contaminant means any chemical, physical, biological, or radiological substance that does not occur naturally in ground water, air, or soil or that occurs as a result of direct or indirect actions at concentrations greater than those in the natural levels (Chapter 173-200 WAC).
79. County means Clallam County, Washington, its board, commissions, and departments.
80. Covered moorage means boat moorage, with or without walls, that has a roof (made of wood, metal, fiberglass, plastic, canvas, or other material) to protect the vessel.
81. Creek. See Stream.
82. Critical areas mean the following areas as designated in CCC 27.12 and this Program:
- a. Wetlands
  - b. Aquatic and Wildlife Habitat Conservation Areas
  - c. Critical Aquifer Recharge Areas
  - d. Geologically Hazardous Areas
  - e. Frequently Flooded Areas
83. Critical habitat means habitat areas with which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating) as defined through rules promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or 232-12-014; in the Priority Habitat and Species (PHS) program of the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations.
84. Critical freshwater habitats includes critical areas as designated in CCC 27.12 and this Program that are associated with freshwater shorelines, including streams and associated riparian zones, wetlands, aquatic and wildlife habitat conservation areas, and areas with which priority species, as defined by WAC 173-26-020(29), have a primary association.
85. Critical saltwater habitats means all kelp beds and eelgrass beds; stream mouths; spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence,

commercial and recreational shellfish beds; priority habitat areas for marine shellfish, including but not limited to pandalid shrimp, Dungeness crab, geoduck, hardshell clam, subtidal hardshell clam, and red sea urchin; mudflats; intertidal habitats with vascular plants; and areas with which marine priority species, as defined by WAC 173-26-020(29), have a primary association.

- 86. Culvert means a section of pipe placed in a stream and filled over in order to provide a stream crossing.
- 87. Cumulative impacts or Cumulative effects means the combined impacts of a proposed development action along with past impacts and impacts of reasonably foreseeable future development actions.
- 88. Current use means the use of land or improvements at the time of permit application.

**D**

- 89. Dam means a barrier across a stream or river to confine or regulate flow or raise water levels for purposes such as flood or irrigation water storage, erosion control, or power.
- 90. Dedicate means to set aside a piece of real property, a structure, or a facility for public or private use or ownership.
- 91. Delta or river delta means 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.
- 92. Density means the quantity per unit area, such as the number of dwelling units per acre.
- 93. Development means 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 this Program at any state of water level.
- 94. Developed shorelines means those shoreline areas that are characterized by existing uses or structures located within shoreline jurisdiction.
- 95. Dike means an artificial embankment placed at a stream mouth or delta to hold back sea water.
- 96. Director means, unless otherwise specified, the director of the County's Community Development Department or the director's designee.
- 97. Division of land means the creation of any new lot or lots for the purpose of sale, lease, or transfer of ownership.
- 98. Dock means a fixed platform structure anchored in and floating upon 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.
- 99. Drainage means surface water runoff; the removal of surface water or ground water from land by drains, grading, or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

100. Dredge material disposal means the depositing of dredged materials on land or into water bodies.
101. Dredging means the removal of earth from the bottom of a stream, river, lake, bay, or other water body. This does not include the minimal and insignificant removal of sediment during harvest of geoduck, clams or other shellfish.
102. Drift cell, net shore drift cell, drift sector, or littoral cell refers to the long-term, net effect along a coastal sector in which directionally uniform shore drift occurs, depending on wave energy and currents, without significant interruption; each drift cell, net shore drift cell, drift sector, or littoral cell typically includes one or more sources of sediment, such as a feeder bluff or stream mouth, a transport zone within which the sediment drifts along the shore, and an accretion area such as a spit, bar or hook.
103. Driveway means a strip of land which provides vehicular access from a public way to a building or other development on abutting grounds.
- E** 104. Ecological functions or Shoreline 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. See WAC 173-26-200 (2)(c). Functions include, but are not limited to, habitat diversity and food chain support for fish and wildlife, ground water recharge and discharge, high primary productivity, low flow stream water contribution, sediment stabilization and erosion control, storm and flood water attenuation and flood peak desynchronization, and water quality enhancement through biofiltration and retention of sediments, nutrients, and toxicants. These beneficial roles are not listed in order of priority.
105. Ecology means the Washington State Department of Ecology.
106. Ecosystem processes or 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.
107. Emergency activities are those activities that require immediate action within a time too short to allow full compliance with this Program due to an unanticipated and imminent threat to public health, safety or the environment (see WAC 173-27-040). Emergency activity does not include development of new permanent protective structures where none previously existed.
108. Endangered species means a species which is in danger of extinction throughout all or a significant portion of its range, as classified by the Washington Department of Fish and Wildlife, the Washington Department of Natural Resources, or the federal Endangered Species Act.
109. Enhancement means actions performed within an existing degraded shoreline and/or buffer to intentionally increase or augment one or more ecological functions or values of the existing area. 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, removing nonindigenous plant or animal species, or removing human-made structures or fill that are degrading ecological functions or values.

110. Erosion means the detachment and transport of soil or rock by water, wind, ice, or gravity.
111. Erosion Hazard Areas. Lands meeting the following classifications shall be designated as erosion hazard and are subject to the requirements of this Program:
  - a. Areas of existing erosion activity which causes accelerated erosion, sedimentation of critical areas, and/or threatens public health, safety, and welfare.
  - b. Any slope forty (40) percent or steeper with a vertical relief of ten (10) or more feet, except areas composed of bedrock.
  - c. Soils classified by the soil survey of Clallam County as having a moderate, severe, or very severe erosion hazard potential.
112. Essential public facilities means those important and necessary facilities which provide essential services that are typically difficult to site, such as airports, state educational facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance-abuse facilities, mental health facilities, and group homes (RCW 36.70A.200). They do not necessarily include all public facilities or services; they may be, but are not necessarily, publicly owned.
113. Estuary means a semi-enclosed coastal waterbody connected to a larger body of salt water with one or more rivers or streams flowing into it. Estuaries are typically the mouths of rivers and have brackish water.
114. Excavation means the mechanical removal of earth, including soil, rocks, bedrock, and/or root material from areas landward of the ordinary high water mark of a waterbody.
115. Exempt development means development that is exempt from the requirement to obtain a substantial development permit as defined by RCW 90.58.030 and WAC 173-27(040).
116. Existing use means the use of a lot or structure or improvements at the time of the enactment of this code, unless otherwise specified.
117. Exotic means any species of plants or animals that is not indigenous to the area.
118. Experimental aquaculture means an aquaculture activity that uses genera that have not previously been regularly cultivated in the state of Washington.
119. Extraction means the commercial removal of naturally occurring materials from the earth, excluding water.
120. Extreme low tide means the lowest line of the land reached by a receding tide. This is the line as estimated by the federal government below which it might reasonably be expected that the tide would not ebb. In the Puget Sound area generally, this point is estimated by the federal government to be a point in elevation 4.50 feet below the datum plane of mean lower low water (0.0). Along the Pacific Ocean and in the bays fronting thereon and the Strait of Juan de Fuca, the elevation ranges down to a minus 3.5 feet in several locations.

## **F**

121. Fair market value of a development 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.

122. Feasible means, for the purpose of this Program, that an action, such as a development project, mitigation, or preservation requirement, 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 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.
123. Feasible alternative means an alternative that:
- a. Meets the requirements of federal, state, and local laws and regulations;
  - b. Attains most or all of the basic objectives of the project;
  - c. Is technically and technologically possible;
  - d. Can be accomplished at a reasonable cost;
  - e. Can be accomplished in a reasonable amount of time; and
  - f. Adverse environmental, health, and safety effects are no greater than those of the original proposal.
  - g. A determination of what is reasonable or feasible is made by the Administrator on a case-by-case basis, taking into account the:
    - i. Probable intensity, severity, and cumulative impacts of the original proposal and alternative approaches, and opportunity for the avoidance or reduction in the number, intensity, or severity of impacts, or of the aggregate adverse impact;
    - ii. Risk of upset conditions (i.e., the risk that the control and mitigation measures will fail, be overwhelmed, or exceed allowed limits) and the potential severity of the impact should control or mitigation measures be ineffective or fail;
    - iii. Capital and operating costs;
    - iv. Period of time to accomplish, costs of additional time or delay, and time constraints for completion; and
    - v. Location and site-specific factors, such as seasonal or topographic constraints, environmentally sensitive areas and habitats, site accessibility, and local community concerns.

124. Feeder bluff or erosional bluff means any marine bluff or cliff with substantial sediment input into the net shore-drift system through mass wasting and/or erosion. Feeder bluff segments have periodic sediment input with a longer recurrence interval as compared to feeder bluff exceptional segments. Feeder bluff segments were characterized by the presence of historic landslide scarps, a lack of mature vegetation on the bank, and intermittent bank toe erosion. These natural sources of beach sediment are limited and vital for the long-term maintenance of beaches and accretion shoreforms (e.g., spits, bars, and hooks) and the nearshore habitats therein.
125. Fill means the addition of solid or semi-solid material such as soil, sand, rock, gravel, sediment, wood chips, mining overburden, earth retaining structure, or other material used to create any structure or infrastructure or that when placed changes the elevation or grade of a receiving site.
126. Fill material means any solid or semi-solid material such as soil, sand, rock, gravel, sediment, wood chips, mining overburden, earth retaining structure, or other material from mining or other excavation activities, and materials used to create any structure or infrastructure, that when placed, changes the grade or elevation of the receiving site.
127. Filling means the act of placing by any manual or mechanical means fill material from, to, or on any soil surface, including temporary stockpiling of fill material.
128. Fish habitat means a complex of physical, chemical, and biological conditions that provide the life supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, and nearshore areas include, but are not limited to, the following:
  - a. Clean water and appropriate temperatures for spawning, rearing, and holding;
  - b. Adequate water depth and velocity for migrating, foraging, spawning, rearing, and holding, including off-channel habitat;
  - c. Abundance of bank and instream structures to provide hiding and resting areas and stabilize stream banks and beds (freshwater);
  - d. Appropriate substrates for spawning and embryonic development. For stream and lake dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand;
  - e. Presence of riparian vegetation as defined in this Program. Riparian vegetation creates a transition zone, which provides shade, and food sources of aquatic and terrestrial insects for fish;
  - f. Unimpeded passage (suitable gradient and lack of barriers) for upstream and downstream migrating anadromous juveniles and adults (freshwater); areas upstream of partial or full fish passage barriers are still frequently fish habitat, and may provide additional fish habitat if artificial barriers are removed.
129. 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, and that does not include above water storage.

130. Floating aquaculture means aquaculture systems that suspend aquatic organisms in the water column using buoys, rafts, docks, piers or other structure. Floating aquaculture is synonymous with hanging aquaculture.
131. Floating house or floating home means 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 per RCW 90.58.270.
132. Flood or flooding means the temporary inundation of normally dry land areas from the overflow of inland or tidal waters or from the unusual and rapid accumulation or runoff of surface waters.
133. Flood control means all development on rivers and streams designed to retard bank erosion, to reduce flooding of adjacent lands, to control or divert stream flow, or to create a reservoir, including but not limited to revetments, dikes, levees, channelization, dams, weirs, flood and tidal gates. Excluded are water pump apparatus.
134. Floodplain is synonymous with one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of inundation being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Shoreline Management Act.
135. Floodplain management means a long-term program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulations, building standards, structural works, and monitoring and warning systems.
136. Floodway means the area of a river valley that conveys flood waters with reasonable regularity, although not necessarily annually. At a minimum, the floodway is that which has been established in Federal Emergency Management Act flood insurance rate maps or Federal Emergency Management Act floodway maps.
137. Forest land means all land that is capable of supporting a merchantable stand of timber and is not being actively used, developed, or converted in a manner that is incompatible with timber production.
138. Forest management means forest practices pertaining to protecting, producing, and harvesting timber for economic use.
139. Forest practice means any activity conducted on or directly pertaining to forest land and relating to growing or harvesting of timber, or the processing of timber, including but not limited to: road and trail construction and maintenance; harvest, final and intermediate; precommercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.
140. Forest practice, conversion means the conversion of land to an active use incompatible with timber growing and where future nonforest uses will be located on currently forested land.
141. Frequently flooded areas means lands subject to a one percent or greater chance of flooding in any given year.
142. Function assessment or Functions and values assessment means a set of procedures, applied by a qualified consultant, to identify the ecological functions being performed in a shoreline or

critical area, usually by determining the presence of certain characteristics, and determining how well the area is performing those functions. Function assessments can be qualitative or quantitative and may consider social values potentially provided by an area. Function assessment methods must be consistent with Best Available Science.

**G**

143. Gabions means works composed of masses of rock, rubble, or masonry tightly enclosed usually by wire mesh so as to form massive blocks. They are used to form walls on beaches to retard wave erosion or as foundations for breakwaters or jetties.
144. Geologically hazardous areas means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.
145. Geologically unstable means the relative instability of a shoreform or land form for development purposes over the long term or the intended life of any proposed structure. Soil, slope, ground or surface water, other geologic conditions, vegetation and effects of development are common factors that contribute to instability. Areas characterized by banks or bluffs composed of unconsolidated alluvial or glacial deposits (till and drift material), severely fractured bedrock, active and substantial erosion, substantially deformed trees and shrubs, or active or inactive earth slides are likely to be considered geologically unstable.
146. Geotechnical report or Geotechnical analysis means a scientific study or evaluation 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 engineers or geologists who are knowledgeable about the regional and local geology.
147. Grade, existing means the elevation of the ground or site prior to any work being done or any changes being made to the ground or site.
148. Grade, finished means the final elevation of the ground level after development.
149. Gradient means a degree of inclination, or a rate of ascent or descent, of an inclined part of the earth's surface with respect to the horizontal; the steepness of a slope. It is expressed as a ratio (vertical to horizontal), a fraction (such as meters/ kilometers or feet/miles), a percentage (of horizontal distance), or an angle (in degrees).
150. Grading means stripping, cutting, filling, or stockpiling earth to create new grade.
151. Grandfathered uses/developments means legally established uses, buildings, structures and/or lots of record that do not meet the specific standards of this Program but which existed on the effective date of initial adoption of the Program (August 5, 1976), or any subsequent amendment thereto, or was authorized under a permit, variance or conditional use approval, or is otherwise vested to the Program.

152. Groin means a wall-like structure extending on an angle waterward from the shore into the intertidal zone. Its purpose is to build or preserve an accretion shoreform or berm on its updrift side by trapping littoral drift. Groins are relatively narrow in width but vary greatly in length. Groins are sometimes built in series as a system, and may be permeable or impermeable, high or low, and fixed or adjustable.
153. Ground water means all water that exists beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of the state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves (Chapter 90.44 RCW).
154. Growth Management Act (GMA) means the State of Washington Growth Management Act, Chapter 36.70A RCW, as amended.
155. Guidelines means those regulations adopted under Chapter 173-16 WAC, as amended, or any successor regulations thereof, that serve as standards for implementation of the policy of Chapter 90.58 RCW for regulations of uses of the shorelines, and that provide criteria to local governments and the Department of Ecology in developing shoreline master programs (including this Program).
- H**
156. Habitat means the place or type of site where a plant or animal naturally or normally lives and grows.
157. Hanging aquaculture. See Floating aquaculture.
158. Harbor area means the area of navigable tidal waters as determined in Section 1 of Article 15 of the Washington State Constitution, which is forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce. Harbor areas exist between the inner and outer harbor lines as established by the state harbor line commission. Harbor areas are managed by the Department of Natural Resources for the conveniences of navigation and commerce.
159. Hazard tree means any tree with a high probability of falling due to a debilitating disease, a structural defect, a root ball more than fifty percent exposed, or having been exposed to wind throw within the past ten years. To be considered hazardous, there must be a residence or residential accessory structure within a tree length of the base of the trunk. Where not immediately apparent to the Administrator, the hazard tree determination shall be made after review of a report prepared by an arborist or forester.
160. Hazardous area means any shoreline area which is hazardous for intensive human use or structural development due to inherent and/or predictable physical conditions; such as but not limited to geologically hazardous areas, frequently flooded areas, and channel migration zones.
161. Hazardous materials means any substance containing such elements or compounds which when discharged in any quantity in shorelines present an imminent and/or substantial danger to public health or welfare; including, but not limited to: fish, shellfish, wildlife, water quality, and other shoreline features and property.
162. Hazardous waste means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous waste by the United States Environmental Protection Agency.

163. Hearings Board means the State Shorelines Hearings Board referenced in RCW 90.58.170.
164. Height, building means the vertical distance from grade plane to the average height of the highest roof surface (cf. International Building Code).
165. Historic means having considerable importance or influence in history; historical.
166. Historic preservation professionals means those individuals who hold a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:
- a. At least two (2) years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
  - b. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
167. Historic site, structure or landmark means a site, structure or building of outstanding archaeological, historical or cultural significance. This is shown by its designation as such by the National or Washington State Register of Historic Places, designation as an historic landmark, or any such structure or feature for which the State Historic Preservation Officer has made a determination of significance pursuant to Section 106 of the National Historic Preservation Act.
168. Hydraulic Project Approval (HPA) means a permit issued by the State Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW.
169. Hydroelectric generating facility means an in-stream facility or device requiring the diversion, impoundment or use of water in order to produce, generate and transmit electrical power.

**I**

170. Illegal use means any use of land or a structure which is inconsistent with current codes and/or was inconsistent with previous codes in effect when the use or structure was established. An illegal use is different than a nonconforming use. (See also Nonconforming.)
171. Impervious surface means a hard surface area that either prevents or retards the entry of water into the soil mantle. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and other surfaces. Open, uncovered retention/detention facilities shall not be considered impervious surfaces for purposes of this Program. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.
172. Incidental means subordinate to, minor in significance, and bearing a reasonable relationship with the primary use.
173. Incompatible means uses and activities that are not compatible.
174. Industry means the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process.

175. Industrial development means facilities for processing, manufacturing, and storage of finished or semi-finished goods, including but not limited to oil, metal or mineral product refining, power generating facilities, including hydropower, ship building and major repair, storage and repair of large trucks and other large vehicles or heavy equipment, related storage of fuels, commercial storage and repair of fishing gear, warehousing construction contractors' offices and material/equipment storage yards, wholesale trade or storage, and log storage on land or water, together with necessary accessory uses such as parking, loading, and waste storage and treatment. Excluded from this definition are mining including onsite processing of raw materials, and off-site utility, solid waste, road or railway development, and methane digesters that are accessory to an agricultural use.
176. Infiltration means the downward entry of water into the immediate surface of soil.
177. Infrastructure means existing installed facilities and services including capital facilities such as water supply, sewage disposal, and storm drainage systems, and transportation facilities such as public roads.
178. Instream resources means features, properties, or other beneficial assets which exist within a stream corridor, such as fish and wildlife habitat, recreation, and scenic beauty.
179. Instream structure means a human-made structure placed 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. Instream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service, transmission, fisheries enhancement, or other purposes.
180. Intensive means highly concentrated, very large, or considerable, in terms of Clallam County standards and environment.
181. International Building Code means the building code officially adopted by Clallam County.
182. Intertidal means the marine area waterward of the ordinary high water mark and landward of the line of extreme low tide.
183. Invasive species means a species that is 1) non-native (or alien) to Clallam County and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive species introductions.

## J

184. Jetty means a structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at a harbor entrance or river mouth mainly to prevent accretion from littoral drift in an entrance channel. Jetties also serve to protect channels from storm waves or cross currents and to stabilize inlets through barrier beaches. Most jetties are of rip-rapped mound construction.
185. Joint use dock. See Community dock.

## L

186. Lake means a body of standing water in a depression of land or expanded part of a stream, of twenty acres or greater in total area. A lake is bounded by the ordinary high water mark, or

where a stream enters the lake, the extension of the lake's ordinary high water mark within the stream. A lake is generally distinguished from marshes, bogs, and swamps by its greater depth.

187. Land disturbing activity means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, compaction, and excavation.
188. Landfill. See Filling.
189. Landslide means a general term covering a wide variety of mass movement landforms and processes involving the downslope transport, under gravitational influence, of soil and rock material en masse; included are debris flows, debris avalanches, earthflows, mudflows, slumps, mudslides, rock slides, and rock falls.
190. Landslide Hazard Areas means lands potentially subject to mass movement due to a combination of geologic, topographic, and hydrologic factors. The following classifications shall be designated as landslide hazards and are subject to the requirements of this Program:
  - a. Areas of historic failures, such as:
    - i. Those areas delineated by the United States Department of Agriculture Natural Resources Conservation Service as having a significant limitation for building site development;
    - ii. Those coastal areas mapped as class u (unstable), uos (unstable old slides), and urs (unstable recent slides) in the Department of Ecology Washington coastal atlas; or
    - iii. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Washington Department of Natural Resources.
  - b. Areas with all three of the following characteristics:
    - i. Slopes steeper than fifteen percent;
    - ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
    - iii. Springs or groundwater seepage.
  - c. Areas that have shown movement during the holocene epoch (from ten thousand years ago to the present) or which are underlain or covered by mass wastage debris of this epoch;
  - d. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
  - e. Slopes having gradients steeper than eighty percent subject to rockfall during seismic shaking;
  - f. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones. Channel migration zones are areas within which the stream channel can reasonably be expected to migrate over time as a result of normally occurring hydrological and related processes

when considered with the characteristics of the river and its surroundings. Such hazards are characterized by abandoned channels, ongoing sediment deposition and erosion, topographic position, and changes in the plant community, age, structure and composition. These areas do not include areas protected from channel movement due to the existence of permanent levees or infrastructure improvements such as roads and bridges constructed and maintained by public agencies. The County maintains a set of maps showing the approximate location and extent of known channel migration zones as determined by the Department of Ecology, or in the case of the Dungeness River, by the Jamestown S'Klallam Tribe;

- g. Areas that show evidence of, or are at risk from snow avalanches;
  - h. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
  - i. Any area with a slope of forty percent or steeper and with a vertical relief of ten or more feet except areas composed of bedrock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.
191. Landward means to or toward the land.
192. Levee means a natural or artificial embankment on the bank of a river or stream for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.
193. Liberal construction means an interpretation that tends to effectuate the spirit and purpose of the writing. For purposes of this Program, liberal construction means that the Planning Director shall interpret the regulatory language of this Program in relation to the broad policy statement of RCW 90.58.020, and make determinations which are in keeping with those policies as enacted by the Washington State Legislature.
194. Live-aboard means a seaworthy vessel that was designed primarily for navigation but is used as a residence. A boat or other floating structure is a residence if it is occupied 30 out of 45 days or 90 out of 365 days while moored or anchored in the same area, or if the local government, the marina, or the occupant of the boat defines it as a residence. The phrase 'in the same area' means within a radius of one mile of any location where the same vessel previously moored or anchored. A vessel that is occupied and is moored or anchored in the same area, but not for the number of days described in this subsection, is considered a recreational or transient vessel (WAC 332-30-106).
195. Logging means activities related to and conducted for purposes of harvesting or processing timber.
196. Long-term commercial significance means lands with the growing capacity, productivity, soil composition, and economic viability for long-term agricultural, mineral or silvicultural production.
197. Lot means a designated tract, parcel or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, and utilized. The area below the ordinary high water mark shall not be considered a part of the lot area.
198. Lot of record means an undeveloped lot, tract or parcel of land shown on an officially recorded short plat or long plat or a parcel of land officially recorded or registered as a unit of

property and described by platted lot number or by metes and bounds and lawfully established for conveyancing purposes on the date of recording of the instrument first referencing the lot. The term lot of record does not imply that the lot was created in conformity with the legal regulatory requirements for subdivision of property in accordance with Chapter 58.17 RCW or CCC Title 29.

199. Low intensity land use means a land use that has limited impact upon the land, resources and adjoining properties in terms of the scale of development, and frequency, amount, or concentration of use. Low intensity uses are mostly passive uses that do not substantially consume resources or leave noticeable or lasting adverse effects.
200. Low impact development (LID) means site design techniques aimed at reducing or eliminating the adverse effects of development on the environment. LID seeks to preserve or mimic natural hydrologic processes to avoid increases in runoff volumes and peak flow rates, prevent or reduce pollutant loadings in runoff, and recharge ground water. LID practices include protecting native vegetation; reducing impervious surfaces; and using permeable pavements, green roofs, bioretention areas (rain gardens), topsoil amendment, and cisterns to collectively preserve or restore the processes of evaporation, transpiration, and infiltration. LID stormwater practices can be selected for flow control and/or water quality treatment depending on site-specific conditions.

**M**

201. Maintenance and repair means work required to keep existing improvements in their existing operational state. This does not include any modification that changes the character, scope, or size of the original structure, facility, utility or improved area.
202. Marina means a wet moorage and/or dry storage facility for multiple pleasure crafts and/or commercial crafts where goods or services related to boating may be sold commercially. Launching facilities and covered moorage may also be included. Marinas may be open to the general public or restricted on the basis of property ownership or membership.
203. Marine bluff means a steep, nearly vertical slope bordering the Strait of Juan de Fuca marine shore that is at least 20 feet high.
204. Mass wasting means downslope movement of soil and rock material by gravity. This includes soil creep, erosion, and various types of landslides, not including bed load associated with natural stream sediment transport dynamics.
205. May means the action is allowable, provided it conforms to the provisions of this Program.
206. Mean annual flow means the average flow of a river or stream (measured in cubic feet per second) from measurements taken throughout the year. If available, flow data for the previous ten (10) years should be used in determining mean annual flow.
207. Mineral extraction means the removal of naturally occurring materials from the earth for economic use. Extraction materials include nonmetallic minerals such as sand, gravel, clay, coal, and various types of stone. This shall not include the following:
  - a. Excavation and grading at building construction sites where such construction is authorized by a valid building permit; or

- b. Excavation and grading in public rights-of-way for the purpose of on-site road construction, or in private rights-of-way for the same purpose if authorized by the County; or
  - c. Excavation and grading for the purpose of developing ponds or manure lagoons for agricultural purposes; or
  - d. Excavation and grading in connection with and at the site of any creek, river, or flood-control or storm drainage channel for the purpose of enlarging hydraulic capacity or changing the location or constructing a new channel or storm drain where such work has been approved by the County; or
  - e. Excavation and grading where the excavated material will be used on the same property or on property contiguous to and under the same ownership as the excavation.
208. Mineral processing means activities accessory to mineral extraction that include material washing, sorting, crushing or more intensive modification or alteration to a mineral resource through mechanical or chemical means after it has been removed from the earth. This does not include asphalt or concrete batch plants.
209. Mining means mineral extraction and mineral processing.
210. Mitigate/Mitigation means measures to avoid, minimize, lessen, or compensate for adverse impacts of development projects. Mitigation includes the following actions in order of preference (mitigation sequence):
- a. Avoiding an impact altogether by not taking a project or parts of a project;
  - b. Minimizing impacts by limiting the extent or magnitude of a project;
  - c. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
  - d. Reducing or eliminating an impact over time by preservation and maintenance operations during the life of the project;
  - e. Compensating for an impact by replacing or providing substitute resources or habitats; and
  - f. Monitoring the mitigation and taking remedial action when necessary.
211. Mitigation plan means a detailed plan indicating actions necessary to mitigate adverse impacts to shorelines and/or critical areas.
212. Mixed use means a combination of uses within the same building or site as a part of an integrated development project with functional interrelationships and coherent physical design.
213. Monitoring means evaluating the effects of a development action on the biological, hydrological, pedological, and geological elements of systems and/or assessing the performance of required mitigation measures through data collection, analysis and reporting.
214. Mooring buoy means an anchored floating device in a water body used for the landing or storage of a vessel or water craft.

- 215. Must means a mandate; the action is required.
- 216. Multifamily dwelling means a building containing three (3) or more dwelling units.

**N**

- 217. National Register of Historic Places means the official federal list, established by the National Historic Preservation Act, of sites, districts, buildings, structures and objects significant in the nation's history and prehistory, or whose artistic or architectural value is unique.
- 218. Native vegetation means plant species that are indigenous to Clallam County.
- 219. Navigable waters of the United States means a water body that in its ordinary condition, or by being united with other water bodies, forms a continued route over which commerce is or may be carried on with other states or foreign countries in the customary modes in which such commerce is conducted by water.
- 220. Net pens are finfish culturing systems that generally consist of one or more nets that are typically anchored to the waterbody floor and suspended from the surface with a floatation structure. Net pens that are connected at the surface, tied into the same anchoring network, or located in close proximity to each other and operated together shall be considered a single aquaculture facility. Net pen structures solely and directly established and managed for purposes of Pacific salmon enhancement and/or restoration are not considered net pens for purposes of this Program.
- 221. No net loss means the maintenance of the aggregate total of the County shoreline ecological functions over time. The no net loss standard requires that the impacts of shoreline use and/or development, whether permitted or exempt from permit requirements, be identified and mitigated on a project-by-project basis, so that as development occurs there is not an aggregate loss of shoreline functions. No net loss also requires that the County and other entities implement restoration projects to improve ecological functions and processes since there may be some development impacts that cannot be fully mitigated.
- 222. Noise means any sound not occurring in the natural environment which causes or tends to cause an adverse psychological or physiological effect on humans. This includes sounds arising from the amplification of noises generated by expected or permitted uses of a lot or structure.
- 223. Nonconforming means a legal use or development which conformed to the applicable codes in effect on the date of its creation but which no longer complies because of changes in code requirements. Nonconforming is different than and not to be confused with illegality (see Illegal use).
- 224. Nonconforming lot means a legal lot of record in existence prior to the effective date of this Program and any amendments thereto, on which it is not possible to construct a structure outside of/landward of the shoreline buffer or which does not otherwise meet the minimum lot size requirements as set forth in this Program.
- 225. Nonconsumptive use means a use which does not permanently deplete, degrade, or destroy the resource involved.

## **O**

226. Off-premise sign means a sign situated on premises other than those premises to which the sign's message is related.
227. Off-shore wind turbine involves the construction of devices in waterbodies that convert kinetic energy from the wind into mechanical energy, usually for purposes of generating electricity.
228. Offshore means the sloping subtidal area seaward from the low intertidal.
229. Off-site mitigation means to replace shoreline resources at a location away from the site that is impacted by development.
230. On-premise sign means a sign situated on the premises to which the sign's message is related.
231. On-site waste disposal means any one of several means for disposal of sanitary waste on the property from which it is generated (e.g., septic tank and drainfield).
232. Open record hearing means a hearing, conducted by a single hearing body or officer that creates the record through testimony and submission of evidence and information under procedures prescribed by ordinance or resolution. An open record hearing may be held prior to the decision on a project permit and is to be known as an open record predecision hearing. An open record hearing may be held on an appeal, and is to be known as an open record appeal hearing, if no open record predecision hearing has been held on the project permit.
233. Open space means lands committed to farming and forestry uses and any parcel, lot, or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment.
234. Operator means any person who is in actual physical or electronic control of a powered watercraft, motor vehicle, aircraft, off-highway vehicle, or any other engine driven vehicle.
235. Ordinary high water mark or ordinary high water line means 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 hereafter in accordance with permits issued by Clallam County or the Department of Ecology. On a site-specific basis, Department of Ecology has the final authority on determining where the ordinary high water mark is located.
236. Owner means an individual, firm, business entity, trust, association, syndicate, partnership, or corporation having sufficient property interest to seek development of land.
237. Owner-occupied means the residential occupancy of a building or property by the owner.

## **P**

238. Park means a tract of land designated and used by the public for recreation.
239. Parking facilities means off-street, ground-level open areas or structures used for the temporary storage of motor vehicles. Parking facilities do not include driveways for single-family residences.

240. Parties of record means the land use permit applicant; persons who have testified at the open record hearing; and any persons who have submitted written comments concerning the application that form part of the public record (excluding persons who only signed petitions or mechanically produced form letters).
241. Penstocks means a sluice or gate or intake structure that controls water flow, or an enclosed pipe that delivers water to hydraulic turbines.
242. Performance standard means a set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.
243. Permit center means the Clallam County Department of Community Development.
244. Permit review means the process of reviewing applications for project permits for consistency with the requirements of this Program.
245. Permitted use or development means a use that is allowed when consistent with the Program. Permitted uses/development shall require a shoreline substantial development permit, a shoreline conditional use permit, a shoreline variance, or a statement from the County Community Development Department that the use/development is exempt from a shoreline substantial development permit. Permitted uses are the same as allowed uses/developments and the opposite of prohibited uses/developments.
246. Permittee means the entity to whom a permit is granted.
247. Person means any individual, owner, contractor, tenant, partnership, corporation, business entity, association, organization, cooperative, public or municipal corporation, agency of a state or local governmental unit however designated, public or private institution, or an employee or agent of any of the foregoing entities.
248. Pervious surface means a surface that absorbs water.
249. 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.
250. Plat means a map or representation of a subdivision or short subdivision of land showing the division of a parcel of land into lots, roads, dedications, common areas, restrictions and easements, as regulated by Chapter 58.17 RCW and this Program.
251. Playing field means a land area designed and used for outdoor games, such as baseball, football, soccer, track events and tennis. It includes public outdoor swimming pools.
252. Powerhouse means a plant where electric energy is produced by conversion from other forms of energy by means of suitable apparatus. This includes all generating station auxiliaries and other associated equipment required for the operation of the plant.
253. Ports are legal entities established for purposes of acquiring, constructing, maintaining, operating, developing and regulating harbor improvements, rail or motor vehicle transfer and terminal facilities, water transfer and terminal facilities, air transfer and terminal facilities, or any combination of such transfer and terminal facilities, and other commercial transportation, transfer, handling, storage and terminal facilities, and industrial improvements.

254. Predecision hearing, open record means a hearing, conducted by the hearing examiner, that creates the County's record through testimony and submittal of evidence and information, under procedures prescribed by the County by ordinance or resolution. An open record predecision hearing may be held prior to the County's decision on a project permit (RCW 36.70B.020).
255. Preliminary plat means a neat and approximate drawing of a proposed subdivision showing the general layout of streets, lots, blocks (if applicable) and other elements of a subdivision consistent with the provisions of this Program.
256. Preservation means actions taken to ensure the permanent protection of existing, ecologically important areas that the County has deemed worthy of long-term protection.
257. Primary association means the use of a habitat area by a listed or priority species for breeding/spawning, rearing young, resting, roosting, feeding, foraging, and/or migrating on a frequent and/or regular basis during the appropriate season(s) as well as habitats that are used less frequently/regularly but which provide for essential life cycle functions such as breeding/nesting/spawning.
258. Primary use means the principal use of a property.
259. Priority habitat means a habitat type 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: Comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important fish and wildlife breeding habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; refuge; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish bed. 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 talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife (WAC 173-26-020(24)).
260. Priority species means wildlife species of concern due to their population status and their sensitivity to habitat alteration, as defined by the Washington Department of Fish and Wildlife.
261. Private sign means a sign used on a private residence to indicate only the owner's name or address, that the premises are for rent or sale, or for other reasonable purposes related to residential use including permitted home occupations.
262. Prohibited use means any use or activity which is specifically not allowed by this Program. A prohibited use cannot be authorized through a variance or conditional use permit.
263. Project means any proposed or existing activity regulated by Clallam County.
264. Project area means all areas at and around a proposed shoreline development that would be affected directly or indirectly by the proposal for which a project proponent is seeking approval under this Program, and not simply the immediate area involved in the project. That is, the project area may consist of an area larger than the affected lot or parcel. Direct effects are those caused by the proposed project and occur at the same time and place. Indirect effects

are those caused by the proposed project and are later in time, but still are reasonably certain to occur. The Administrator is vested with the authority to define the project area.

265. Proof of ownership means a photocopy of a recorded deed to property and/or a current title insurance policy insuring the status of an applicant as the owner in fee title to real property.
266. Proponent means the owner, sponsor, authorized agent and/or permit applicant of any proposed use or development on or affecting shorelines of the state.
267. Provision means any written language contained in this Program, including without limitation any definition, policy, goal, regulation, requirement, standard, authorization, or prohibition.
268. Public access means physical shoreline access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual shoreline access facilitated by scenic roads and overlooks, viewing towers and other facilities. Public access can be established by easement or other means and may not always include a facility or structure. Public access is one goal of the Shoreline Management Act that supports the public's right to get to view and use the State's public waters, both saltwater and freshwater, the water/land interface and associated shoreline area.
269. Public facilities (and services) means facilities which serve the general public including streets, roads, ferries, sidewalks, street and road lighting systems, traffic signals, community water systems, community sewage treatment systems, storm sewer systems, parks and recreational facilities, and libraries (see RCW 36.70A.030). Some public facilities are essential public facilities.
270. 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 adverse effects of a use or development.
271. Public transportation systems means public facilities for air, water, or land transportation.
272. Public use means the use of any land, water, or building by a public agency for the general public, or by the public itself.
273. Public utility means a use owned or operated by a public or publicly licensed or franchised agency that provides essential public services such as telephone exchanges, electric substations, radio and television stations, wireless communications services, gas and water regulation stations and other facilities of this nature.

**Q**

274. Qualified professional or qualified consultant means a person with experience and training and expertise appropriate for the relevant subject. A qualified professional/consultant must have obtained a B.S. or B.A. degree, a professional license/certification and/ or have appropriate education and experience in biology, soil science, engineering, environmental studies, fisheries, geology, geomorphology or related field.
275. Qualified geotechnical engineer means a professional engineering geologist or geotechnical engineer, licensed in the state of Washington.

## R

276. Rare, endangered, threatened and sensitive species means plant and animal species identified and listed by the Washington State Department of Natural Resources, Washington Natural Heritage Program, Washington State Department of Fish and Wildlife, or the U.S. Fish and Wildlife Service, as being severely limited or threatened with extinction within their native ranges.
277. RCW means the Revised Code of Washington.
278. Reach means a segment of shoreline and associated planning area that is mapped and described as a unit due to relatively homogenous characteristics that include land use and/or natural features, such as a drift cell location and other factors.
279. Recharge means the hydrologic process involved in the absorption and addition of water downward from surface waters and subsurface areas above the ground water table into ground water.
280. Recording means the filing of a document(s) for recordation with the County auditor.
281. Recreational development means development that provides opportunities for the use and enjoyment of the shoreline, including but not limited to fishing, hiking, swimming and viewing. This includes both commercial and public recreational facilities.
282. Recreational use means an experience or activity in which an individual engages for personal enjoyment and satisfaction. Most shore-based recreation is outdoor recreation such as: fishing, hunting, clamming, beach combing, and rock climbing; various forms of boating, swimming, hiking, bicycling, horseback riding, camping, picnicking, watching or recording activities such as photography, painting, bird watching or viewing of water or shorelines, nature study and related activities.
283. Reestablishment means measures taken to intentionally restore an altered or damaged natural feature or process including:
- a. Active steps taken to restore damaged wetlands, streams, protected habitat, and/or their buffers to the functioning condition that existed prior to an unauthorized alteration;
  - b. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or other events; and
  - c. Restoration can include restoration of wetland functions and values on a site where wetlands previously existed, but are no longer present due to lack of water or hydric soils.
284. Rehabilitation means a type of restoration action intended to repair natural or historic functions and processes. Activities could involve breaching a dike to reconnect wetlands to a floodplain or other activities that restore the natural water regime.
285. Renovation means to restore to an earlier condition as by repairing or remodeling. Renovation shall include any interior changes to the building and those exterior changes that do not substantially change the character of the existing structure.
286. Resident fish means a fish species that completes all stages of its life cycle within freshwater and frequently within a local area.

287. Residential development means development of land with dwelling units for non-transient occupancy. For the purposes of this Program, accessory dwelling units, garages, and other similar structures accessory to a dwelling unit shall also be considered residential development (See also Dwelling unit and Accessory dwelling unit).
288. Resource-based industrial means a forest resource-based industrial land use designation that recognizes existing, active sawmills and related activities.
289. Resource lands means agricultural, forest, and mineral lands that have long-term commercial significance as identified in Chapter 33.07 CCC (Clallam County Zoning).
290. Restoration means 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 fill, 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.
291. Restriction means a limitation placed upon the use of parcel(s) of land.
292. Revetment means a sloped wall constructed of rip-rap or other suitable material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement.
293. Rip-rap means dense, hard, angular rock free from cracks or other defects conducive to weathering often used for bulkheads, revetments or similar slope/bank stabilization purposes.
294. Riparian corridor or Riparian zone means the area adjacent to a water body (stream, lake or marine water) that contains vegetation that influences the aquatic ecosystem, nearshore area and/or fish and wildlife habitat by providing shade, fine or large woody material, nutrients, organic debris, sediment filtration, and terrestrial insects (prey production). Riparian zones 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. Buffers are specified by this Program to provide protection for riparian zones.
295. River means a large natural stream of water emptying into any ocean, lake, or other body of water, and usually fed along its course by converging tributaries.
296. Road means an improved and maintained public or private right-of-way which provides vehicular access to abutting properties, and which may also include provision for public utilities, pedestrian access, cut and fill slopes, and drainage.
297. Runoff means that portion of rainfall and other precipitation that becomes surface flow and interflow and that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.
298. Rural lands means the class of land use designations which are intended to preserve the rural character of the County. Rural land designations in the Comprehensive Plan and Title 33 CCC (Clallam County Zoning) include the following: rural residential, rural commercial and rural industrial.

299. Rural residential designation means the land use designation in the Comprehensive Plan designed to recognize existing residential development patterns of the rural landscape and provide for a variety of residential living opportunities at densities which maintain the primarily rural residential character of an area.

**S**

300. Sale means the conveyance for consideration of legal or beneficial ownership.
301. Salt water intrusion means the underground flow of salt water into wells and aquifers.
302. Scientific and educational facilities means those sites, structures, or facilities that provide unique insight into our natural and cultural heritage.
303. Screening means a method of visually shielding or obscuring a structure or use from view by fencing, walls, trees, or densely planted vegetation.
304. Seaward means to or toward the sea.
305. Seawall means a structure whose primary purpose is to protect the shore from erosion by water waves. Seawalls are similar but typically more massive than bulkheads because they are designed to resist the full force of waves.
306. Sedimentation means the process by which material is transported and deposited by water or wind.
307. Segment means a section of shoreline and associated planning area that is mapped and described as a unit due to relatively homogenous characteristics that include land use and/or natural features, such as a drift cell location and other factors. Segment is synonymous with reach.
308. Seismic Hazard Areas means lands meeting the following classifications shall be designated as seismic hazard and are subject to the requirements of this Program.
- a. Landslide hazard areas and materials.
  - b. Artificial fills especially on soils listed in subsection (1)(c) of this definition and areas with perched water tables.
  - c. The following soil types described within the Clallam County soil survey as beaches, Mukilteo muck, Lummi silt loam, Sequim-McKenna-Mukilteo complex, and Tealwhit silt loam.
  - d. Other areas as determined by the Clallam County Building Official pursuant to 1997 Washington State Uniform Building Code, Chapter 18, as amended.
309. Setback means the distance a building structure is placed behind a specified limit such as a lot line or shoreline buffer.
310. Shellfish means invertebrate organisms of the phyla Arthropoda (class Crustacea), Mollusca (class Pelecypoda) and Echinodermata.
311. Shellfish habitat conservation areas are all public and private tidelands suitable for shellfish, as identified by the Washington Department of Health classification of commercial growing

areas, and those recreational harvest areas as identified by the Washington Department of Ecology as designated as Shellfish Habitat Conservation Areas pursuant to Chapter 365-190-80 WAC. Any area that is or has been designated as a Shellfish Protection District created under RCW 90.72 is also a Shellfish Habitat Conservation Area.

312. Shoreline armoring or structural shoreline armoring refers to the placement of bulkheads and other hard structures on the shoreline to provide stabilization and reduce or prevent erosion caused by wave action, currents and/or the natural transport of sediments along the shoreline. Groins, jetties, breakwaters, revetments, sea walls are examples of other types of shoreline armoring.
313. Shorelands or Shoreland areas means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of Chapter 173-22 WAC, as may be amended; the same to be designated as to location by the Department of Ecology, as defined by RCW 90.58.
314. Shorelines are all of the water areas of the state as defined in RCW 90.58.030, 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 cubic feet per second (20 cfs) 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.
315. Shoreline conditional use means a use, development, substantial development, or unclassified use that, owing to some special characteristics attendant to its typical operation or installation, may be allowed in certain circumstances when consistent with criteria specified herein.
316. Shoreline conditional use permit means a permit issued by Clallam County and approved by Ecology stating that the land uses and activities meet all criteria set forth in this Program, and all conditions of approval in accordance with the procedural requirements of this Program.
317. Shoreline jurisdiction means all shorelines of the state and shorelands.
318. Shoreline Management Act means the Shoreline Management Act of 1971 (Chapter 90.58 RCW), as amended.
319. Shoreline Master Program (SMP or Program) means the Clallam County Shoreline Master Program Chapter Title 35 of the Clallam County Code.
320. Shoreline modification activities 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 bulkhead, dock or other shoreline structure. They can include other actions, such as clearing, grading, or filling.

321. Shoreline permit means a shoreline substantial development permit, a shoreline conditional use, or a shoreline variance, or any combination thereof issued by Clallam County pursuant to RCW 90.58.
322. Shoreline stabilization means structural and non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches and/or influence wave action, currents and/or the natural transport of sediments along the shoreline. This includes use of bulkheads and concrete walls as well as bioengineering and other forms of vegetative stabilization.
323. Shorelines of statewide significance with respect to Clallam County are identified as follows:
- a. The lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand (1,000) acres or more measured at the ordinary high water mark, including associated wetlands.
  - b. Those areas of Puget Sound and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide.
  - c. The area between the ordinary high water mark and the western boundary of the state including harbors, bays, estuaries, and inlets.
  - d. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide.
  - e. Those natural rivers or segments thereof downstream from a point where the mean annual flow is measured at one thousand (1,000) cubic feet per second or more.
  - f. Those shorelands associated with the areas described in subsection a, b, d and e of this definition.
324. Shorelines of the state means the total of all shorelines and shorelines of statewide significance within Washington State.
325. Short plat means a neat and accurate drawing of a short subdivision, prepared for filing for record with the County auditor, and containing all elements and requirements set forth in CCC Titles 29 (Subdivisions) and 33 (Zoning).
326. Should means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Act and this Program, against taking the action.
327. Sign means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Excluded from this definition are signs required by law, such as handicapped parking signs, and the flags of national and state governments.
328. Sign, commercial means a sign that directs attention to a business or profession, to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.
329. Significant adverse impact means having a reasonable likelihood of producing more than a moderate, negative effect on environmental quality. The determination takes into account the

severity of the impact as well as its likelihood of occurring. An impact may be significant if its magnitude would be severe, even if its likelihood is not great. What is considered significant will vary from one site to another because of the conditions surrounding the proposal at a particular location.

330. Significant vegetation removal means the removal or alteration of multiple trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical, or other means, where the amount, extent or nature of the removal activity causes a significant adverse impact on shade, slope stability, habitat, water quality or other ecological functions provided by 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.
331. Single-family residence means a dwelling unit designed for and occupied by no more than one family, including accessory uses (see definition). Accessory uses include development that is necessarily connected to the use and enjoyment of a single-family residence and located landward of the ordinary high water mark and the perimeter of a wetland and include a garage; deck; driveway; utilities; fences; septic tanks and drainfields; and grading which does not exceed two hundred fifty cubic yards which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.
332. Slope means:
- a. Gradient.
  - b. The inclined surface of any part of the earth's surface, delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.
333. Small-scale means of a size or intensity which does not substantially degrade the surrounding area and which makes minimal demands on the existing infrastructure.
334. Soil means all unconsolidated materials above bedrock described in the Soil Conservation Service Classification System or by the Unified Soils Classification System.
335. Solid waste means all putrescible and non-putrescible solid and semi-solid wastes, except wastes identified in WAC 173-304-015, including, but not limited to, junk vehicles, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities, but excluding agricultural wastes and crop residues returned to the soil at agronomic rates. This includes all liquid, solid and semi-solid materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage from septic tanks, wood waste, dangerous waste, and problem wastes. Unrecovered residues from recycling operations shall be considered solid waste.
336. Solid waste handling and disposal facilities 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 an accessory to the handling and disposal of garbage and refuse.

337. Special Flood Hazard means the land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on National Flood Insurance Program (NFIP) rate maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V.
338. Spit means an accretion shoreform that is narrow in relation to length and extends parallel to or curves outward from shore; spits are also characterized by a substantial wave-built sand and gravel berm on the windward side, and a more gently sloping silt or marsh shore on the lagoon or leeward side; curved spits are called hooks.
339. Stormwater means rain or snow melt that does not naturally infiltrate into the ground but runs off surfaces such as rooftops, streets, or lawns, directly or indirectly, into streams and other water bodies or through constructed infiltration facilities into the ground.
340. Stream means an area where surface waters produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the annual passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year round. This definition includes drainage ditches or other artificial water courses where natural streams existed prior to human alteration, and/or the waterway is used by anadromous or resident salmonid or other fish populations.
341. Strict construction means an interpretation that considers only the literal words of a writing.
342. Structure means a permanent or temporary edifice or building or any piece of work artificially built up or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels (WAC 173-27-030). Retaining walls, bulkheads, fences, landscaping walls/decorative rockeries, mussel racks, and similar improvements to real property are examples of structures. Geoduck harvest tubes are not considered structures for purposes of this Program.
343. Subdivision means the division or redivision of land into lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.
344. Substantial development means any development which meets the definition in RCW 90.58.030.3.e.
345. Substantially degrade means to cause noticeable damage or harm to an area's ecological condition or function. An action is considered to substantially degrade the environment under any of the following criteria:
- a. The change in condition or function is considerable in size or area relative to the pre-existing condition/function; or
  - b. The change in condition or function will have long-term implications on the viability of the affected habitat or species that depend on the affected habitat; or
  - c. The change in condition will create a human health or safety hazard or cause a threat to people or property in the foreseeable future; or

- d. The change in condition or function has indirect effects on the environment that extend beyond the immediate footprint of the damaged/degraded area; or
- e. The change in condition or function may contribute to damage or harm to ecological functions as part of cumulative impacts from similar permitted development on nearby shorelines.

346. Subtidal means the area waterward of the line of extreme low tide.

347. Sustainable means actions or activities which preserve and enhance resources for future generations.

**I**

348. Terrestrial Habitat Conservation Areas means the subset of fish and wildlife habitat conservation areas listed in WAC 395-190-130(1) that occur on land.

349. Threatened species means a species that is likely to become an endangered species within the foreseeable future, as classified by the Washington Department of Fish and Wildlife, the Department of Natural Resources, Washington Natural Heritage Program, or the federal Endangered Species Act.

350. Threshold determination means the decision by the responsible official of the lead agency under the State Environmental Policy Act (SEPA) whether or not an environmental impact statement (EIS) is required for a proposal that is not categorically exempt (WAC [197-11-310](#) and [197-11-330](#) (1)(b)).

351. Toe means the lowest part of a slope or cliff; the downslope end of an alluvial fan, landslide, etc.

352. Transportation uses and developments means roads, rails, trails, and other surfaces and facilities designed to accommodate movement of motorized and non-motorized vehicles and pedestrians.

353. Type "F" Water means streams and waterbodies that are known to be used by fish, or meet the physical criteria to be potentially used by fish. Fish streams may or may not have flowing water all year; they may be perennial or seasonal (formerly type 2 or 3)

354. Type "Np" Water means streams that have flow year round, but do not meet the physical criteria of a Type F stream. This also includes streams that have been proven not to contain fish using methods described in Forest Practices Board Manual Section 13 (formerly type 4)

355. Type "Ns" Water means streams that do not have surface flow during at least some portion of the year, and do not meet the physical criteria of a Type F stream (formerly type 5).

356. Type "S" Water means streams and waterbodies that are designated "shorelines of the state" as defined in chapter 90.58.030 RCW (formerly type 1).

**U**

- 357. Unavoidable means adverse impacts that remain after all appropriate avoidance and minimization measures have been implemented.
- 358. Uplands means dry lands landward of ordinary high water mark.
- 359. Urban growth area means an area designated by the County within which urban growth is to be encouraged and outside of which growth is not intended to be urban in nature. (cf. Chapter 36.70A RCW.)
- 360. Use means the purpose that a parcel of land, a building or a structure now serves or may serve in the future. This includes the purpose for which such parcel, building or structure is or may be occupied, maintained, arranged, designed, or intended.
- 361. Utility means a fixed improvement which produces, conveys, stores or processes power, gas, sewage, communications, oil, waste, water, and communication signals.
- 362. Utility distribution lines means pipes, wires, and associated structural supports.
- 363. Utility facilities means facilities directly used for the distribution or transmission of services to an area, excluding utility service offices.

**V**

- 364. Variance (or shoreline variance) permit means a type of permit that can provide relief from the dimensional requirements of this Program. A variance may only be granted when all of the criteria listed at WAC 173-27-170 are met. The variance is intended to allow only a minimum degree of variation from setback or other standards, just enough to afford relief and to allow a reasonable use of a property. Variances approved by Clallam County must also be approved, denied, or approved with conditions by Ecology.
- 365. Vessel means a floating structure that is designed primarily for navigation, is normally capable of self propulsion and used as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency as per WAC 332-30-103.
- 366. Vicinity means the area generally within the same marine drift cell or freshwater reach of the boundary of a given parcel.
- 367. View protection means protection of the visual quality of the shoreline resource and maintenance of view corridors to and from waterways and their adjacent shoreland features.

**W**

- 368. WAC means the Washington Administrative Code.
- 369. Water-dependent use means a use or portion of a use that requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations. Ferry terminals, public fishing piers, aquaculture, and marinas are examples of water-dependent uses. Residential development is not a water-dependent use but is a preferred use of shorelines of the state (RCW 90.58.020).

370. 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. A restaurant or similar use may qualify as a water-enjoyment use provided it includes public access to the shoreline.
371. Water-oriented use means any one or a combination of water-dependent, water-related or water-enjoyment uses and serves as an all-encompassing definition for priority uses under the Act.
372. Water quality means the physical, chemical and biological characteristics of water. Water quality is a measure of the condition of water relative to the requirements of humans and other biotic species. Water quality is typically assessed in terms of specific standards for drinking water, shellfish harvest, recreation, fish production, and other beneficial uses.
373. Water-related use means a use or portion of a use that is not intrinsically dependent on a waterfront location but depends upon a waterfront location for economic viability because of one of the following:
- a. 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 activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Water-related uses include manufacturers of ship parts large enough that transportation becomes a significant factor in the product's cost; professional services for primarily water-dependent activities and storage of water-transported foods. Other examples of water-related uses may include the 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 for water-borne transportation.
374. Watershed means a geographic region within which water drains into a particular river, stream or body of water.
375. Wetlands means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances 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 for 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 created as mitigation and wetland modified for approved land use activities shall be considered as regulated wetlands.
376. Weir means a structure in a stream or river for measuring or regulating stream flow and/or for directing fish movement for passage, fisheries, or scientific research purposes.

- 377. Wind energy system (WES) means a wind energy conversion system, consisting of: wind turbine, tower, base and associated control or conversion electronics, as well as all anchors, guy cables and hardware.
- 378. Windthrow means a natural process by which trees are uprooted or sustain severe trunk damage by the wind

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