

Chapter 18.02 - DEFINITIONS

Section:

18.02.010 - Definitions.

For the purpose of this title and to supplement definitions set forth in Section 1.04.010 of this code, certain terms and words are defined in this chapter. Words appearing but not defined in this title shall be given the meaning as defined in the current edition of "Webster's Third New International Dictionary."

"Accessory structure" means a detached subordinate building, the use of which is necessary and incidental to that of a main building on the same lot, and which does not change or alter the character of the premises. A building permit shall be obtained prior to construction of any accessory structure in a frequently flooded area.

"Adaptive management program" means a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:

- a. Address funding for the research component of the adaptive management program,
- b. Change course based on the results and interpretation of new information that resolve uncertainties; and,
- c. Commit to the appropriate timeframe and scale necessary to reliably evaluate regulatory and non-regulatory action affecting protection of critical areas and anadromous fisheries.

"Affecting" means having, or may be having, an effect on an element or elements of the environment. For purposes of deciding whether an Environmental Impact Statement (EIS) is required and what the EIS must cover, "affecting" refers to having a probable, significant adverse environmental impact or impacts.

"Agriculture" means the tilling of soil, raising of crops, horticulture, viticulture, floriculture, aquaculture including shellfish harvesting, small livestock farming, dairying, animal husbandry, including all uses customarily incidental thereto, but not including slaughter house, fertilizer works, bone yard, or plant for the reduction of animal matter.

"Agricultural Activities, Existing and Ongoing" means those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including but not limited to operation, maintenance and conservation measures of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. Activities which bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area in which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program.

~~"Altered" means a human-induced action which requires a county development permit and which changes the existing condition of a critical protection area.~~

"Alteration" means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing of vegetation, construction, compaction, excavation, or any other activity that changes the character of the critical area.

"Anadromous fish" means fish that migrate from salt water to spawn in fresh water.

"Aquifer" means a saturated body of rock, sand, gravel, or other geologic material that is capable of storing, transmitting, and yielding potable water to a well.

"Area of special flood hazard" means the land in a frequently flooded area within the county subject to a one percent or greater chance of flooding in any given year. The designation of an area of special flood hazard on flood insurance rate maps (FIRM) always includes the letters "A" or "V."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the "100-year flood." The designation of an area of special flood hazard on a FIRM always includes the letters "A" or "V."

"Basement" means any area of the building having its floor sub-grade, below ground level, on all sides.

"Best Available Science" means the current scientific information used in the process to designate, protect, or restore critical areas; that is, derived from a valid scientific process as defined by WAC 365-195-900 through 925.

"Best Management Practices (BMPs)" are conservation practices or systems of practices and management measures that:

(a) Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, or sediment;

(b) Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;

(c) Protect trees, vegetation, and soils designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas; and

(d) Provide standards for proper use of chemical herbicides within critical areas.

"Bog" means a low-nutrient, acidic wetland with organic soils and characteristic bog plants, as described in *Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014).

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

~~"Buffer or buffer area" means that vegetated area adjacent to critical protection area that can reduce impacts from adjacent land uses through various physical, chemical, and/or biological processes.~~

"Buffers or buffer area" means that area of land immediately adjacent to a critical protection area that maintains the functions and/or structural stability of the critical area. Buffers consist of undisturbed native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat

"Built environment" means the elements of the environment as specified in Section 18.02.010, which are generally built or made by people as contrasted with natural processes.

"Channel width and gradient" means a measurement over a representative section of at least five hundred (500) linear feet, with at least ten (10) evenly-spaced measurement points along the normal stream channel, but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds, and impoundments.

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VE, V or V1 through V30.

Coastal Lagoon means a shallow body of water partly or completely separated from the sea by a barrier beach that receives periodic influxes of salt water, as described in *Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014).

"Conservation easement" means a restriction the scope of development placed on a piece of property to protect the natural or man-made resource associated with the site. Easements are recorded on the property deed and are held in trust by the party granted the easement. The grantee polices the terms of the easement for the duration of its existence.

~~"Critical protection areas" are the values and functions of geologically hazardous areas, frequently flooded areas, wetland areas, fish and wildlife habitat conservation areas, and critical aquifer recharge areas as defined in this chapter.~~

Critical Areas – Critical areas include any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, geologically hazardous areas, frequently flooded areas, and wetlands, as defined in RCW 36.70A and Chapter 18.06.

"Critical protection area special study" means a report, prepared by a professional possessing the appropriate state or similar accreditation, examining a development proposal's adverse impact to a critical protection area and any associated buffer. The study shall include information as set forth in Section 18.06.020D.

"Critical facility" means a facility for which even slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.

"Cumulative" means increasing in size or strength by successive additions without corresponding loss.

“Cumulative Impacts or Effects” – The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with the effects of other actions in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

"Determination of Non-Significance" (or DNS) means the written decision by the responsible official of the lead agency that a proposal is not likely to have a significant adverse environmental impact and therefore, an Environmental Impact Statement (EIS) is not required to be prepared for the proposal.

"Determination of Significance" (or DS) means the written decision by the responsible official of the lead agency that a proposal is likely to have a significant adverse environmental impact and therefore an Environmental Impact Statement (EIS) must be prepared for the proposal.

~~"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or the outdoor storage of equipment or materials on property containing a critical protection area.~~

Development – A land use consisting of the construction or exterior alteration of structures; grading, dredging, drilling, or dumping; filling; removal of sand, gravel, or minerals; bulk heading; driving of pilings; or any project of a temporary or permanent nature which modifies structures, land, wetlands, or shorelines and which does not fall within the allowable exemptions contained in the county code

"EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

"Environment" means and is limited to the following elements:

(1) Natural Environment

(a) Earth

- (i) Geology
- (ii) Soils
- (iii) Topography
- (iv) Unique physical features
- (v) Erosion/enlargement of land area (accretion)

(b) Air

- (i) Air quality
- (ii) Odor
- (iii) Climate

(c) Water

- (i) Surface water movement/quantity/quality
- (ii) Runoff/absorption
- (iii) Floods
- (iv) Ground water movement/quantity/quality
- (v) Public water supplies

(d) Plants and animals

- (i) Habitat for and numbers or diversity of species of plants, fish, or other wildlife
- (ii) Unique species
- (iii) Fish or wildlife migration routes

(e) Energy and natural resources

- (i) Amount required/rate of use/efficiency
- (ii) Source/availability
- (iii) Non-renewable resources

- (iv) Conservation and renewable resources
- (v) Scenic resources
- (2) Built environment
 - (a) Environmental health
 - (i) Noise
 - (ii) Risk of explosion
 - (iii) Releases or potential releases to the environment affecting public health, such as toxic or hazardous materials
 - (b) Land and shoreline use
 - (i) Relationship to existing land use plans and to estimated population
 - (ii) Housing
 - (iii) Light and glare
 - (iv) Aesthetics
 - (v) Recreation
 - (vii) Historic and cultural preservation
 - (viii) Agricultural crops
 - (c) Transportation
 - (i) Transportation systems
 - (ii) Vehicular traffic
 - (iii) Waterborne, rail, and air traffic
 - (iv) Parking
 - (v) Movement/circulation of people or goods
 - (vi) Traffic hazards
 - (d) Public services and utilities
 - (i) Fire
 - (ii) Police
 - (iii) Schools
 - (iv) Parks or other recreational facilities
 - (v) Maintenance
 - (vi) Communications
 - (vii) Water/stormwater
 - (viii) Sewer/solid waste
 - (ix) Other governmental services or utilities

Environment and environmental quality refer to the state of the environment and are synonymous as used in this title and refers basically to physical environmental quality.

Enhancement – The manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.

"Environmental checklist" means the form referenced in Section 18.04.240 and Washington Administrative Code section 197-11-960.

"Environmental review" means consideration of environmental factors as required by this title. The "environmental review process" is the procedure used by agencies and others under SEPA for giving appropriate consideration to the environment in agency decision making.

"Erosion hazard areas" are those areas containing soils that, according to the United States Department of Agriculture Natural Resources Conservation Service Soil Survey Program may experience significant erosion. These include areas identified as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard. Erosion hazard areas also include coastal erosion-prone areas and channel migration zones.

"Essential public facilities" include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

"Estuarine Wetland" means a vegetated wetland with a water regime that is predominately tidal, as described in *Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014).

"Fish and wildlife habitat conservation areas" means land management for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long-term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term. Cooperative planning and coordination should occur to help assure long-term population viability.

Fish and wildlife habitat conservation areas contribute to the state's biodiversity and occur on both publicly and privately owned lands. Designing these areas is an important part of land use planning and appropriate development densities, urban growth area boundaries, open space corridors, and incentive-based land conservation and stewardship programs.

Fish and wildlife habitat conservation areas include:

1. Areas where endangered, threatened, and sensitive species have a primary association;
2. Habitats and species of local importance, as determined locally;
3. Commercial and recreational shellfish areas;
4. Kelp and eelgrass beds; herring, smelt, and other forage fish spawning areas;

5. Naturally occurring ponds under twenty (20) acres and their submerged aquatic beds that provide fish or wildlife habitat;
6. Waters of the state;
7. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; and
8. State natural area preserves, natural resource conservation areas, and state wildlife areas.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters and/or (b) the unusual and rapid accumulation of runoff or surface waters from any source.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

"Floodplain" means an area inundated with water that is typically located adjacent to a stream, river, lake, or coastline that exhibits the potential to flood once every one hundred (100) years or have a one percent chance of being equaled or exceeded in any given year.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Frequently flooded area" means the land in the floodplain or floodway within the county that is subject to a one percent or greater chance of flooding in any given year.

"Function" means the physical, biological, chemical, and geologic interactions among different components of the environment.

"Functions and Values" – The services provided by critical areas to society, including, but not limited to, improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.

"Geologically hazardous areas" are areas that because of their susceptibility to erosion, sliding, earthquakes, or other geologic events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns.

"Hazardous Substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

"High slope instability" means a soil highly susceptible to landslides based on a combination of geologic, topographic, and hydrologic factors, such as any combination of bedrock, soil, slope gradient, slope aspect, structure or hydrology as identified in the State Department of Natural Resources (DNR) "Forest Practice Application Review System" (FPARS) resource mapping system. These soils are located in areas exhibiting a combination of topographic attributes, including (a) concave slopes with sixty-five (65) percent or greater gradient or (b) planar slopes

with eighty (80) percent or greater gradient, both as identified in DNR's geospatial "slpstab" map layer.

"Highly erodible" means impermeable or minimally impermeable soil that possesses a high potential for erosion, as identified in the State Department of Natural Resources "Forest Practice Application Review System" (FPARS) resource mapping system.

"Hydrology" means the science dealing with waters of the earth.

"Impacts" are effects or consequences of actions. Environmental impacts are effects upon the elements of the environment previously listed in this section.

~~"Impervious surface" means a surface that impairs or prevents the recharge effect of surface water into the soil.~~

"Impervious Surface" means surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under pre-development or pre-developed conditions. 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 oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

"In-Kind Compensation" – To replace critical areas with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity.

"In-Lieu-Fee Program" means an agreement between a regulatory agency (state, federal, or local) and a single sponsor, generally a public natural resource agency or non-profit organization. Under an in-lieu-fee agreement, the mitigation sponsor collects funds from an individual or a number of individuals who are required to conduct compensatory mitigation required under a wetland regulatory program. The sponsor may use the funds pooled from multiple permittees to create one or a number of sites under the authority of the agreement to satisfy the permittees' required mitigation.

"Infiltration" means the downward entry of water into the immediate surface of soil.

"Intermittent" means, when used in the context of a "Type Np Water", a stream segment that normally goes dry.

"Interdunal Wetland" means wetland that forms in the deflation plains and swales that are geomorphic features in areas of coastal dunes, as described in *Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology)

"Isolated Wetland" means wetland that is hydrologically isolated from other aquatic resources, as determined by the United States Army Corps of Engineers (USACE). Isolated wetlands may perform important functions and are protected by state law (RCW 90.48) whether or not they are protected by federal law.

"Lands covered by water" means lands underlying the water areas of the state below the ordinary high water mark (OHWM), including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded waters, marshes, wetlands, and swamps. Certain state environmental policy act categorical exemptions do not apply to lands covered by water.

"Landslide hazard area" includes areas at risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. They include the following areas:

- (1) Areas of historic failures, such as:
 - (a) Those areas delineated by the United States Department of Agriculture Natural Resources Conservation Service as having a significant limitation for building site development;
 - (b) Those coastal areas mapped as Class U (unstable), UOS(unstable old slides), and URS (unstable recent slides) in the State Department of Ecology Washington Coastal Atlas; or
 - (c) Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or State Department of Natural Resources.
- (2) Areas with all three of the following characteristics:
 - (a) Slopes steeper than fifteen (15) percent;
 - (b) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - (c) Springs or groundwater seepage.
- (3) Areas that have shown movement during the Holocene epoch (from ten thousand (10,000) years ago to the present) or which are underlain or covered by mass wastage debris of this epoch;
- (4) Slopes that are parallel or subparallel to places of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
- (5) Slopes having gradients steeper than eighty (80) percent subject to rockfall during seismic shaking;
- (6) Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones;
- (7) Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
- (8) Any area with a slope of thirty-three and one-third ($33 \frac{1}{3}$) percent or steeper and with a vertical relief of ten (10) 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 (10) feet of vertical relief.

"Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this code.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include "recreational vehicle."

"Manufactured home park or subdivision" means a parcel or contiguous parcels of land divided into three or more manufactured home lots or spaces for rent, lease, or sale. Manufactured home parks or subdivisions are regulated under Chapter 16.24.

"Market value" means the theoretical price a buyer willing but not compelled to buy would pay and the lowest price a seller willing but not compelled to sell, would accept.

"Mean high tide" means the average of all high tides observed during the most recent nineteen (19) year period.

"Mature and Old-Growth Forested Wetland" means a wetland having at least 1 contiguous acre of either old-growth forest or mature forest, as described in *Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology Publication #14-06-29, Olympia, WA, October 2014).

~~"Mitigation" means (1) avoiding the impact altogether by not taking a certain action or parts of an action, (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts, (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment, (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, (5) compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or (6) monitoring the impact and taking appropriate corrective measures.~~

"Mitigation" means avoiding, minimizing, or compensating for adverse critical areas impacts. Mitigation, in the following sequential order of preference, is:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- (c) Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
- (d) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
- (e) Compensating for the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
- (f) Monitoring the hazard or other required mitigation and taking remedial action when necessary. Mitigation for individual actions may include a combination of the above measures.

"Mitigated Determination of Non-Significance" (or MDNS), means a Determination of Non-Significance (DNS) that includes measures intended to mitigate a proposal's probable significant adverse impacts to elements of the natural and/or built environment.

"Moderate slope instability" means a soil that is moderately susceptible to landslides based on a combination of geologic, topographic, and hydrologic factors, such as a combination of bedrock, soil, slope gradient, slope aspect, structure or hydrology as identified in the Washington State Department of Natural Resources (DNR) "Forest Practice Application Review System" (FPARS) resource mapping system. These soils are located in areas exhibiting a combination of topographic attributes, including (a) concave slopes with fifteen (15) percent or greater gradient,

(b) planar slopes with seventy (70) percent or greater gradient, or (c) convex slopes with eighty (80) percent or greater gradient, all as identified on DNR's geospatial "slpstab" map layer.

“Monitoring” means evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems, and assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features. Monitoring includes gathering baseline data.

“Native Vegetation” means a plant species that occur naturally in a particular region or environment and were present before European colonization.

"Natural environment" means those aspects of the environment previously described in this section frequently referred to as natural elements or resources, such as earth, air, water, wildlife, and energy.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.

"No-rise certification" means a certification by a state-licensed engineer that a project will not cause a set increase in flood heights.

"Ordinary high water mark" means a 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 it may naturally change thereafter or at it may change thereafter in accordance with permits issued by the county or State Department of Ecology; provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

"Outdoor storage" means the placement of equipment or materials on a property. This does not include storage within a structure.

"Planning director" means the director of the county planning and building division or the director or head of the division's successor or the designee of the director or head.

"Pole building" means a building supported by poles placed vertically into the ground. Refer to Chapter 15.04.010.

“Preservation” means the removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or conservation easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acres but may result in a gain in functions over the long term.

“Prior Converted Croplands” (PCCs) are defined in federal law as wetlands that were drained, dredged, filled, leveled, or otherwise manipulated, including the removal of woody vegetation, before December 23, 1985, to enable production of an agricultural commodity, and that: 1) have had an agricultural commodity planted or produced at least once prior to December 23, 1985; 2) do not have standing water for more than 14 consecutive days during the growing season, and 3) have not since been abandoned.

"Probable" means likely or reasonably likely to occur, as in a reasonable probability of more than a moderate effect on the quality of the environment. Probable is used to distinguish likely impacts from those that merely have a possibility of occurring, but are remote or speculative. This is not meant as a strict statistical probability test.

“Project Area” means all areas, including those within fifty (50) feet of the area, proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures. When the action binds the land, such as a subdivision, short subdivision, binding site plan, planned unit development, or rezone, the project area shall include the entire parcel, at a minimum.

"Project permit" or "project permit application" means any land use or environmental permit or license required from Grays Harbor County for a project action, including, but not limited to, building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this definition. Where the term "development" or "permit-related activities" is used in this code, it should have the same meaning as project permit or permit project application.

"Public facilities" includes streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools (WAC 365-190-030).

"Recreational vehicle" means a vehicle that is (a) built on a single chassis, (b) four hundred (400) square feet or less when measured at the largest horizontal projection, (c) designed to be self-propelled or permanently towable by a light duty truck, and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Re-establishment” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres and functions. Activities could include removing fill, plugging ditches, or breaking drain tiles.

“Repair or Maintenance” means an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

"Responsible official" means the planning and building director or his or her assign."
"Repetitive loss" means a residential property that is covered under the National Flood Insurance Program (NFIP) flood insurance policy and (a) that has at least four NFIP claim payments, including building and contents, over five thousand dollars (\$5,000.00) each and the cumulative amount of such claims payments exceeds twenty thousand dollars (\$20,000.00) or (b) for which at least two separate building only claims payments have been made with the cumulative amount of the building portion of such claims exceeding the market value of the building. For both (a) and (b), at least two of the referenced claims must have occurred within any ten (10) year period and must be more than ten (10) days apart.

"Riparian" means that area of land adjacent to a body of water that is the transition between the aquatic system and the upland. Some riparian areas contain wetland areas.

“Restoration” means measures taken to restore an altered or damaged natural feature, including:

- (a) Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
- (b) Actions performed to re-establish structural and functional characteristics of a critical area that have been lost by alteration, past management activities, or catastrophic events.

"SEPA" means the Washington State Environmental Policy Act, 43.21C RCW ~~State Environmental Policy Act~~. The "SEPA process" means all measures necessary for compliance with the act's requirements.

"Seasonal low flow" or "seasonal low water" means the conditions of the seven-day, two-year low water situation, as measured or estimated by accepted hydrologic techniques.

"Seismic hazard areas" are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, debris flows, lahars, or tsunamis. Settlement and soil liquefaction conditions occur in areas underlain by cohesionless soils of low density, typically in association with a shallow groundwater table. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage and ground settlement may occur with shaking (WAC 365-190-120(7)). These include areas identified by the State Department of Natural Resources Interactive Geologic Map as having:

- (1) Liquefaction susceptibility of "moderate," "moderate to high," "high," and "peat deposit;" and
- (2) NEHRP Seismic Site Class "D," "D to E," and "F."

"Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other OSS components.

"Service Area (for critical area mitigation)" means the geographic area within which impacts can be mitigated at a specific mitigation bank or an in-lieu-fee program, as designated in its instrument.

"Setback" means, when used in conjunction with the Grays Harbor County Shoreline Master Program, that buffer area adjacent to a fish habitat conservation area that can reduce impacts from adjacent land uses through various physical, chemical, and/or biological processes.

"Shallow flooding areas" means those areas that appear on a Flood Insurance Rate Map (FIRM) as AO zones with depth designations. The base flood depths in these zones range from one foot to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident.

"Significant" as used in this title means a reasonable likelihood of more than a moderate adverse impact on environmental quality. Significance involves context and intensity and does not lend itself to a formula or quantifiable test. The context may vary with the physical setting. Intensity depends on the magnitude and duration of an impact. The severity of an impact should be weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred. Section 18.04.080 and Washington Administrative Code (WAC) section 197-11-330 specify the process, including criteria and procedures, for determining whether a proposal is likely to have a significant adverse environmental impact.

"Slope top and toe" is defined in accordance with the building code adopted under Chapter 15.04 of the Grays Harbor County Code.

“Soil Survey” means the most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.

"Special flood hazard area" means frequently flooded area, as identified on the Federal Insurance Administration (FIA) Flood Insurance Rate Map (FIRM).

“Species” means any group of animals or plants classified as a species or subspecies as commonly accepted by the scientific community.

“Species of Local Importance” means those species of local concern designated by State Department of Fish & Wildlife, Priority Habitats and Species List, August 2008, as may hereafter may be revised due to their population status or their sensitivity to habitat manipulation.

“Species, Listed” means any species listed under the federal Endangered Species Act or state endangered, threatened, and sensitive, or priority lists (see WAC 232-12-297 or page 6 of “Priority Habitat and Species List,” Washington Department of Fish and Wildlife, 2008, Olympia, Washington. 177 pp.)

"Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the date the permit was issued. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns; or the placement of a manufactured home on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Storage of equipment and material" means the accumulation of equipment or materials associated with the continuous or seasonal purpose that are to be drawn upon as needed, such as lumber yards or automobile junkyards, and located within any special flood hazard area.

“Stream” means an area where open surface water produces a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses, unless they are used by salmonids or are used to convey a watercourse naturally occurring prior to construction. A channel or bed need not contain water year-round, provided there is evidence of at least intermittent flow during years of normal rainfall.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. For the purpose of this definition, the following shall not be considered substantial improvements: (a) any project for improvement of a structure to correct and comply with pre-cited existing violations of state or local health, sanitary, or safety code specifications that have been previously identified by the local code enforcement official and which are the minimum necessary

to assure safe living conditions; or (b) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

"Surface water retention or detention facility" means a surface water management facility designed in accordance with the provisions of the current edition of the State Department of Ecology document entitled "Surface Water Management for Western Washington."

"Temporary storage of materials or equipment" means the transient placement of equipment or materials, such as the short-term parking of equipment on a construction site or the short-term placement of materials associated with a planned activity, on property located within any special flood hazard area. Temporary storage shall not mean the accumulation of equipment or materials associated with a continuous or seasonal purpose that are to be drawn upon as needed, such as lumber yards or automobile junkyards, and located within any special flood hazard area. The temporary storage of equipment or materials within any special flood hazard area is prohibited from November 15 through March 15 inclusive.

"Threshold determination" means the decision by the responsible official of the lead agency as to whether or not an Environmental Impact Statement (EIS) is required for a proposal that is not categorically exempt.

"Tsunami hazard areas" are coastal areas and large lake shoreline areas susceptible to flooding and inundation as the result of excessive wave action derived from seismic or other geologic events.

"Type S Water" means all waters, within their bankfull width, as inventoried as "shorelines of the state" by chapter 90.58 of the Revised Code of Washington and the rules promulgated there under, including periodically inundated areas of their associated wetlands.

"Type F Water" means segments of natural waters, excluding water conveyance systems that are artificially constructed and actively maintained for irrigation, other than "Type S Waters" that are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of one-half acre or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories:

- (a) Waters, which are diverted for domestic use by more than ten (10) residential dwelling units or ten (10) camping units or by a public accommodation facility licensed to serve more than ten (10) persons, where such diversion is determined by the state to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be "Type F Water" upstream from the-point of such diversion for one thousand five hundred (1,500) feet or until the drainage area is reduced by fifty (50) percent, whichever is less;
- (b) Waters, which are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered a "Type F Water" upstream from the point of diversion for one thousand five hundred (1,500) feet, including tributaries if highly significant for protection of downstream water quality.
- (c) Waters that are within a federal, state, local, or private campground having more than ten (10) camping units, provided that the water shall not be considered as entering a campground until it reaches the boundary of the park lands available for public use and comes within one hundred (100) feet of a camping unit, trail, or other park improvement;
- (d) Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:

- (1) The site must be connected to a fish habitat stream and accessible during some period of the year; and
- (2) The off-channel water must be accessible to fish.

"Type Np Water" means all segments of natural waters, excluding water conveyance systems that are artificially constructed and actively maintained for irrigation, within the bankfull width of defined channels that are perennial non-fish habitat streams. Perennial streams are flowing waters that do not go dry anytime of a year of normal rainfall, and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.

"Type Ns Water" means all segments of natural waters, excluding water conveyance systems that are artificially constructed and actively maintained for irrigation, within the bankfull width of the defined channels that are not "Type S Water", "Type F Water", or "Type Np Water". These are seasonal, non-fish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a "Type Np Water." "Type Ns Water" must be physically connected by an above-ground channel system to a "Type S Water", a "Type F Water", or a "Type Np Water."

"Unavoidable Impacts" means adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved.

"Washington Administration Code (WAC)" means administrative rules implementing state laws.

"Water dependent use" means a use or a portion of a use that cannot exist in any other location and requires a location on the shoreline and is dependent on the water by reason of the intrinsic nature of its operation.

"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.

"Wetland" means an area that is inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

"Wetland Creation" means the manipulation of the physical, chemical, or biological characteristics to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Creation results in a gain in wetland acreage and function. A typical action is the excavation of upland soils to elevations that will produce a wetland *hydroperiod* and hydric soils, and support the growth of hydrophytic plant species.

"Wetland function" means the physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. A Wetland performs many valuable functions are grouped into three categories: functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals.

"Wetland of High Conservation Value" means a wetland that has been identified by scientists from the Washington Natural Heritage Program (WHNHP) as an important ecosystem for maintaining plant diversity in Washington State. See <http://www.dnr.wa.gov/data-information-natural-heritage-features> .

"Wetland Mitigation Bank" means a site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of unavoidable impacts to wetlands or other aquatic resources that typically are unknown at the time of certification to compensate for future, permitted impacts to similar resources.

"Wetland Mosaic" means an area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; on average, patches are less than 100 feet from each other; and areas delineated as vegetated wetland are more than 50% of the total area of the entire mosaic, including uplands and open water.

"Wetland rating", also called a wetland rating system, is a tool for dividing or grouping wetlands into groups having similar needs for protection. One method used in Washington is the state wetland rating systems, which places wetlands in categories based on their rarity, sensitivity, our inability to replace them, and their functions.

"Wetland value" means the wetland processes, characteristics, or attributes that are considered to benefit society.

"Wet flood-proofing" means any combination of materials and techniques used to construct a structure to allow the entry and exit of floodwaters in a way which will cause no structural damage.

"Wildlife habitat conservation areas" means land management for maintaining wildlife species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use planning is critically important among counties and cities in a region.

(Ord. No. 392, § 1, 6-7-2010; Ord. No. 400, § 2, 1-9-2012; Ord. No. 401, §§ 1, 2, 6-11-2012; Ord. No. [434](#), § 1, 1-30-2017)