

Chapter 2 DEFINITIONS

Act

"Act" means the Washington State Shoreline Management Act (SMA) of 1971, as amended, chapter 90.58 RCW.

Active Commercial Fishing Vessels

"Active commercial fishing vessels" are those which have a current commercial license issued by the appropriate state or regional authority or a contract from the previous fishing season or for the next fishing season.

Accessory Structure

An "accessory structure" is a subordinate building incidental to the use of the main building or use.

Accessory Apartment

"Accessory apartment" means a residential unit of up to 600 square feet with a functional kitchen, bath, and outside entrance attached to or on the same parcel as a single-family residence in a residential zone. Accessory apartments shall be under the same ownership as the primary residential unit with the owner living on-site in either unit. Accessory apartments shall not be condominiumized or otherwise sold separately.

Accessory Use

"Accessory use" means a use customarily incidental to a permitted use; provided, that such use shall be located on the same lot as the permitted use except where specifically permitted elsewhere in zoning district regulations.

Administrator

The "Administrator" is the City Community Development Director or her/his designee.

Agricultural Activities

"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.

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

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

"Agricultural equipment" and "agricultural facilities" includes, but is not limited to:

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

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

"Agricultural land" means those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to the

state guidelines adopted December 17, 2003, as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.

Alteration

"Alteration" means any activity which materially affects the existing condition of land or improvements.

Amendment

"Amendment" means a revision, update, addition, deletion, and/or re-enactment to an existing shoreline master program.

Applicant

"Applicant" means the person, party, firm, corporation, or other legal entity that proposes any activity. The applicant is either the owner of the land on which the proposed activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such a person.

Approval

"Approval" means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to Ecology for review and official action pursuant to this chapter; or an official action by Ecology to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

Appurtenance

An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage no larger than 24 x 36 feet (864 square feet); deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

Aquaculture

“Aquaculture” means the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery.

Aquifer

“Aquifer” means a subsurface, saturated geologic formation which produces, or is capable of producing, a sufficient quantity of water to serve as a private or public water supply.

Aquifer Recharge Area

“Aquifer recharge areas” means those areas which serve as critical ground water recharge areas and which are highly vulnerable to contamination from intensive land uses within these areas.

Associated Wetlands

“Associated Wetlands” means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

Average Grade Level

“Average grade level” means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

Beach Access Structure

“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.

Beds of Navigable Waters or Bedlands

Beds of navigable waters or bedlands 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 waters, or the outer harbor line where harbor area has been created.

Best Management Practices

"Best management practices" (BMP's) means conservation practices or systems of practices and management measures that:

- 1) Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, or sediment;
- 2) Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;
- 3) 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
- 4) Provide standards for proper use of chemical herbicides within critical areas.

Bioengineering

"Bioengineering" means project designs or construction methods which use living plant material or a combination of living plant material and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

Biological Opinion

"Biological opinion" means that certain opinion issued by the National Marine Fisheries Service on September 22, 2008, recommending changes to the implementation of the National Flood Insurance Program in order to meet the requirements of the Endangered Species Act in the Puget Sound watershed.

Bluff

“Bluff” means a steeply rising, near vertical slope which abuts and rises from the Puget Sound shoreline. The toe of the bluff is the beach and the top is typically a distinct line where the slope abruptly levels out. Where there is no distinct break in a slope, the top is the line of vegetation separating the unvegetated slope from the vegetated uplands, or, if the bluff is vegetated, that point where the bluff slope diminishes to 15 percent or less.

Boat

See definition under "Vessel."

Boating Facilities

“Boating facility” means a facility or structure providing access in and out of the water for vessels, such as docks, piers, floats, marinas, launching ramps, rails, or lift station. For purposes of the Shoreline Master Program, boating facilities excludes docks serving four or fewer single-family residences.

Boat Launch Ramp

“Boat launch ramp” means an inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand.

Breakwater

“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.

Buffer

“Buffer” means the area adjacent and contiguous to a critical area that serves to protect the natural functions and/or structural stability of the critical area. Also, see definitions for “stream buffer zone” and “wetland buffer zone.”

Building

A "building" is a structure whose assessed value is more than \$300.00, built for the support, shelter, or enclosure of persons, animals, or movable property of any kind.

Building Setback

"Building setback" means the distance between the building line and the nearest boundary to the site or lot, measured at right angles to the boundary..

Building Setback-Vegetation Conservation Strip & Critical Areas

"Building Setback-Vegetation Conservation Strip and Critical Areas" means the distance between the building line and the landward edge of the vegetation conservation strip or critical area buffer measured at right angles to the vegetation conservation strip or critical area buffer.

Building Line

"Building line" means the surface of that face or corner of the part of the building nearest the property line, or the nearest landward edge of the vegetation conservation strip or critical area buffer.

Bulkhead

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

A "bulkhead" is a solid wall of rock, rip-rap, concrete, steel, or timber or combination of these materials erected parallel to and near the Ordinary High Water Mark to provide a protective wall resistant to water and wave action.

Buoy

See mooring buoy.

City

“City” means the City of Gig Harbor, Washington

City Utility Activities

“City utility activities” involve the operation, repair, maintenance, improvement, replacement and reconstruction of existing utilities and construction of new utilities by the City of Gig Harbor.

Clearing

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

Commercial

“Commercial” means a business or activity at a scale greater than a home occupation or cottage industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include, but are not limited to, restaurants, offices, and retail shops.

Commercial Fishing

“Commercial fishing” is the activity of capturing fish and other seafood under a commercial license.

Compensatory Mitigation

“Compensatory mitigation” means mitigation for critical area losses or impacts resulting from alteration of critical areas and/or their buffers. It also means mitigation for impacts to shoreline ecological functions. It includes, but is not limited to, creation, enhancement, restoration or preservation.

Conditional Use

“Conditional use” means a use, development, or substantial development which is classified as a conditional use or is not classified within the Master Program.

Condominium Moorage

“Condominium Moorage” is a moorage facility in which individual slips and moorage space are offered for sale and which are privately owned, collectively or individually.

Critical Areas

“Critical areas” consist of those lands which are subject to natural hazards, contain important or significant natural resources or which have a high capability of supporting important natural resources.

Creation

“Creation” means the producing or forming of a wetland through artificial means from an upland (non-wetland) site.

Contaminant

“Contaminant” means any chemical, physical, biological or radiological material that is not naturally occurring and is introduced into the environment by human action, accident or negligence.

Critical Saltwater Habitat

“Critical saltwater habitats” include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

Date of Filing

“Date of Filing” means that any decision on an application for a permit under the authority of this master program and RCW 90.58, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the Department of Ecology and the attorney general. This shall be accomplished by return receipt requested mail. A petition for review of such a decision must be commenced within twenty-one days from the date of filing of the decision.

- 1) With regard to a substantial development permit, "date of filing" as used in this section refers to the date of actual receipt by the department of the local government's decision.
- 2) With regard to a permit for a variance or a conditional use, "date of filing" means the date the decision of the department is transmitted by the department to the local government.
- 3) When the City simultaneously transmits to the department its decision on a shoreline substantial development with its approval of either a shoreline conditional use permit or variance, or both, "date of filing" has the same meaning as defined in (2) of this subsection.
- 4) The department shall notify in writing the local government and the applicant of the date of filing by telephone or electronic means, followed by written communication as necessary, to ensure that the applicant has received the full written decision.

Designated Wetland

"Designated wetland" means those lands identified through the classification process established by this SMP.

Development

"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 the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment

Development Regulations

"Development regulations" means the controls placed on development or land uses, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

Dike

A "dike" is an artificial embankment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

Dock

A "dock" is a landing and/or moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. A dock floats on the surface of the water and is connected to land.

Document of Record

"Document of record" means the most current shoreline master program officially approved or adopted by rule by Ecology for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

DRASTIC

"DRASTIC" means a model developed by the National Water Well Association and Environmental Protection Agency and which is used to measure aquifer susceptibility to contamination.

Dredging

"Dredging" is the removal of earth, sand, sludge or other material from the bottom of a water body, by mechanical means.

Dredging Spoils

"Dredging spoils" are the bottom materials obtained from dredging.

Drift Cell

"Drift cell," "drift sector" or "littoral cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

Dune Modification

“Dune modification” means the removal or addition of material to a dune, the reforming or reconfiguration of a dune, or the removal or addition of vegetation that will alter the dune’s shape or sediment migration.

Earth/Earth Material

“Earth/earth material” means naturally occurring rock, soil, stone, sediment, organic material, or combination thereof.

Ecological Functions

“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).

Ecology

“Ecology” refers to the Washington State Department of Ecology.

Ecosystem-wide Processes

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

Educational Facilities

“Educational facilities” means a building or place for teaching and learning; or for the acquisition, conservation, study, assembly and public display and/or exhibition, and educational interpretation of objects having historical, cultural, scientific, or artistic value such as the Harbor History Museum.

Effective Date of Permit

The “effective date” of Shoreline Substantial Development, Conditional Use and Variance Permits shall be the date of filing. The permit time periods per Section 8.8

(Time Requirements and Revisions) of the Program do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

Emergency

An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

Enhancement

"Enhancement" means actions performed to improve the conditions of existing degraded areas such as wetlands, streams, critical fish and wildlife habitat, and/or buffers and vegetation conservation strips so that the functions they provide are of a higher quality (e.g., increasing plant diversity, increasing wildlife habitat, installing environmentally compatible erosion controls, removing nonindigenous plant or animal species, removing fill material or garbage).

Erosion

"Erosion" means the wearing away of the earth's surface as a result of the movement of wind, water, or ice.

Erosion Hazard Areas

"Erosion hazard areas" means those areas which are vulnerable to erosion due to natural characteristics including vegetative cover, soil texture, slope, gradient or which have been induced by human activity. Those areas which are rated severe or very severe for building site development on slopes or cut banks, in accordance with the United States Department of Agriculture Soil Conservation Service Soil Survey for Pierce County Area (February 1979), are included within this definition.

Excavation

"Excavation" means the disturbance, displacement and/or removal of unconsolidated earth material such as silt, sand, gravel, soil, rock or other material from all areas landward of OHWM.

Existing and Ongoing Agricultural Activities

"Existing and ongoing agricultural activities" 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 and maintenance 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 on which it was conducted has been converted to a nonagricultural use or has lain idle both more than five years and so long that modifications to the hydrological regime are necessary to resume operations, unless the idle land is registered in a federal or state soils conservation program.

Environmental Remediation

"Environmental remediation" means any action or expenditure consistent with the purposes of RCW 70.105D (Hazardous Waste Cleanup-Model Toxics Control Act) to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

Exempt

"Exempt" developments are those set forth in RCW 90.58.030, the State Shoreline Management Act which are not required to obtain a Shoreline Substantial Development Permit but which must otherwise comply with applicable provisions of the act and the local master program. Section 8.2 of this Master Program also addresses exemptions to the Substantial Development Permit requirement.

Extensively Disturbed Area

"Extensively disturbed area" means a shoreline area that has been altered by past development practices to the degree that remaining vegetation does not provide shoreline ecological function. Extensively disturbed areas are those locations that: lack native trees or shrubs, have low percent cover of vegetation, support predominantly ornamental plants and/or are dominated by invasive species (such as blackberry). These areas are generally developed and poorly vegetated. An example of an area that has been extensively disturbed is downtown Gig Harbor Bay.

Extreme Low Tide

"Extreme low tide" means the lowest line on the land reached by a receding tide.

Fair Market Value

"Fair market value" of a development is 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.

Feasible

"Feasible" means, for these purposes, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

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

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

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

Fill

“Fill” means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Fish and Wildlife Habitat Areas

“Fish and wildlife habitat areas” means those areas identified as being of critical importance in the maintenance and preservation of fish, wildlife and natural vegetation including waters of the state, and as further identified in this Master Program.

Float

“Float” means a 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. Floats are either attached to a pier or are anchored to the seabed so as to allow free movement up or down with the rising or falling water levels.

Floating Home

“Floating home” means a single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

Flood Hazard Areas

“Flood hazard areas” means those areas within the City of Gig Harbor which are determined to be at risk of having a one percent or greater chance of experiencing a flood in any one year, with those areas defined and identified on the Federal Emergency Management Administration (FEMA) flood insurance rate maps for the City of Gig Harbor.

Flood Hazard Reduction

"Flood hazard reduction" means measures taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

Flood Plain

"Flood plain" is synonymous with the one hundred-year flood plain and refers to the land area susceptible to inundation with a one percent chance of 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 act.

Floodplain Hazard Permit

"Floodplain hazard permit" means the permit required by the City flood hazard construction ordinance to allow construction or development within an area of special flood hazard established in GHMC Chapter 18.10.

Floodway

"Floodway" means the area that has been established in effective federal emergency management agency flood insurance rate maps or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Forest Land

"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.

Forest Practices

"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; pre-commercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.

Geologically Hazardous Areas

"Geologically hazardous areas" means those areas as designated in the City of Gig Harbor comprehensive plan as "landslide hazards," in the Washington Department of Ecology Coastal Zone Atlas, Volume 7, and which are further defined in WAC 365-190-080(5) and this Master Program.

Geotechnical Report

"Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes. Grading

"Grading" refers to the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Grading Permit

"Grading permit" means the permit required by the City grading and clearing ordinance.

Groin

A "groin" is a barrier structure extending from the shore to the water. It is used to interrupt lateral sediment movement along the shore.

Guidelines

"Guidelines" means those standards adopted by Ecology to implement the policy of chapter 90.58 RCW and WAC 173-26 for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and Ecology in developing and amending master programs.

Habitat Assessment Report

"Habitat assessment report" means a scientific study or evaluation prepared by a qualified wildlife biologist. The habitat assessment shall include an analysis and discussion of critical fish and wildlife species and habitats known or suspected to be located within 300 feet of a development site, and the potential adverse and/or beneficial effects of the development proposal on such species and habitats. The habitat assessment shall also include a site plan that clearly delineates the location of critical fish and wildlife habitat found within 300 feet of the development site.

Habitat Management Plan

"Habitat management plan" means a report prepared by a qualified wildlife biologist.

Harbor Area

"Harbor area" means the area of navigable waters determined as provided in Article XV, section 1 of the state Constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

Hard Shoreline Stabilization

"Hard shoreline stabilization" means shore erosion control practices using hardened structures that armor and stabilize the shoreline landward of the structure from further erosion including but not limited to, bulkheads, rip-rap, and revetments.

Hazardous Substances

“Hazardous substances” means those wastes designated by WAC 173-340-200, and regulated as hazardous substances by Ecology.

Hearings Board

“Hearing[s] board” or “State Shorelines Hearings Board” means the shoreline[s] hearings board established by 90.58 RCW. This is the hearings board established by the Shorelines Management Act of 1971 to decide appeals of cases involving shoreline substantial development permits, conditional uses, or variances.

Height

“Height” is measured from average grade level to the highest point of a structure; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included; provided further, that temporary construction equipment is excluded in this calculation.

Hillsides

“Hillsides” means geologic features with slopes of 15 percent or greater. This Master Program provides four classes of hillsides in order to differentiate between the levels of protection and the application of development standards.

Industrial

“Industrial, level 1” means the assembly, production, or storage of finished or semi-finished materials or components into a finished or semifinished product. Acceptable uses must have minimal nuisance factors such as, but not limited to, noise, light, glare, odors, particulate emissions and hazardous waste. Examples of acceptable uses include contractor’s office and/or shop, light assembly, light manufacturing, mailing and packaging facilities, warehousing, cinematography and video production facilities, research and development facilities, linen, diaper and similar supply services and laundry facilities.

“Industrial, level 2” means the assembly, production, or storage of finished, semi-finished, or raw materials or components into a finished or semi-finished product.

Acceptable uses may have moderate nuisance factors such as, but not limited to, noise, light, glare, odors, particulate emissions and hazardous waste. Examples of such uses include all industrial, level 1 uses plus uses such as contractors' yards, moving companies, distribution facilities, frozen food lockers, commercial greenhouses and processing of raw materials, except that refining and smelting are not allowed.

In-kind Wetland Mitigation

“In-kind wetland mitigation” means to replace Wetlands with substitute Wetlands whose characteristics and functions and values are intended to replicate those destroyed or degraded by a regulated activity.

In-kind Shoreline Mitigation

“In-kind shoreline mitigation” means compensatory mitigation that is the same physical and functional type as that of the impact area.

In-stream Structure

“In-stream structure” means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility line, fish habitat enhancement, or other purpose.

Jetty

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

Landslide

“Landslide” means an abrupt downslope movement of soil, rock or ground surface material.

Landslide Hazard Area

“Landslide hazard area” means those areas which are susceptible to risk of mass movement due to a combination of geologic, topographic and hydrologic factors.

Likely to Adversely Affect (LAA)

“Likely to adversely affect” or “LAA” means the effects of the development will result in short- or long-term adverse effects on listed species or designated habitat area.

Local Government

“Local government” means the City of Gig Harbor.

Lot Coverage

“Lot coverage” is that percentage of the area of a lot or site that is built on or occupied by buildings, parking areas and other impervious surfaces.

Low-impact Development

“Low impact development” is a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions.

Live-aboard Vessel

“Live-aboard vessel” is a vessel, typically a yacht or other recreational watercraft, which is used as a primary residence by one or more persons who may or may not be related by blood or marriage.

Maintenance Dredging

“Maintenance dredging” refers to dredging for the purpose of maintaining a prescribed minimum depth previously authorized by a federal, state, and/or local permit as part of any specific waterway project.

Marina

"Marina" means a water-dependent commercial facility consisting of a system of piers, docks, floats, or buoys which provides moorage for lease, rent or sale of more than four slips and may include related services such as commercial sale of goods or services.

Marine

"Marine" means pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

"Marine boat sales, level 1" means a boat sales brokerage offering services to buyers and sellers, but without on-site outdoor, dry land storage and/or display yard.

"Marine boat sales, level 2" means a boat sales brokerage offering services to buyers and sellers, with on-site outdoor display yard.

"Marine sales and service" means marine- related sales of items such as boating equipment, fishing equipment, hardware and supplies, fisheries products for human consumption, bait sales and boat repair.

"Marine industrial" means the assembly, production, or storage of finished or semi-finished materials or components into a finished or semi-finished marine product, and includes the production or sale of fishing equipment and supplies, boat construction and dry land boat storage, sales of fisheries products for human consumption, and commercial fishing operations.

Marine Fueling Facility

"Marine fueling facility" means a marine sales and service use in which fuel for boats is sold.

Maritime Facility

A "Maritime facility" is a facility which is open to the public in which the primary activities relate to the commercial fishing industry; boat building and repair; or other maritime activities or the history thereof.

Master Program

"Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

May

"May" means the action is acceptable, provided it conforms to the provisions of this Master Program.

May Affect, Not Likely to Adversely Affect (NLAA)

"May affect, not likely to adversely affect" or "NLAA" means the effects to the listed species or designated critical habitat are insignificant and/or discountable.

Mean Higher High Water

"Mean Higher High Water" is the line on tidal beaches where the mean of the higher of each day's high tides has left a mark upon the beach distinctly separating the tidal area from adjoining uplands. For Gig Harbor, 11.80 feet above Mean Lower Low Water shall constitute the line of Mean Higher High Water, in those cases where the line of Ordinary High Water cannot be determined or established.

Minimally Disturbed Area

"Minimally disturbed area" means a shoreline area that has not been significantly altered by past development practices such that the area supports existing vegetation that is mostly native, including trees, shrubs and/or understory vegetation. These areas have relatively undisturbed soils, slopes and topography. Minimally disturbed areas can include limited amount of impervious surfaces or structures, but still provide important shoreline ecological function. Invasives or ornamental plant species may be present at the edge of development. An example of an area that has been minimally disturbed is the area immediately south of the city limits on Tacoma Narrows.

Mining

"Mining" is the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses. Historically, the most common form of mining in

shoreline areas is for sand and gravel because of the geomorphic association of rivers and sand and gravel deposits.

Mitigation

“Mitigation” means to avoid, minimize, or compensate for adverse impacts to shoreline ecological functions and processes.

Moorage

“Moorage” is a pier, dock, buoy or float, either fixed or floating, to which vessels may be secured.

“Covered moorage” refers to moorage which has a roof.

“Individual mooring facilities” refers to moorage for single vessels.

“Joint moorage” refers to moorage with two to four slips shared in common by adjacent shoreline single-family properties that are each under separate ownership.

“Community Moorage” means moorage for pleasure craft and/or landing for water sports for use in common by more than four shoreline residences of a certain subdivision or community within shoreline jurisdiction, or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft. If community moorage provides commercial services or moorage slips are leased, rented or sold, it shall be considered a marina. If a proposal includes commercial sale of goods or services, or a means of launching other than a ramp, swinging boom, or davit style hoist, it shall be considered a marina.

Moored Boat

A “moored boat” is a vessel that is secured to a pier, float, dock, buoy or other vessel.

Mooring Buoy

“Mooring buoy” means an anchored floating device in a water body used for the landing or storage of a vessel or water craft.

Must

“Must” means a mandate; the action is required.

Natural Topography

"Natural topography" or "existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

Navigational Aids

"Navigational Aids" include lights, channel markers and anchor buoys placed in accordance with Coast Guard Standards and the requirements of WAC 352-66-050. They do not include moorage buoys or dolphins used for the moorage of commercial or recreational vessels.

Navigational Channels

"Navigational channels" are those logical routes on the waters of Gig Harbor beyond the outer harbor line, commonly used by ships for useful commerce.

Net Shed

"Net shed" means a building constructed over or near the water for the purpose of storing, mending and maintaining fishing nets and other fishing gear.

No Effect (NE)

"No effect" or "NE" means the development has no effect whatsoever to the listed species or designated critical habitat.

Non-conforming Structure

"Non-conforming structure" means a structure that was lawfully constructed prior to the effective date of these regulations, but which no longer conforms to the applicable regulations of the master program.

Non-conforming Use

A "non-conforming use" is a use which lawfully occupied a building or land at the time this Master Program becomes effective and which does not conform with the use regulations for the particular use activity under which it falls.

Non-residential

"Non-residential" means activity not involving human occupation of a building for living, cooking, sleeping and recreation. Such activities include, but are not limited to, restaurants, yacht clubs, offices, retail shops and churches. Also includes commercial uses (see definition for Commercial)."

Normal Maintenance

"Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

Normal Repair

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

Off-site Shoreline Mitigation

"Off-site shoreline mitigation" means compensatory mitigation that is not located at or near the project that is affecting critical areas or shoreline resources. Off-site shoreline mitigation is generally only allowed when on-site mitigation is not practicable and environmentally preferable.

On-site Shoreline Mitigation

"On-site shoreline mitigation" means compensatory mitigation that occurs within project boundaries and/or areas adjacent or contiguous to an impacted critical area or shoreline resource area.

Ordinary High Water Mark

"Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or Ecology: PROVIDED, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

Outer Harbor Line

"Outer harbor line" is the line located and established by the State Department of Natural Resources in navigable waters beyond which the State shall never sell or lease any rights whatever. This line determines the extent of water area that may be leased to private interests.

Out-of-kind Wetland Mitigation

"Out-of-kind wetland mitigation" means to replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.

Out-of-kind Shoreline Mitigation

"Out-of-kind shoreline mitigation" means compensatory mitigation in which the critical area and its associated functions used to compensate for the impacts are of a different kind than those impacted.

Over-water Building

An "over-water building" refers to a structure or other construction erected on piling or upon a float located waterward of the OHWM.

Parking

"Accessory parking" is the use of land for the purpose of accommodating motor vehicles, motorized equipment, or accessory units, such as trailers, and directly serves an approved shoreline use.

"Principal use parking" is parking which is the principal use on the property and is not accessory to another use.

Party of Record

"Party of record" includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

Passive Recreation

"Passive recreation" means recreational uses that involve minimum alteration to vegetation and topography. Uses include, but are not limited to, non-team sports like hiking, bicycling and swimming, bird watching, picnicking, and non-motorized boating like kayaking and canoeing.

Permanent Erosion Control

"Permanent erosion control" means continuous on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity or pollutants after development, construction, or restoration.

Permit

"Permit" means any Substantial Development, Variance, Conditional Use Permit, or revision authorized under chapter 90.58 RCW.

Person

"Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

Pier

"Pier" means a 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.

Priority Habitat

"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;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- 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 a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

Priority Species

"Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

- Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
- Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
- Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
- Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Provisions

"Provisions" means policies, regulations, standards, guideline criteria or environment designations.

Public Access

"Public access" includes the ability of the general public to reach, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

Public Art

"Public Art" means original works of visual art that have been approved through a public process with the specific intent to be displayed on publicly owned lots or in public right-of-way for the general public's enjoyment and education. These include but are not limited to sculptures, statues, interpretive displays, and memorials intended to reflect the City's historical or cultural significance to the community.

Public Interest

"Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

Qualified Biologist

"Qualified biologist" means a person with a minimum of a four-year degree in wildlife sciences, biology, environmental sciences, soil science, limnology or an equivalent academic background who also has at least two years of experience in stream restoration.

Qualified Wetland Specialist

"Qualified wetland specialist" is a person with a minimum of a four-year degree in wildlife sciences, biology, environmental sciences, soil science, limnology or an equivalent academic background who also has experience in performing wetland delineations, analysis of wetland functions and values and project impacts, and wetland mitigation and restoration techniques. The person must be familiar with the identification of wetlands and delineation of their boundaries in accordance with the approved federal delineation manual and applicable regional supplements, City grading and clearing regulations and the requirements of this Master Program.

Qualified Wildlife Biologist

"Qualified wildlife biologist" means a person having, at a minimum, a bachelor's degree in wildlife biology, wildlife science, wildlife ecology, wildlife management or zoology, or a bachelor's degree in natural resource or environmental science plus 12 semester or 18 quarter hours on wildlife coursework and two years of professional experience.

Ravine Sidewall

"Ravine sidewall" means a steep slope which abuts and rises from the valley floor of a stream and which was created by the normal erosive action of the stream. Ravine sidewalls are characterized by slopes predominantly in excess of 25 percent although portions may be less than 25 percent. The base of a ravine sidewall is the stream valley floor. The top of a ravine sidewall is a distinct line where the slope

abruptly levels out. Where there is no distinct break in slope, the top shall be that point where the slope diminishes to 15 percent or less.

Recreational Development

"Recreational development" includes commercial and public facilities designed and used to provide recreational opportunities to the public.

Residence, Primary

"Primary residence" shall mean the place in which a person lives or resides. It includes single-family, duplex, triplex and multiple-family dwellings.

Residential

"Residential" means activity involving the human occupation of a building for living, cooking, sleeping and recreation.

Residential uses and development

"Residential uses and development" means single-family residences, multifamily development and the creation of new residential lots through land division.

Restore

"Restore," "restoration" or "ecological 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 intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Revetment

"Revetment" means a sloped wall constructed of riprap or other material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement. A revetment typically slopes waterward and has rough or jagged facing. The slope differentiates it from a bulkhead, which is a vertical structure.

Riparian Buffer Zone

“Riparian buffer zone” includes all parcels located within 200 feet landward from the +9 elevation (NGVD 1929 datum).Rip-Rap

“Rip-rap” is a foundation or retaining wall of stones or rock placed along the water's edge or on an embankment to prevent erosion.

Seismic Hazard Areas

“Seismic hazard areas” means those areas which are susceptible to severe damage from earthquakes as a result of ground shaking, slope failure, settlement or soil liquefaction.

Setback, Minimum Structure

The “minimum structure setback” establishes the minimum width of the vegetation conservation strip required for all proposed structures containing non-water dependent uses. The setback shall be measured from the site's Ordinary High Water Mark or top of bluff, whichever is greater, landward as prescribed in Chapter 6 Section 6.2.3.2, Figure 6-1.

Setback, Minimum Nonconforming Structure

The “minimum nonconforming structure setback” establishes the minimum width of the vegetation conservation strip required for the reconstruction of all structures occupied by a non-water dependent use that are nonconforming to the required minimum structure setback. The setback shall be measured from the site's Ordinary High Water Mark or top of bluff, whichever is greater, landward as prescribed in Chapter 6 Section 6.2.3.2, Figure 6-1.

Shall

“Shall” means a mandate; the action must be done.

Shorelands

“Shorelands” or “shoreland areas” means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary

high water mark; floodways and contiguous floodplain areas landward two hundred 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 RCW 90.58.030.2(d).

Shoreline Habitat and Natural Systems Enhancement Projects

"Shoreline Habitat and Natural Systems Enhancement Projects" means projects which include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

Shoreline Jurisdiction

"Shoreline jurisdiction" means all "shorelines of the state" and "shorelands."

Shoreline Master Program

"Shoreline master program (SMP)" or "master program" means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program approved under chapter 90.58 RCW shall be considered an element of the City's comprehensive plan. All other portions of the shoreline master program for a city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the City's development regulations.

Shoreline Modifications

"Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline Stabilization

"New shoreline stabilization" refers to the construction or addition of hard or soft shoreline stabilization measures, including but not limited to bulkheads, revetments, rip rapping, anchor trees and slope bioengineering along a property abutting the shoreline.

"Replacement shoreline stabilization" refers to the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

Shoreline Substantial Development Permit

A "Shoreline Substantial Development Permit" is the permit required by this Master Program for uses which are substantial developments in shoreline jurisdiction.

Shorelines

"Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except

- 1) Shorelines of statewide significance;
- 2) Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and
- 3) Shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Shorelines of Statewide Significance

"Shorelines of statewide significance" means those waters of Puget Sound and Gig Harbor Bay lying seaward of extreme low water.

Shorelines of the State

"Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state.

Should

"Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

Sign

"Sign" means:

- 1) Any visual communication device, structure, or fixture which is visible from any public right-of-way or waterway placed for the promotion of products, goods, services, events or to identify a building, using sign graphics or trademarks; or
- 2) Steel, plastic or similar panels displaying corporate colors, logos or trademarks and as are common on corporate signature buildings to give identity to the business (corporate colors which conform to the city's design manual requirements for color shall be excluded from this definition of a sign); or
- 3) Inflatable figures, balloons (in a display of six or more), festoons, streamers, spinners, product representations and advertisements for services which are attached to a fixed object or stationary vehicle.

Significant Impact

"Significant impact" means a meaningful change or recognizable effect to the ecological function and value of a critical area, which is noticeable or measurable, resulting in a loss of function and value.

Significant Vegetation Removal

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

Single-Family Residence

"Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

Site

“Site” means any parcel or combination of contiguous parcels, or right-of-way or combination of contiguous rights-of-way under the applicant’s ownership or control where the proposed project would occur.

Slope

“Slope” means an inclined earth surface, the inclination of which is expressed as the ratio (percentage) of vertical distance to horizontal distance by the following formula: V (vertical distance)/ H (horizontal distance) $\times 100 = \%$ slope.

Soft-shore Stabilization

“Soft-shore stabilization” is a type of shore erosion control that contributes to restoration, protection or enhancement of shoreline ecological functions. Soft-shore stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide shore stability in a non-linear, sloping arrangement.

Solid Waste

“Solid waste” means all solid and semi-solid wastes 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. This definition does not include wastes identified in WAC 173-304-015.

Solid Waste Facility

“Solid waste facility” or “transfer facility” refers to any land or structure where solid waste is stored, collected, transported, or processed in any form, whether loose, baled or containerized, including but not limited to the following: transfer stations, landfills, or solid waste loading facilities. Solid waste handling and disposal facilities do not include the following: handling or disposal of solid waste as an incidental part of an otherwise permitted use; and solid waste recycling and reclamation

activities not conducted on the same site as and accessory to the handling and disposal of garbage and refuse.

Special Flood Hazard Area

“Special flood hazard area” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Species of Local Importance

“Species of local importance” means a species of animal which is of local concern due to their population status or their sensitivity to habitat manipulation. This term also includes game species.

State Master Program

“State master program” means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by Ecology.

Stockpiling

“Stockpiling” means the placement of material with the intent to remove at a later time.

Stream Buffer Zone

“Stream buffer zone” means a designated area contiguous or adjacent to a stream that is required for the continued maintenance, function, and structural stability of the stream. Functions of a buffer include shading, input of organic debris and coarse sediments, uptake of nutrients, stabilization of banks, protection from intrusion, or maintenance of wildlife habitat. Also, see definitions for “buffer” and “wetland buffer zone.”

Streams

“Streams” means those areas where surface waters produce 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 streams naturally occurring prior to construction in such watercourses. For the purpose of this definition, a defined channel or bed is an area

which demonstrates clear evidence of the 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.

Structure

"Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

Structural Shoreline Stabilization

"Structural Shoreline Stabilization" means those "hard" structural stabilization measures including but not limited to concrete bulkheads, rock revetments and seawalls, and "soft" structural measures including but not limited to biotechnical vegetation or beach enhancement. Also see definition for "shoreline stabilization."

Sub-basin

"Sub-basin" means a geographic area, that drains to a stream or waterbody named and noted on common maps, and that is contained within a basin of the stream or waterbody.

Substantial Development

"Substantial development" means any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.¹

¹ Visit the City of Gig Harbor's web site for current information on the dollar threshold amount.

Substantially Degrade

"Substantially degrade" means to cause significant ecological impact.

Substrate

"Substrate" means the soil, sediment, decomposing organic matter or combination of those located on the bottom surface of the wetland.

Surface Water Management Activities

Those activities conducted by the City of Gig Harbor pursuant to GHMC Chapter 14.20 Stormwater Management to improve, maintain and repair the City's stormwater drainage system.

Tidal Water

"Tidal water" includes marine and estuarine waters bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream.

Transmit

"Transmit" means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination.

Transportation Facility

A "transportation facility" includes roads and railways, related bridges and culverts, and bus and truck terminals. Not included are off-street bicycle or recreational trails.

Uplands

"Uplands" means dry lands landward of OHWM.

Utilities

“Utilities” are services and facilities that produce, convey, store, or process power, gas, sewage, storm water, communications, oil, waste, and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are “accessory utilities” and shall be considered a part of the primary use.

Utility Line

“Utility line” means pipe, conduit, cable or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, gas and communications.

Variance

“Variance” is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

Vegetation Conservation

“Vegetation conservation” includes activities to protect and restore vegetation along or near shorelines that minimize habitat loss and the impact of invasive plants, erosion and flooding and contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species. Vegetation management provisions apply even to those shorelines and uses that are exempt from a permit requirement.

Vegetation Conservation Strip

“Vegetation conservation strip” means that area of land measured horizontally from the edge of the Ordinary High Water Mark landward as prescribed by Chapter 6 Section 6.2.3.2, Figure 6-1. A vegetation conservation strip consists of an undisturbed area of native vegetation established to protect the integrity, functions and natural processes of the shoreline.

Vessel

"Vessel" includes ships, boats, barges, or any other floating watercraft which are designed and used for navigation and do not interfere with the normal public use of the water.

Water-dependent Use

"Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

Water-dependent Utility

"Water-dependent utility" means sewer and stormwater utilities that require a shoreline location for pipelines and associated outfalls that discharge to marine waters.

Water-enjoyment Use

"Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Water-oriented Use

"Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

"Nonwater-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.

Water Quality

"Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic,

recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water-related Use

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

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

Watershed Restoration

"Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

- 1) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
- 2) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

- 3) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

"Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act.

Weir

"Weir" means a structure in a stream or river for measuring or regulating stream flow.

Wetlands

"Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland 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 nonwetland areas to mitigate the conversion of wetlands.

Wetland Buffer Zone

“Wetland buffer zone” means a designated area contiguous or adjacent to a wetland that is required for the continued maintenance, function, and structural stability of the wetland. Functions of a buffer include shading, input of organic debris and coarse sediments, uptake of nutrients, stabilization of banks, protection from intrusion, or maintenance of wildlife habitat. Also, see definition for “buffer” and “stream buffer zone.”

Wetland Class

“Wetland class” means the U.S. Fish and Wildlife Service wetland classification scheme using a hierarchy of systems, subsystems, classes and subclasses to describe wetland types (refer to USFWS, December 1979, Classification of Wetlands and Deepwater Habitats of the United States for a complete explanation of the wetland classification scheme). Eleven class names are used to describe wetland and deepwater habitat types. These include: forested wetland, scrub-shrub wetland, emergent wetland, moss-lichen wetland, unconsolidated shore, aquatic bed, unconsolidated bottom, rock bottom, rocky shore, streambed, and reef.

Wetland Delineation Report

“Wetland delineation report” consists of a document that explains the methods by which the boundary of a wetland was determined, as well as the existing condition of the wetland at the time of the study. The report typically contains a description of how and when the delineation was done; data forms used to delineate the wetland area; a map that clearly identifies data collection point and boundaries of the delineated wetland and a soil survey map.

Wetland Analysis Report

“Wetland analysis report” consists of a document that addresses the functions and values of wetlands utilizing best available science. The report is prepared by a qualified scientific professional or team of qualified scientific professionals and is used for regulatory purposes to address local, state and federal wetland regulations.