

## 17.05A.070 - Definitions.

Words used in this chapter, unless defined herein or the context clearly otherwise implies, shall assume the definitions contained in Chapter 90.58 RCW, as now or hereafter amended, and such guidelines as have been, or may be, adopted pursuant to Chapter 90.58 RCW, including WAC 173-26. Definitions that are provided in other titles, chapters, and sections of the Island County Code shall apply in the interpretation and enforcement of this chapter. When not inconsistent with the context, words used in the present tense shall include the future, the singular shall include the plural, and the plural the singular.

**Accretion shoreform** means shoreline with a backshore which has been produced by the long-term deposition of sand or gravel by littoral drift from a feeder bluff or other source. Such shoreforms include barrier beaches, points, spits, and hooks.

**Act** means Shoreline Management Act of 1971, Chapter 90.58 RCW (also SMA or Act).

**Administrator.** See Shoreline Administrator.

**Adverse impact or effect** means the result of a condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions or reduces ecological functions or values.

**Commented [MP1]:** From Jefferson County, adapted for Island County

**Affected tribe** means any tribe recognized by the federal government and subject to established treaty rights whose ancestral villages, campsites, grave sites, fishing sites, or other territory within the county may be impacted by a proposed development project in or near an archaeological site.

**Agriculture** means the cultivation of soil, production of plant crops, or the raising of livestock.

**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.

**Agricultural land** means specific land areas on which agriculture activities are conducted.

**Alteration** means any human activity which results or is likely to result in an impact to existing vegetation, hydrology, wildlife or wildlife habitat. Alterations do not include walking, fishing, or any other passive recreation or other similar activities.

**Alteration, nonconforming structures** means any change or rearrangement in the supporting members of existing buildings, such as bearing walls, columns, beams, girders, or interior partitions, as well as any changes in doors, windows, means of egress or ingress or any enlargement to or diminution of a building or structure, horizontally or vertically, or the moving of a building from one location to another. This definition excludes normal repair and maintenance, such as painting or roof replacement, but includes more substantial changes.

**Alteration, nonconforming use** means the expansion, modification or intensification of a use that does not conform to the land use regulations of this program.

**Commented [MP2]:** From Jefferson County, adapted for Island County

**Appurtenance.** See normal appurtenance.

**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. Aquaculture is of statewide interest.

**Aquaculture, commercial** means commercial aquaculture is the cultivation or farming of fish, shellfish or other aquatic plants and animals for sale.

**Aquaculture, non-commercial** means the cultivation or farming of fish, shellfish or other aquatic plants and animals for personal consumption, research, or restoration or enhancement of native species.

**Archaeology** means the systematic, scientific study of material remains of past human life and activity. In Island County examples include shell middens, lithic sites, earthworks, rock cairns, and burial grounds. While shell middens and burial grounds are strongly associated with shorelines, the other types may also be found within the shorelines of the county.

**Baseline (for no net loss)** means shoreline ecological conditions existing as documented in the Island County Shoreline Master Program Shoreline Inventory and Characterization report dated March, 2012.

**Beach Access Structure** means a permanent or temporary structural pathway/walkway whether installed on, above, or below the surface of the ground or water, for purposes of providing pedestrian access to a beach or shoreline area, not for motorized vehicle access. It often includes a stairway, tram, elevator, stair tower, platform and/or elevated walkway anchored to the ground surface by structural means.

**Commented [MP3]:** TRC recommendation

**Commented [MP4]:** From Mason and Jefferson Counties, adapted for Island County

**Beach enhancement or restoration** means process of restoring a beach to a state more closely resembling a natural beach using beach feeding, vegetation, drift sills, or other non-intrusive means, as applicable.

**Beach feeding** means process of replenishing a beach by delivery of materials dredged or excavated elsewhere.

**Berm** means a linear mound or series of mounds of sand or gravel generally paralleling the water at or landward of the line of ordinary high tide.

**Best available science** means 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 356-195-900 through 356-195-925. Sources of best available science are included in Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas published by the Washington State Department of Commerce. The term "best available science" as used in this title includes the most current, accurate and complete scientific and technical information available as contemplated under WAC 173-26-201(2)(a). Projected Sea Level Rise for Washington State, a 2018 Assessment (or as amended), is considered the best available science for sea level rise.

**Commented [MP5]:** From Mukilteo, adapted for Island County

**Commented [MP6]:** TRC recommendation

**Board or BOCC** means Board of Island County Commissioners.

**Boat** means vessels less than twenty tons which are designed and used as a private pleasure craft for navigation and travel on water, are propelled by oars, sails, or one or more internal combustion engine(s), and do not interfere with the normal public use of the water.

**Boathouse** means a structure specifically designed or used for the storage of boats.

**Commented [MP7]:** From Mukilteo, adapted for Island County

**Boat launch or ramp** means graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device. A boat launch also includes associated wash station and parking.

**Boat lift** means a mechanical device, without a canopy, that can hoist vessels out of the water for storage, commonly located along a pier. A boat lift is to be differentiated from a hoist or crane used for the launching or haul-out of vessels.

**Commented [GJ8]:** From Hunt's Point & Jefferson County, adapted for Island County

**Boating facility** means any public or private facility for storing or launching vessels or watercraft. This includes marinas, open water moorage and anchorage areas, boat launch ramps, boat lifts, mooring buoys, piers, floats and docks, or any other similar single-user or shared-use facility for public recreational use or private residential use. For purposes of this Program, upland boat storage structures such as boathouses, boat repair shops, and other similar structures, and docks serving four (4) or fewer single-family residences are not considered boating facilities.

**Breakwater** means protective structures which are normally built offshore to protect beaches, bluffs, dunes, or harbor areas from wave action.

**Buffer** means the landward area adjacent to the OHWM, measured in feet, which protects the SMA waterbody from alterations caused by a development proposal. Buffers are established based on the shoreline environment designation. A buffer is measured horizontally and perpendicular from the ordinary high water mark, it runs parallel to the ordinary high water mark, and it includes the three-dimensional airspace above.

**Commented [MP9]:** TRC recommendation

**Commented [MP10]:** From Jefferson County, adapted for Island County

**Buffer area** means a parcel or strip of land that is designed and designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, to provide habitat for wildlife, and to afford limited public access.

**Bulkhead** means a form of structural shoreline stabilization erected parallel to and near the ordinary high water mark for the purpose of stabilizing a slope and protecting the adjacent structures from the action of waves or currents.

~~Buoy means a float attached by rope to the seabed to mark channels in a harbor or underwater hazards, or to be used to moor a boat in a harbor or channel.~~

**Commented [JL11]:** Moved to Mooring buoys

**Campground and camping facilities** means facilities in which sites are offered for persons using tents or other personal, portable overnight shelters. Campgrounds are for short-term stays and do not include trailer parks.

**Campground, marine** means a campground where camping is restricted to users that access the site by water.

**Canal community** means the communities of Lagoon Point, Sandy Hook, and Mariners' Cove are discrete residential communities developed along engineered canals. The locations and boundaries of the canal communities are designated on official shoreline maps to be kept in the office of the Island County Planning and Community Development Department.

Canopy means a cover installed as a component of a boat lift.

**Commented [GJ12]:** From Medina, adapted for Island County

**Clearing** means the cutting and removal of vegetation by mechanical or chemical methods.

**Commercial development** means a business use or activity involving retail or wholesale marketing of goods and services as defined in chapter 17.03. This definition does not include bed and breakfast inns or country inns, which are named as specific uses in the shoreline use table in section 17.05A.080. This definition does not include home industry and home occupation, which are defined in 17.03.040 and are incidental to and secondary to residential uses.

**Commercial-industrial pier or dock** means a pier or dock including a gangway and/or float which is intended for any commercial or industrial use other than storage or moorage of boats used for recreational purposes.

**Community beach** means a beach area jointly owned by a homeowners association for use of the neighborhood.

**Community pier or dock** means a pier or dock including a gangway and/or float which is intended for use in common by lot owners or residents of a subdivision, Homeowner's Association (HOA), or residential planned development district.

**Conditional uses, shoreline** means a use or development which requires issuance of a shoreline conditional use permit pursuant to the use table in section 17.05A.080 or a use which is not classified within the SMP. Conditional uses must be evaluated according to the review criteria established in WAC 173-27-160.

**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 (1) month before the new dollar threshold is to take effect.

Covered moorage means a pier, or float, or system of floats covered by a roof.

**Commented [GJ13]:** From San Juan County, adapted for Island County

Critical areas means wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.

Commented [MP14]: Copied from Critical Areas Ordinance ICC 17.02B

**Critical saltwater habitat** includes the following areas within marine shorelines: mudflats and intertidal habitats with vascular plants; subsistence, commercial and recreational shellfish beds; kelp and eelgrass beds; spawning and holding areas for forage fish, such as herring, smelt, and sand lance; and areas with which priority species, as defined by WAC 173-26-020(29), have a primary association.

**Development** means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Program at any state of water level. Development does not include dismantling or removing structures if there is no other associated development or re-development

Dike means a system of one or more levees or banks, usually constructed of earth to control or confine water and create a protection against tidal or floodwaters.

Commented [GJ15]: ECY suggested edit

**Disabled (person)** means a person likely to meet the federal supplemental security income disability standard. In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history (RCW 74.62.030).

**Dock** means a structure which abuts the shoreline and is generally used as a landing or moorage place for commercial or pleasure craft. A mooring platform (e.g., pier, ramp, drive-on floating boat lift, or float) that extends waterward of the OHWM but due to topography, critical areas, etc. may also extend landward of the OHWM to provide a connection to land. Waterward of the OHWM they are held in place with pilings/anchors. Pilings located around their perimeter (whether detached or attached) that are not utilized to hold the dock in place but instead utilized for berthing/mooring to that facility (e.g., dolphins) shall be considered part of the dock.

Commented [GJ16]: Added floating boat storage to definition

**Dolphin** means a cluster of piles used as a fender, as at the entrance to a dock.

**Dredging** means the removal of earth, sand, gravel, silt, or debris from the bottom of a stream, river, lake, bay, or other water body for the purpose of deepening a navigational channel or to obtain use of the bottom materials for fill. Dredging includes any harvesting of natural resources by any mechanical or hydraulic means which involves substrate displacement or disturbance.

**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.

Drive-on floating boat lift means a mooring platform onto which a boat can be driven, for the purposes of storing the boat above the surface of the water. Drive-on floating boat lifts are generally secured to a dock or pier and have no moving parts.

Commented [GJ17]: New definition to support addition to dock definition

**Dune** means a hill or ridge of sand deposited by wind or wave action.

**Ecological functions** means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

**Ecological processes** means ecological processes, ecosystem processes, or ecosystem-wide processes means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; the presence of living, functioning organisms; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

**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.

**Emergency** means an unanticipated and imminent threat to public health, safety, or the environment which requires immediate actions within a time too short to allow full compliance.

**Exceptional feeder bluff** means a shoreline bluff area with substantial sediment input into the netshore drift system with a shorter recurrence interval as compared to a non-exceptional feeder bluff, as identified on a map available from Island County Department of Community Development. Exceptional feeder bluffs can be identified by the general absence of vegetative cover or portions of the bluff face fully exposed. Other indicators include the presence of slide debris, boulder or cobble lag deposits, and fallen trees across the beachface. Exceptional feeder bluff segments lack a backshore, old or rotten logs, and coniferous bluff vegetation.

**Existing lot** means a lot or parcel of land which was legally established and recorded with the County Auditor as a fractional part of divided lands having fixed boundaries prior to adoption of this chapter and consistent with chapter 17.03.

**Expansion** means any structural modification, which increases the existing structure's envelope, footprint, or volume.

**Experimental aquaculture** means an aquaculture project that uses methods or technologies which are unprecedented or unproven.

**Extreme low tide** means the lowest line on the tidelands reached by a receding tide.

**Feasible** means, for the purpose of this title, 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 timeframes.**

**Feeder bluff** means a coastal bluff that, as a result of its natural erosion, delivers sand and gravel to the beach that is subsequently transported by waves and currents along the shoreline to maintain beaches and accretion shoreforms elsewhere within the local drift cell.

**Feedlot** means an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for livestock feeding or grazing, nor shall it include normal livestock wintering operations.

**Fender** means a device installed adjacent to a dock to lessen shock and prevent chafing. A pile or a row or cluster of piles placed to protect a dock or ferry loading ramp from damage by docking vessels.

**Ferry terminal (includes dolphins, ramp, ticket booths, and waiting structures)** means piers, docks and associated dolphins, ramps, fenders, floats, ticketing structures, and waiting structures associated with the loading and landing of vehicle and passenger ferry vessels.

**Fetch** means the distance across a body of water measured in a straight line from the most waterward point along the ordinary high water line or lawfully established bulkhead on a given stretch of shoreline to the closest point on the ordinary high water line or lawfully established bulkhead on a separate stretch of shoreline.

**Commented [MP18]:** From APA Planners Dictionary, adapted for Island County

**Commented [MP19]:** From Mukilteo, adapted for Island County

**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.

**Finfish facility** means rearing facilities where finfish are hatched, fed, nurtured, held, maintained, or reared for commercial purposes or harvest. This includes fish farms, fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated facilities. Facilities that discharge or allow the exchange of unfiltered water into waters of the state are "open." Facilities that do not discharge or allow the exchange of unfiltered water into waters of the state are "contained."

**Fish and wildlife habitat conservation areas** means critical areas and their associated buffers including the following:

1. Areas with which endangered, threatened, sensitive, and priority species listed by the federal or state government have a primary association;
2. Areas that are priority habitats as listed by the Washington Department of Fish and Wildlife;
3. Streams;
4. Commercial and recreational shellfish beds;
5. Kelp and eelgrass beds;
6. Herring, smelt, and sand lance spawning and holding areas;
7. Priority habitat areas for marine shellfish, including but not limited to pandalid shrimp, Dungeness crab, geoduck, hardshell clam, subtidal hardshell clam, and red sea urchin;
8. Areas with which priority species, as defined by WAC 173-26-020(29), have a primary association;
9. State natural area preserves;
10. State natural resource conservation areas;
11. Species and habitats of local importance;
12. Flora species included in the protected species list; and
13. All areas designated by the Department of Natural Resources ("DNR") through the Washington Natural Heritage Program as high quality wetland ecosystems and high quality terrestrial ecosystems and shown on a map prepared by Island County dated October 11, 1999.

**Float** means a floating structure that is moored, anchored, or otherwise secured in the water offshore and that may be associated with a fixed-pile pier, or may be a standalone structure, such as platforms used for swimming and diving.

**Float plane base** means a transportation facility consisting of multiple float plane docks, which is used exclusively by aircraft that take off and land directly on the water.

**Float plane** means a structure which abuts the shoreline and is generally used as a landing or moorage place for commercial or pleasure aircraft. A mooring platform (e.g., pier, ramp or float) that extends waterward of the OHWM but due to topography, critical areas, etc. may also extend landward of the OHWM to provide a connection to land. Waterward of the OHWM they are held in place with pilings/anchors. Pilings located around their perimeter (whether detached or attached) that are not utilized to hold the dock in place but instead utilized for berthing/mooring to that facility (e.g., dolphins) shall be considered part of the dock.

~~Floating home means a floating home is a building constructed on a float, used in whole or in part as a dwelling, and not a vessel, and is typically characterized by permanent utilities, a semi-permanent anchorage/moorage design, and by the lack of adequate self-propulsion to operate as a vessel.~~

**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.

**Floating on-water residence** means any floating structure other than a floating home that is designed or used primarily as a residence on the water and has detachable utilities, and whose owner or

**Commented [JL20]:** Brought over dock definition and changed one word to "aircraft".

**Commented [GJ21]:** Replaced with the definition from RCW 90.58.270(5)(b)(ii)

**Commented [GJ22]:** Inserted the definition from RCW 90.58.270(5)(b)(ii)

[primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.](#)

**Commented [GJ23]:** From RCW 90.58.270(6)(b) – with edits deleting references to the RCW

**Floodplain (100-year)** means 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.

**Flushing capacity** means the ability of a water body to completely renew the volume of water it retains.

[Forest practice permit means a permit which is required for the removal of five thousand board feet or more of merchantable timber. Class IV—General forest practice permits are administered by the Department of Natural Resources. This permit is often approved as an adjunct to another development permit such as a building permit or residential subdivision.](#)

**Commented [MP24]:** From Mukilteo, adapted for Island County

**Forest practices** means activities conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, pre-commercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control. See WAC 222-16-010.

**Gabions** means a form of structural shoreline stabilization composed of masses of rocks, rubble or masonry held tightly together, usually by wire mesh, so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

**Geologically hazardous areas** means those areas that because of their susceptibility to erosion, sliding, or other geologic events, are generally not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns, including:

1. Erosion hazard areas including areas designated in the Department of Ecology Coastal Zone Atlas dated April 1979, as it may be amended or revised, as land which has had recent or historical slide activity or has unstable slope conditions, including those lands within 100 feet (either top or base) thereof, and other areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils.
2. Landslide hazard areas including:
  - a. Areas with all three (3) of the following characteristics:
    - (i) Slopes steeper than fifteen (15) percent;
    - (ii) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
    - (iii) Springs or groundwater seepage.
  - b. Areas that have shown movement during the holocene epoch (from 10,000 years ago to the present) or which are underlain or covered by mass wastage debris of this epoch;
  - c. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
  - d. Slopes having gradients steeper than eighty (80) percent subject to rockfall during seismic shaking;
  - e. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones; and
  - f. Any area with a slope of forty (40) 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.
3. Seismic hazard areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement or subsidence, soil liquefaction, surface faulting, or tsunamis.

**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.

**Grade level (average)** means calculation made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

**Grading** means 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.

**Groin** means structures designed to modify or control water flow and sand movement.

**Ground floor** means the floor of a structure or building that is approximately level with the ground.

**Hazard tree** means any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.

**Hearings Board** means the Shoreline Hearings Board (not the Growth Management Hearing Board(s)).

**Height, building** means the vertical dimension measured from average grade to the highest point of a structure; provided that antennas, chimneys, and similar appurtenances shall not be used in calculating height, unless such appurtenance obstructs the view of a substantial number of adjacent residences.

**High intensity agriculture** shall mean existing and on-going agriculture including dairies, animal feeding operations and concentrated animal feeding operations as those terms are used in federal and state regulations and livestock operations with an animal unit density greater than three (3) per acre.

**Historic beach community** means limited areas within the shoreline of Island County that have been platted in a dense pattern with small lots and greater impervious surface relative to other areas of the county. The existing marine waterfront lots are generally developed with residential structures constructed approximately thirty (30) feet or less from the ordinary high water mark and the original structures were established prior to enactment of the Shoreline Management Act.

**Houseboat** means a vessel used for living quarters but licensed and designed substantially as a mobile structure by means of detachable utilities, anchoring, and the presence of adequate self-propulsion to operate as a vessel.

**Industrial** means a use relating to or concerning the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction. This definition also does not include home industry and home occupation, which are defined in 17.03.040 and are incidental to and secondary to residential uses.

**In-water facilities** means boat-launching facilities, marinas, visitor docks, mooring buoys, residential docks, floats, seaplane access and moorage, docking facilities for cruise boats, and waterborne transportation facilities.

**In-water fill** means activities that involve the addition of soil, sand, rock, gravel, earth retaining structure, or other material to an area waterward of the ordinary high water mark or in shorelands in a manner that raises the elevation or creates dry land.

**Impervious surface** means a surface area that prevents or impedes infiltration of water into the soil mantle; or retards the infiltration of water into the soil mantle such that it causes water to run off the surface

**Commented [MP25]:** Copied from the Critical Areas Ordinance, ICC 17.02B

**Commented [MP26]:** Took this definition from 17.02B

**Commented [MP27]:** From Mukilteo, adapted for Island County

**Commented [MP28]:** From Mukilteo, adapted for Island County

in greater quantities or at a greater rate of flow than under natural conditions. Common impervious surfaces include roof tops [including eaves](#), walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled surfaces. Open, uncovered retention or detention facilities are not considered impervious surfaces. [Decks with gaps of at least 1/8" between boards located over a pervious surface shall be considered pervious.](#)

[Illegal use means any unapproved use of land or structure which is inconsistent with current codes and/or was inconsistent with previous codes in effect when the use or structure was established. An illegal use is different than a nonconforming use.](#)

Commented [MP29]: TRC recommendation

Commented [MP30]: From Jefferson County, adapted for Island County

**Jetty** means jetties are structures designed to modify or control water flow and sand movement and are generally employed at inlets for the purpose of improving navigation.

**Joint use pier or dock** means a pier or dock including a gangway and/or float which is intended for private, noncommercial use by two (2) to four (4) waterfront building lots under separate ownership, where at least one (1) boundary of each building lot lies within 1,000 feet of the boundary of the lot on which the joint use pier or dock is to be constructed.

**Lake** means a body of freshwater that occurs in a depression of land or expanded part of a stream that is greater than 6.6 feet in depth at the deepest point at ordinary low water, and has a water salinity of less than 0.5 parts per thousand.

**Landward** means horizontally toward the land and away from the water.

**Littoral drift** means the natural movement of sediment, particularly sand and gravel, along marine or lake shorelines as a result of wave and wind action.

**Live-aboard vessel** means a seaworthy vessel that was designed primarily for navigation but is used as a residence. A boat or other floating structure is a residence if it is occupied thirty (30) out of forty-five (45) days or ninety (90) out of 365 days while moored or anchored in the same area, or if the local government, the marina, or the occupant of the boat defines it as a residence. The phrase "in the same area" means within a radius of one (1) mile of any location where the same vessel previously moored or anchored. A vessel that is occupied and is moored or anchored in the same area, but not for the number of days described in this subsection, is considered a recreational or transient vessel (WAC 332-30-106).

[Log storage \(rafting and stockpiling\) means the management of trees for a commercial forestry industry by means of either, rafting bound logs along the shoreline for transportation, or by stockpiling logs that are ready for transportation via land.](#)

**Low intensity agriculture** shall mean existing and on-going agriculture including livestock management with an Animal Unit density of less than one (1) per acre; seasonal hay mowing and related activities and horticulture involving one (1) acre or less of cultivated land.

**Marinas.** Marinas are facilities which provide boat launching, storage, supplies, and services for small pleasure craft. There are two (2) basic types of marinas: open type construction (floating breakwater or open pile work) and solid type construction (bulkhead or fill).

**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 campground** means a primitive, waterfront campground accessible by hand-carried watercraft (e.g., kayak, canoe) with each site in the campground accommodating up to three (3) tents. Overflow may be allowed at the discretion of the land manager.

**May** indicates that the action is within the discretion and authority of the approving agency.

**Moorage structure** means a structure built over or floating upon the water, typically used as a landing place for marine transport or for commercial or recreational purposes.

[Mooring buoys means a float attached by rope to the seabed to mark channels in a harbor or underwater hazards, or to be used to moor a boat in a harbor or channel.](#)

Commented [JL31]: Moved from buoys

**Mudflat (marine)** means areas along a shoreline composed of fine sediment often with a high organic material content that are typically exposed during low tides and submerged during high tides.

**Must means a mandate; the action is required.**

**No net loss** means the maintenance of the aggregate total of the county shoreline ecological functions over time. The no net loss standard contained in WAC 173-26-186 requires that the impacts of shoreline use or development, whether permitted or exempt from permit requirements, be identified and mitigated such that there are no resulting adverse impacts on ecological functions or processes.

**Non-structural shoreline stabilization** means shoreline erosion control and restoration practices using ~~only plantings or~~ mostly organic materials and plantings to restore, protect, or enhance the natural shoreline environment. Focus on the use of woody plants and limited structural-mechanical systems that are integrated in a structurally and environmentally sound manner to repair and protect slopes against shallow mass wasting and surface erosion. At least eighty (80) percent of the stabilization project must be constructed of naturally-occurring materials used in ways that are consistent with current nearshore processes. Measures such as live stake, live fascine, brushlayer, live cribwall, vegetated geogrid, branchpacking, and live slope grating are examples of soft shore protection techniques. Also called bioengineering or soft shore stabilization.

**Non-water-oriented use means those uses that are not water dependent, water related, or water enjoyment.**

**Nonconforming development or nonconforming structure means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.**

**Nonconforming lot means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.**

**Nonconforming use means an existing shoreline use that was lawfully established prior to the effective date of the Act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.**

**Normal appurtenance** means a structure that is necessarily connected to the use and enjoyment of a single-family residence, including a garage, deck, driveway, utilities, ~~fences, gazebo~~, septic tank and drainfield, and grading less than 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

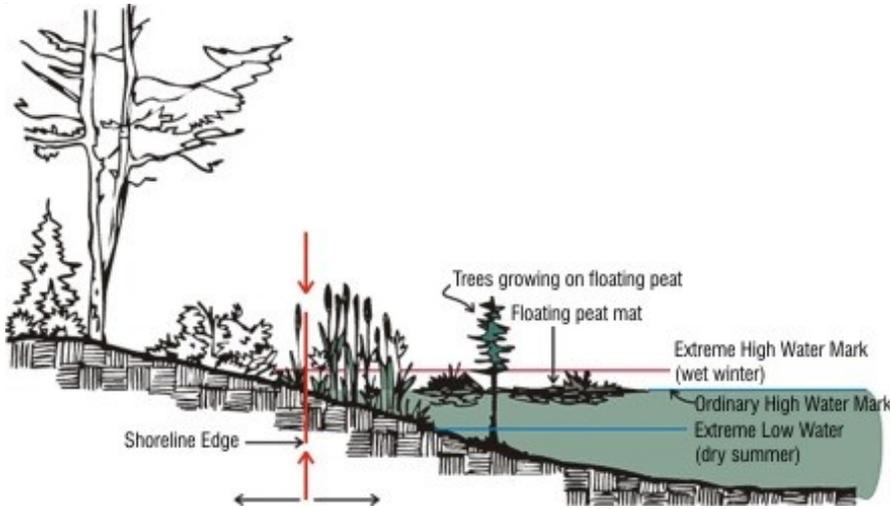
**Normal maintenance and repair** means usual acts to prevent a decline, lapse, or cessation from a lawfully established condition or restores a development to a state comparable to its original condition, including but not limited to maintaining the same size, shape, configuration, location and appearance. Replacement of a structure is not considered normal maintenance or repair.

**Normal protective bulkhead** means structural and nonstructural shoreline stabilization installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and normal appurtenant structures from loss or damage by erosion.

**Ordinary high water mark (OHWM)** means 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 the 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 freshwater shall be the line of mean high water.

**Commented [MP32]:** From Mukilteo, adapted for Island County

**Commented [MP33]:** TRC recommendation



Commented [MP34]: From Pierce County

**Parking lot** means an off-street, ground level open area, usually improved, for the temporary storage of motor vehicles. A vista parking lot is a parking lot directly associated with an area established to provide a public view of the shoreline or water.

**Passive recreation** means outdoor activities such as walking, biking, and wildlife viewing.

**Permitted uses** means uses which are allowed within the applicable shoreline designation, provided that they must meet the policies, use requirements, and regulations of this chapter 17.05A and any other applicable regulations of the county or state.

**Pervious pavement** means a low impact development measure that promotes storm water drainage, reduces runoff, and improves filtration of water for aquifer recharge. Pervious pavement shall include, but are not limited to: pervious concrete, pervious asphalt, pervious pavers, and products such as grasscrete. Pervious pavement shall be considered as 50% pervious for the calculation of impervious surface area.

Commented [GJ35]: Amended to reflect consultant recommendation

**Pervious surface** means a surface area that allows the natural infiltration of water into the soil mantle including pervious pavement.

**Pier** means a structure which abuts the shoreline and is generally used as a landing or moorage place for commercial and pleasure craft. A pier is a fixed platform above the water.

**Pile, pilings and pile driving** means a column of wood or steel or concrete that is driven into the ground to provide support for a structure, a number of piles and the process of installing piles into the ground.

Commented [MP36]: From Mukilteo, adapted for Island County

**Port** means any harbor area under the jurisdiction of a legally constituted port district, as prescribed under Washington State law, or any harbor area which is largely devoted to shipping and cargo handling. A port may include water-dependent uses such as boat building and repair, cargo or passenger facilities, commercial and recreational moorage, float plane facilities, and similar uses. A port may also include water-related uses.

**Primary association** means use of an area by a protected species for rearing young, roosting, breeding, or foraging on a regular basis during the appropriate season, as well as habitats that are used less frequently or regularly but which provide for essential life cycle functions. Areas of primary association for listed salmonids shall include all aquatic environments in which they reside, as well as riparian

environments necessary to support the formation and function of the aquatic environment. Areas of primary association for protected flora and fungi include both the immediate area where the species occurs and the contiguous habitat necessary for its long term persistence.

**Primary structure** means the structure associated with the principal use of the property. If more than one (1) structure is associated with the principal use of the property, the one with the highest assessed value shall be considered the primary structure. For purposes of interpreting section 17.05A110 (shoreline modification regulations), the phrases "primary structure or appurtenance" and "primary structures and appurtenances" shall mean the primary structure and those appurtenances which cannot be relocated because they are either (a) structurally attached to the primary structure (such as garages and decks) or, (b) no other suitable location exists for their relocation and the primary structure would become unusable if the appurtenance were damaged or destroyed.

**Priority habitat** means a habitat type with unique or significant value to one (1) or more species. An area classified and mapped as priority habitat must have one (1) or more of the following attributes: comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; 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 also 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 non-priority fish and wildlife.

**Production facilities** means a structure used for or in connection with the generation, production, transmission, or distribution of electricity; the production, manufacture, storage, or distribution of gas; the transportation or conveyance of gas, oil, or other fluid substance by pipeline; or the diverting, developing, pumping, impounding, distributing, or furnishing of water.

**Protected habitats** means habitats listed by the federal government, habitats designated by the Washington Department of Fish and Wildlife as Priority Habitats, and those habitats which are determined by Island County to be worthy of a higher level of protection than other habitats and are designated as habitats of local importance under chapter 17.02.

**Protected species** means species of flora and fauna listed by the federal government or the State of Washington as endangered, threatened, sensitive, or priority which are present in Island County and those species of flora and fauna which are determined by Island County to be worthy of a higher level of protection than other species and are designated as species of local importance under chapter 17.02.

**Public access** means a trail, path, road, or launching ramp by which the general public can reach the public waters from a public road.

**Public boat launching ramps** means boat launching ramps that are used by the public. Ownership of the facilities can be either private or public.

**Public recreational pier or dock** means a pier or dock including a gangway and/or float either publicly or privately owned and maintained intended for use by the general public for recreational purposes, but not to include docks constructed as part of a marine development.

**Qualified professional** means a person with experience and training with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have a degree in wildlife biology, ecology, fisheries, or a closely related field and a minimum of two (2) years of professional experience related to the subject species/habitat type. A qualified professional shall be selected by the Planning Director, or approved by the Planning Director if selected by the applicant. A wetland professional is a qualified professional with expertise in wetlands.

**Ramp.** See boat ramp.

**Commented [MP37]:** Copied from critical areas ordinance ICC 17.02B

**Recreation** means the exercise and refreshment of body and mind through forms of play, sports, relaxation, amusement, or contemplation. Passive shoreline recreation is light to moderate intensities of recreation, such as hiking, day camping, viewing nature, boating, swimming and fishing. Active recreation is a more intensive and land consumptive use of the shoreline areas, such as sports fields, swimming pools, or indoor recreation centers.

**Recreational development** means public and private parks and facilities for hiking, camping, indoor and outdoor sports, or similar developments.

**Regulated activity** means:

1. Removing, excavating, disturbing, or dredging soil, sand, gravel, minerals, organic matter, or materials of any kind;
2. Dumping, discharging, or filling;
3. Draining, flooding, or disturbing the water level or water table. In addition, an activity which involves intentional draining, flooding, or disturbing the water level or water table in a wetland or stream in which the activity itself occurs outside the regulated area may be considered a regulated activity;
4. Driving piling or placing obstructions, including placement of utilities;
5. Constructing, reconstructing, demolishing, or altering the size of any structure or infrastructure;
6. Altering the character of a regulated area by destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading, or planting;
7. Activities which result in significant changes in water temperature or physical or chemical characteristics of wetland or stream water sources, including changes in quantity of water and pollutant level;
8. Application of pesticides, fertilizers, and/or other chemicals unless demonstrated not to be harmful to the regulated area;
9. The division or redivision of land pursuant to chapter 16.06; and
10. The creation of impervious surfaces.

**Repair** means ordinary repair and maintenance work, where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage. Ordinary repair and maintenance does not include those activities defined as replacement.

**Commented [JL38]:** Took part of definition from 17.04A.050

**Replacement** means the construction of a new structure to perform the same function when an existing structure can no longer serve its purpose. In addition, repairs that exceed a certain threshold are also effectively [a] replacement. ~~The following are thresholds for considering a~~ A repair to be is effectively a replacement: ~~1) when more than fifty (50) percent of a structure is being replaced; or 2) the cost of maintenance or repairs to an existing structure exceeds fifty (50) percent of the value of the existing structure.~~

**Commented [MP39]:** TRC recommendation

**Residential development** means the development of single-family residences, including appurtenant structures and uses, multi-family development, and the creation of new residential lots through land division.

**Restoration** means to reform, revitalize, or establish the characteristics and natural processes of a degraded shoreline resource back into a persistent, resilient system.

**Retaining wall** means structure placed behind the OHWM which acts as a stabilizing mechanism for unstable geologic conditions, foundation support for structures, or to retain land behind the retaining wall. Retaining walls are not intended to prevent erosion of upland materials from the action of waves or tides.

**Commented [MP40]:** TRC recommendation

**Revetment** means a form of structural shoreline stabilization comprising a sloping facing of stone, concrete, or similar material, built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

**Commented [GJ41]:** Added per TRC input to clarify

**Riprap** means a form of structural shoreline stabilization comprising a foundation or sustaining wall of stones or chunks of concrete thrown together without order (as in deep water) or a layer of similar material on an embankment slope to prevent erosion.

**Seaward** means the direction away from land and toward the sea.

**Setback** means the distance a structure is placed behind a specified line or feature.

**Shall** means a mandated action that must be done.

**Shorelines** means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.

**Shoreline Administrator (Administrator)** means the Island County Planning and Community Development Director (Director) or his or her designee.

**Shoreline 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 permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to Chapter 90.58 RCW at any stage of water level (RCW 90.58.030; WAC 173-27-030).

**Shoreline environment designations** means the categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. WAC 173-16-0060(4). [The designation boundaries extend above and below the earth's surface on a vertical plane.](#)

**Shoreline ecological functions** means shoreline functions or shoreline ecological functions are the work performed or role played individually or collectively within ecosystems by a wide variety of interacting physical, chemical, and biological components that are interdependent in varying degrees and scales, and that produce the landscape and habitats as they exist at any one (1) time. Shoreline ecological functions include, but are not limited to those included in WAC 173-26-201(3)(d)(i)(C).

**Shoreline exemption** means an exemption from needing to obtain a shoreline substantial development permit. Exemptions are defined in WAC 173-27-020(7) and are available for uses and developments set forth in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58. Although exempt from requiring a substantial development permit, these uses must comply with applicable provisions of this Program and the Act.

**Shoreline jurisdiction** means the geographic areas regulated by the SMA, related rules, and the applicable master program: all shorelines and shorelines of statewide significance, plus lands extending landward for 200 feet in all directions, as measured on a horizontal plane from the ordinary high water mark of shorelines; associated floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters subject to the SMA. See RCW 90.58.030(2)(f), WAC 173-16-030(17) and WAC 173-22-030(10). Also see the definitions of "shorelines" and "shorelines of statewide significance."

**Shoreline Management Act (SMA or Act)** means Shoreline Management Act of 1971, Chapter 90.58 RCW.

**Shoreline Master Program (SMP) or Master Program or Program** means the Island County Shoreline Master Program, being the Shoreline Master Program Element of the Comprehensive Plan and Chapter 17.05A. Master programs must be developed in accordance with the policies of the SMA in RCW 90.58.020 and the implementing guidelines in WAC 173-26, be approved by the state, and be consistent with the rules (WACs) adopted by the Washington State Department of Ecology.

**Shoreline stabilization** means structures or modifications for the purpose of retarding shore erosion from wave or current action, protecting channels and harbors from wave action, encouraging deposition of beach materials, or preventing shoreline overflow and retaining uplands. Shoreline stabilization may consist

**Commented [MP42]:** From Pierce County, adapted for Island County

of bulkheads, seawalls, dikes, revetments, breakwaters, jetties, groins, gabions, large woody material placement, beach nourishment, vegetation enhancement, biotechnical methods, or similar structures or modifications.

**Shoreline substantial development permit exemption** means certain developments that meet the precise terms of listed exemptions are granted exemptions from the requirements of the substantial development permit process of the Act. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the SMP and obtain a statement of shoreline exemption. A shoreline conditional use permit or a shoreline variance permit may also be required even though the activity does not require a shoreline substantial development permit (RCW 90.58.030(3)(e)); (WAC 173-27-030(7) and -040).

**Shorelines of statewide significance** means those areas of Puget Sound and the Strait of Juan de Fuca and adjacent saltwater north to the Canadian line and lying seaward from the line of extreme low tide; and those additional areas specified in the Act (RCW 90.58.030(2)(e), which in Island County, includes the Skagit Bay shoreline from Brown Point to Yokeko Point.

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

**Signs** means publicly displayed messages on signs, billboards, placards, or buildings whose purpose is to provide information, direction, or advertising.

**Single-family residence** means a detached dwelling designed for and occupied by one (1) family, including those structures and developments within a contiguous ownership which are a normal appurtenance. [An approved home industry and home occupation, which are defined in 17.03.040, are incidental to and secondary to a single-family residence.](#)

**Soft shore stabilization.** (See non-structural shoreline stabilization).

**Solid waste** means all solid and semisolid wastes including but not limited to garbage and rubbish, recyclable materials, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

**Spit** means an accretion shoreform which extends seaward from and parallel to the shoreline. They are usually characterized by a wave-built berm on the windward side and a more gently sloping muddy or marshy shore on the leeward side. A curved spit is normally called a hook.

**Structural shoreline stabilization** means shoreline stabilization that includes placement of riprap, fitted stone, poured-in-place or precast concrete, driven wood or metal piles, or other similar hard armoring.

**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 ([WAC 173-27-030](#)).

[Structure, overwater means a structure extending on or over the surface of the water.](#)

**Subdivision** means the division or redivision of land, including short subdivisions, as defined in Chapter 58.17 RCW and Title XVI.

**Substantial development** means any development meeting the definition in RCW 90.58.030(3)(e), now or as hereafter amended, which includes any development of which the total cost, or fair market value, exceeds five thousand seven hundred and eighteen dollars ([\\$7,047](#) ~~(\$5,718.00)~~) or any development which materially interferes with normal public use of the water or shorelines of the state; except that developments meeting the precise terms of the exemptions specified in RCW 90.58.030(3)(e)(i through xii) shall not be considered substantial development.

**Tidal/wave energy** means a form of hydropower that converts the energy in the flow of tidal waters or currents into a form that may be transmitted or transported elsewhere, typically as electricity through the use of submerged turbines.

[Tide gate means a hinged door or panel, or similar structure that serves to drain tidelands, usually for agricultural or other uses.](#)

**Commented [MP43]:** From Mukilteo, adapted for Island County

**Commented [GJ44]:** ECY recommended edit

**Tidelands** means beds and shores of navigable tidal waters lying between the line of ordinary high tide and the line of extreme low tide.

**Tram** means a power-assisted shoreline access device that includes a car or gondola suspended on a cable.

**Transmission, utility** means pipes or lines for sewer, water, electrical, or other utilities.

**Transportation facility** means transportation facilities include roads, trails, airports, barge landings, County docks, floatplane facilities, ferries and related terminals, and parking areas.

**Tribe** means any Indian tribe, band, nation, or other organized group or community formally recognized by the federal government (See affected tribe).

**Use** means the purpose that land, buildings, or structures now serve or for which they are or may be occupied, maintained, arranged, designed, or intended.

**Utilities** includes major and minor facilities and infrastructure that serve individual home owners as well as area wide populations. Utilities include, but are not limited to, sewer infrastructure, water infrastructure, communications infrastructure, stormwater infrastructure, power infrastructure, etc.

**Utilities, accessory** means those utilities associated with a permitted use, such as single-family residences, and are intended for that uses specific purpose. Accessory utilities include but are not limited to natural gas lines, power lines and other communication lines, sanitary lines, and stormwater outfall pipes.

**View corridor** means the waterside area of a developed section of shoreline, within the Shoreline Setback and Marine Buffer, that shall not be blocked with accessory structures, except for those structures noted in section 17.05A.090.D.3.

**Water courses** means streams and manmade surface water conveyance ditches, including portions that are within culverts.

**Water-dependent uses** means a use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

**Water-enjoyment uses** means a recreational use or other use facilitating 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 its location, design, and operation assures 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. Primary water-enjoyment uses may include, but are not limited to, parks, piers, and other improvements facilitating public access to shorelines of the state. General water-enjoyment uses may include but are not limited to, restaurants, museums, aquariums, scientific or ecological reserves, resorts, and mixed-use commercial. Provided, however, that water enjoyment uses conform to the above water-enjoyment specifications and the provisions of the Shoreline Master Program.

**Water-oriented uses** refers to any combination of water-dependent, water-related, or water-enjoyment uses. "Non-water-oriented" serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the Act. Examples of "non-water-oriented" uses include facilities primarily devoted to professional offices, automobile sales or repair shops, mini-storage facilities, multi-family residential development, department stores, and gas stations that serve land based modes of transportation.

**Water-related uses** means a use or a 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. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

Commented [GJ45]: Changed based on TRC feedback

2. The use provides a necessary service supportive of water-dependent commercial activities and the proximity of the use to its customers makes its service less expensive or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the product's cost, professional services serving primarily water-dependent activities, and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

**Water quality** means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation related, and biological characteristics.

**Wetland** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does 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 identification and delineation** means the process of evaluating vegetation, soils, and hydrology to determine whether a wetland is present, and if so determining the upland boundary of the wetland. Wetlands must be identified and delineated using the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0, 2010 or as revised).

**Wild harvest (shellfish)** means the harvest of shellfish naturally occurring in the open waters or tidelands of Island County or Puget Sound. Wild harvest does not include the harvest of any fish or shellfish that have been cultivated for commercial purposes.

( [Ord. No. C-107-15 \[PLG-007-15\]](#), Exh. B, 10-15-2015)

### 17.05A.080 – Shoreline use classification.

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#### SEE SHORELINE USE CLASSIFICATION TABLE ON FOLLOWING PAGE

**TABLE 1: Shoreline Use Classification Table**

Allowed uses (P) in the shoreline must be allowed in the underlying zoning (chapter 17.03) in addition to the shoreline environment designation. All allowed uses are subject to the limitations, conditions, or exceptions as provided in this Shoreline Master Program.

**NOTES:** P - Shoreline Permitted use    X - Shoreline prohibited use    C - Shoreline conditional use

SHORELINE USES	SHORELINE DESIGNATIONS
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	Aquatic	Natural	Rural Conservancy	Urban Conservancy	Shoreline Residential	High Intensity
<b>Residential Uses</b>						
Single-family (and normal appurtenances)	X	P/C <sup>16</sup>	P/C <sup>16</sup>	P/C <sup>16</sup>	P/C <sup>16</sup>	C
Accessory dwelling units (e.g., guest houses)	X	C	C	P	P	X
Accessory Beach Access Structures on Private Lots	C	P <sup>1</sup> /C	P	P	P	C
Mobile/ <a href="#">manufactured</a> home parks	X	X	X	X	X	X
Multi-family	X	X	X	X	P	X
Floating homes, houseboats, <a href="#">Floating On-Water Residences</a>	X	NA	NA	NA	NA	X
Land subdivision	P <sup>5</sup>	P	P	P	P	P
Accessory structures (e.g., garden house, boat house, etc.)	X	P	P	P	P	C
...						
<b>Boating and Related Facilities</b>						
Boat launches	P <sup>3</sup> /C	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	P <sup>3</sup> /C	P
Private piers, <a href="#">docks</a> , and floats	C/P <sup>13</sup>	C	C	C	C/P <sup>1</sup>	P
Public piers, docks, and floats	C	C	P	P	P	P

**Commented [MP46]:** Added drive on floating boat storage to definition of dock

Mooring Buoys	P	NA	NA	NA	NA	X
Float plane bases	C	X	X	C	C	P
Float plane docks	C	X	C	C	C	P
Marinas	C <sup>4</sup>	X	C	C	C	P
Boat launches	P <sup>3</sup> /C	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	P <sup>3</sup> /C	P
<a href="#">Boat lift</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">C<sup>19</sup></a>	<a href="#">X</a>
<a href="#">Covered Moorage</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">C<sup>19</sup></a>	<a href="#">X</a>
...						
<b>Resource Management and Extraction</b>	NA	C	P	P	P	X
Agriculture (low intensity)	<a href="#">C<sup>15</sup></a>	NA	NA	NA	NA	<a href="#">C<sup>15</sup></a>
Aquaculture, Commercial, In-water, including mechanical or hydraulic harvest of shellfish	NA	X	<a href="#">C<sup>15</sup></a>	<a href="#">C<sup>15</sup></a>	X	<a href="#">C<sup>15</sup></a>
Aquaculture, Commercial, On-land activities, structures, processing, etc.	X/P <sup>14</sup>	X	P	P	P	P
Aquaculture, Non-Commercial, On-land and in-water	X	<a href="#">C<sup>18</sup></a>	<a href="#">C<sup>18</sup></a>	<a href="#">C<sup>18</sup></a>	<a href="#">P<sup>18</sup></a>	<a href="#">P<sup>18</sup></a>

Forest practices	X	X	X	X	X	X
Mining						
...						
Utilities	C	C	C	C	C	C
Production facilities <sup>7</sup>	C	C	C	C	C	C
Tidal and wave energy production facilities	<a href="#">P<sup>17</sup>/C<sup>7</sup></a>	<a href="#">P<sup>17</sup>/C<sup>7</sup></a>	P	P	P	P
Accessory utilities	C <sup>7</sup>	C <sup>7</sup>	P	P	P	P
Below ground transmission	C	C	C	C	C	C
Above ground transmission <sup>7</sup>						
...						
Breakwaters	C	NA	NA	NA	NA	C
Shoreline stabilization-structural	C	C	C	P	P	P
Shoreline stabilization- Non-structural	P	P	P	P	P	P
Shoreline Restoration/Beach Enhancement	P	P	P	P	P	P
Dikes	C	X	C	C	C	P

Grading (i.e., excavation and filling)	C/P <sup>10</sup>	C/P <sup>10</sup>	C/P <sup>10</sup>	P	P	P
Dredging	C/P <sup>9</sup>	C <sup>9</sup>	C	C	P	P
Groins and jetties	C <sup>9</sup> /P <sup>11</sup>	X/P <sup>10</sup>	X/C <sup>9,11</sup>	C <sup>9,11</sup>	C <sup>9,11</sup>	C <sup>9,11</sup>
Dolphins	P <sup>12</sup>	X	X	X	X	P <sup>12</sup>
<a href="#">Tide gates</a>	<a href="#">C</a>	<a href="#">C</a>	<a href="#">C</a>	<a href="#">C</a>	<a href="#">C</a>	<a href="#">C</a>

**NOTES:** P - Shoreline permitted use    X - Shoreline prohibited use    C - Shoreline conditional use

1	Permitted use only for public access over private lots, including required public access for a subdivision. All other beach access structures in the natural designation require a conditional use permit.
2	If part of a mixed-use development with a water-dependent use.
3	Public and community boat launches only.
4	Marinas are a conditional use in the aquatic designation. Where the adjacent upland is designated natural, marinas are prohibited.
5	Tidelands for public acquisition or preservation purposes.
6	Conditionally permitted for public transportation projects only.
7	Permitted conditionally only if no feasible alternative exists.
8	Signs identifying public access are exempt. For natural designation, navigation aids and public information signs only.
9	For restoration or enhancement of natural resources only.
10	As part of an ecological restoration project.

11	As part of an approved marina or for navigational purposes.
12	As part of a permitted water-dependent use.
13	New and replacement docks, piers, and floats located within a designated canal community that are consistent with an approved canal community master plan may be reviewed as a permitted use provided that the approved canal community master plan contains standards applicable to docks, piers, and floats, and provided that these standards, are consistent with the standards enumerated in section 17.05A.110.B.23.
14	Non-commercial aquaculture is a permitted use in the aquatic environment unless the adjacent (landward) area is designated as a natural shoreline environment.
15	<u>Any geoduck aquaculture operation that causes substantial interference with normal public use of the surface waters shall require a substantial development permit.</u>
16	<u>Legally established single-family residences that do not meet current standards and which are enlarged or expanded within the shoreline setback beyond that which is allowed by ICC 17.05A.090.E.11, shall be reviewed as a conditional use permit in accordance with section ICC 17.05A.140.C.</u>
17	<u>Only permitted if directly serves, and is associated with, a single family residence</u>
18	<u>A forest practice that only involves timber cutting is not a development under the act and does not require a shoreline substantial development permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the act and may require a substantial development permit, as required by WAC 222-50-020.</u>
19	<u>Covered Moorage and boat lifts are a conditional use in Shoreline Residential-Canal Community only</u>