

CHAPTER 10 DEFINITIONS

1. Act

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

2. Accessory Structure

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

3. Agriculture

"Agriculture" means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops conducting agricultural operations; and maintaining agricultural lands under production or cultivation;

4. Amendment

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

5. 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.

6. Appurtenance

"Appurtenance, normal" means a structure or use that is necessarily connected to a primary development and is located landward of the ordinary high water mark. Normal appurtenances include, but are not limited to, utilities, septic tanks and drainfields, and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark, as well as driveways, walkways, and fences upon which the primary use is dependent.

7. Aquaculture

"Aquaculture" means the farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater, and may include development such as structures, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of wildstock geoduck on state-owned lands. Wildstock geoduck harvest is a fishery. Aquaculture does not include recreational shellfish harvesting for personal use and consumption; harvesting for educational projects; or improvements of habitats.

8. Artisan/craftsperson

"Artisan/craftsperson" means commercial activities that may have industrial characteristics such as noise, vibrations, odors, use of mechanical equipment or material storage, but provide public involvement or public access to unique artistic, crafts, or heritage skills. Examples include glass blowing, wooden boat building or restoration, pottery, and artist studios and schools.

9. 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.

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10. 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.

11. Bedlands

"Bedlands" means those submerged lands, including tidelands where appropriate, underlying navigable waters.

12. 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.

13. Boat

See definition under "Vessel."

14. Boating Facilities

"Boating facility" means a facility or structure providing access in and out of the water for vessels, such as 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.

15. Boat House

"Boat house" means covered moorage that includes walls and a roof to protect the vessel.

16. 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.

17. 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. Check with TMC.

18. Bulkhead

A "bulkhead" is a solid, open pile, or irregular wall of rock, rip-rap, concrete, steel, or timber or combination of these materials erected parallel to and near ordinary high water mark to provide a protective wall resistant to water and wave action.

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 upland structure or use existing and appurtenant structures from loss or damage by erosion

19. Buoy

See moorage buoy.

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20. City

The City of Tacoma, Washington

21. Clearing

“Clearing” means the destruction or removal of logs, scrubshrubs, stumps, trees or any vegetative material by burning, chemical, mechanical or other means.

22. Commercial

Commercial means a business use 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 restaurants, offices, and retail shops.

23. Commercial Fishing

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

24. 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.

25. 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.

26. Department of Ecology

“Department of Ecology” means the Washington State Department of Ecology.

27. Development

"Development" is an activity 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 may interfere with the normal public use of the surface of the waters overlying lands subject to the Shorelines Management Act of 1971 at any state of water level.

28. 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.

29. 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.

30. Dock

“Dock” means a place or structure that connects with the shore and provides access to a boat vessel from the land.

31. Document of Record

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"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.

32. Dredging

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

33. Dredging spoils

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

34. 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.

35. Driftway

"Driftway" means that portion of the marine shore process corridor, primarily the upper foreshore, through which sand and gravel are transported by littoral drift. The driftway is the essential component between the feeder bluff(s) and accretion shoreform(s) of an integral drift sector. Driftways are also characterized by intermittent, narrow berm beaches.

36. 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).

37. Ecology

"Ecology" refers to the Washington State Department of Ecology.

38. 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.

39. 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 a museum.

40. 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;

41. Environmental Remediation

"Environmental remediation" consists of those actions taken to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment. Such actions include any

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investigative, site remediation, and monitoring activities undertaken with respect to any release or threatened release of a hazardous substance.

42. Essential Public Facilities

“Essential public facilities” are broadly defined in RCW 36.70A.200 as being those types of facilities that are typically difficult to site. This definition includes but is not limited to, the following:

- a. Airports
- b. State education facilities
- c. State and regional transportation facilities
- d. State and local correctional facilities
- e. Solid waste handling facilities
- f. Inpatient facilities
- g. Mental health facilities
- h. Group Homes

43. Exempt

"Exempt" developments are those set forth in Section 5.7.4(Exemptions from Substantial Development Permit) of this Program 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.

44. Extreme Low Tide

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

45. 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.

46. Feasible

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

- a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- b. The action provides a reasonable likelihood of achieving its intended purpose; and
- c. The action does not physically preclude achieving the project's primary intended legal use.
- d. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.
- e. 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.

47. Feeder Bluff Exceptional

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“Feeder Bluff Exceptional” means relatively rapidly eroding bluff segments identified by the presence of landslide scarps, bluff toe erosion, and a general absence of vegetative cover and/or portions of bluff face fully exposed. Other indicators included the presence of colluvium (slide debris), boulder or cobble lag deposits, and fallen trees across the beachface. Feeder bluff exceptional segments lack a backshore, old or rotten logs, and coniferous bluff vegetation.

48. Fill

“Landfill” means placing soil, sand, rock, dredge material, gravel, or other material (excluding solid waste) to provide new land, tideland, or bottom land area along the shoreline below the ordinary high water mark, or on upland areas in order to raise the elevation. Disposal of hazardous substances and other materials in conjunction with an environmental cleanup in accordance with State and Federal regulations is considered environmental remediation.

49. Float

“Float” means a fixed platform structure anchored in and floating upon a water body that does not connect to the shore, and that provides landing for water dependent recreation or moorage for vessels or watercraft, and that does not include above water storage.

50. Floating Home

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.

51. 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.

52. 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.

53. Floodway

"Floodway" means the area, as identified in a master program as a floodway, and that has been established as such in federal emergency management agency (FEMA) flood insurance rate maps (FIRM) or floodway maps.

54. Footprint

“Footprint – building” means that area defined by the exterior walls of a structure.

55. 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.

56. Forest Practices

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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.

57. 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.

58. Grading

"Grading" refers to excavating, filling, leveling, or artificially modifying surface contours.

59. Grey Water

"Grey water" means wastewater generated by water-using fixtures and appliances such as sinks, showers, and dishwaters, but excluding the toilet.

60. 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.

61. Guidelines

"Guidelines" means those standards adopted by Ecology to implement the policy of chapter 90.58 RCW 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.

62. Habitat Improvement

"Habitat improvement" means any actions taken to intentionally improve the overall processes and functions of critical habitats, including wetland, stream, and aquatic habitats. Such actions may or may not be in conjunction with a specific development proposal, and include, but are not limited to, restoration, creation, enhancement, preservation, acquisition, maintenance, and monitoring

63. Harbor Area

"Harbor area" means the area of navigable tidal waters between the inner and outer harbor lines where established in front of and within one mile of the corporate limits of an incorporated city or town by the Board of Natural Resources acting as the State Harbor Lines Commission as established by Section 1 of Article XV of the Washington State Constitution. This area may be leased but never sold by the State, and must be reserved for the purpose of navigation and commerce.

64. Hazardous Substances

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

65. Hearings Board

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"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.

66. 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.

67. Houseboat

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

68. Inner Harbor Line

"Inner harbor line" means the line established by the State in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area. This line determines the seaward extent of private ownership in tidal or shoreland areas (often corresponds to the "bulkhead line").

69. 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 service transmission, fish habitat enhancement, or other purpose.

70. 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.

71. Land use Administrator

The "Administrator" is the City Land Use Administrator or his/her designee.

72. Live-aboard vessel

"Live-aboard vessel" means a vessel used primarily as a residence, and if used as a means of transportation or recreation, said transportation or recreation is a secondary or subsidiary use. Any vessel used for overnight accommodation for more than 15 nights in a one-month period shall be considered a residence.

73. Local Government

"Local government" means the City of Tacoma.

74. Lot Frontage

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“Lot frontage” means that portion of a lot abutting upon the lot line running parallel to and farthest landward of the ordinary high water mark. Low Impact Development (LID)

75. Low Impact Development (LID)

“Low Impact Development” means a stormwater management strategy that emphasizes conservation and use of existing natural site features integrated with distributed, small scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings. “LID” can include the following:

- Permeable pavements;
- Vegetated roofs;
- Rainwater harvesting; and
- Bioretention areas (rain gardens).

For further information, please refer to http://www.psp.wa.gov/downloads/LID/LID_manual2005.pdf

76. 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.

77. Marina

“Marina” means a water-dependent facility consisting of a system of piers, buoys or floats which provides moorage and may include related services.

78. 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.

79. Maritime Facility

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.

80. 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.

81. May

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

82. 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 Tacoma, 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.

83. Mitigation

“Mitigation” means a negotiated action involving the avoidance, minimization, or compensation for possible adverse impacts.

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84. Mixed-use Project

“Mixed-use projects” means developments which include a combination of components, such as residential uses, hotels, marinas, public access provisions, and other uses.

85. 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.

86. Moored Boat

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

87. 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.

88. Must

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

89. 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.

90. Navigational Channels

“Navigational channels” are those logical routes on the waters of Tacoma beyond the outer harbor line, commonly used by ships for useful commerce.

91. Navigable Waters

“Navigable waters” means waters which are, in fact and without substantial alteration, capable of being used practically for the carriage of commerce. Navigable waters include waters meandered by government surveyors as navigable unless otherwise declared by a court. Navigable waters do not include waters inside an inner harbor line.

92. Non-conforming Use/Structure

“Non-conforming use/development” means a shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable Act or Master Program provision, and which no longer conforms to the applicable shoreline provisions.

93. Normal Maintenance

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

94. Normal Protective Bulkhead

“Normal protective bulkhead” means a bulkhead constructed at or near the ordinary high water mark, the sole purpose of which is to protect land from erosion, not to create new land.

95. 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

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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.

96. 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.

97. Outdoor Advertising

See "Sign, advertising."

98. 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.

99. Over-water Structure

An "over-water structure" refers to a structure or other construction located waterward of the Ordinary High Water Mark (OHWM) or a structure or other construction erected on piling above the surface of the water, or upon a float.

100. Parking

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

"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.

101. 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.

102. Permit

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

103. 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.

104. Pier

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“Pier” means a fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water-dependent recreation or moorage for vessels or watercraft and does not include above water storage.

105. Port, Terminal, Industrial

“Port” means a center for water-borne commerce and traffic.

“Terminal” means a building or complex containing facilities needed by transportation operators and passengers at either end of a travel or shipping route by air, rail, road or sea.

“Industrial means” means the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process.

106. Practicable

“Practicable” means a requirement or provision for a use or development that is capable of being put into practice or of being done or accomplished.

107. 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:

- a. Comparatively high fish or wildlife density;
- b. Comparatively high fish or wildlife species diversity;
- c. Important wildlife habitat;
- d. Important fish or wildlife seasonal range;
- e. Important fish or wildlife movement corridor;
- f. Rearing and foraging habitat;
- g. Important marine mammal haul-out;
- h. Refugia habitat;
- i. Limited availability;
- j. High vulnerability to habitat alteration;
- k. Unique or dependent species; or
- l. 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.

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108. 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.

- a. 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.
- b. 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.
- c. 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.
- d. Criterion 4. Species listed under the federal Endangered Species Act as proposed, threatened, or endangered.

109. Provisions

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

110. Public Access Area

"Public access area" means an area, pathway, road, or structure open to use by the general public and affording contact with or views of public waters.

111. Public Access

"Public access" refers to a provision of physical or visual approach from upland or adjacent properties or public waters or from shorelines or public waters to upland or adjacent properties, available to the general public.

112. 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.

113. Qualified professional

"Qualified professional" means a person who, at a minimum, has earned a degree from an accredited college/university in the relevant scientific or engineering discipline appropriate to the critical area subject and two years of related professional work experience; or eight years of professional work experience in the relevant critical area subject.

114. Recreation

"Recreation" means the refreshment of body and mind through forms of play, sports, relaxation, or contemplation. Water-oriented recreation includes activities such as boating, fishing, swimming, skin

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diving, scuba diving, and enjoying the natural beauty of the shoreline or its wildlife through nature walks, photography, wildlife observation, and hiking.

115. Recreational Development

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

116. Residential Development

“Residential Development” includes the development of single-family residences, including appurtenant structures and uses. Residential development also includes multifamily development and the creation of new residential lots through land division.

117. 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.

118. Revetment

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.

119. 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.

120. Setback

“Setback” means a space unoccupied by structures except where intrusions are specifically permitted by this Program.

121. Setback, Front

“Front Setback” means the space abutting a street right-of-way, access easement or private road either from which the lot is addressed or from which the lot gains primary access, and extending the full width of the lot; and at the intersection of two public rights-of-way, space abutting each right-of-way extending the full width of the lot.

122. Setback, Rear

“Rear Setback” means the space abutting a property line or landward edge of the marine buffer, as established by this Program, and opposite to the front setback or as nearly so as the lot shape permits, and extending the full width of the lot or buffer. If more than one rear setback or more than one front setback exists, the Land Use Director shall designate the rear setback.

123. Setback, Side

“Side Setback” means the space abutting a property line, access easement or private road and generally between the required front and rear setbacks. Any setback not defined as a front or rear setback is a side setback.

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124. Sewage

“Sewage” means wastewater associated with human habitation, including that portion of the wastewater from toilets or any other receptacles containing human or animal excreta and urine, commonly known as “black water.”

125. Shall

"Shall" means a mandate; the action must be done.

126. Shared Moorage

“Shared Moorage” or “joint use” means moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents 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 a shared moorage provides commercial services or is of a large scale (more than four slips), it shall be considered a marina. Shared moorage proposed to be leased to upland property owners shall also be considered a marina. If a proposal includes covered moorage, 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.

127. Shorelands/Shoreland Areas

“Shoreland” or “shoreland areas” means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark of Puget Sound, Commencement Bay, Thea Foss Waterway, Middle Tacoma Waterway Municipal Code City Clerk’s Office 13-283 (Revised 08/2009), St. Paul Waterway, Puyallup Waterway and the Puyallup River (including Clear Creek), Milwaukee Waterway, Sitcum Waterway, Blair Waterway (including Wapato Creek), Hylebos Waterway (including Hylebos Creek), Wapato Lake, Titlow Lagoon, floodways and contiguous floodplain areas landward 200 feet from such floodways, and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of the Act.

128. Shoreline Environmental Designations

Shoreline Environmental Designation. There are six shoreline environments defined and designated to exist on the shorelines of the City of Tacoma. These shoreline environmental designations are summarily defined in subsection 3.3 of this Program

129. Shoreline Jurisdiction

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

130. Shoreline Master Program

"Shoreline master program (TSMP)" 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.

131. 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,

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weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

132. 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.

133. 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.

134. Shorelines

“Shorelines” means all of the water areas of the City, including reservoirs, and their associated shorelands, together with the lands underlying them, except: (a) shorelines of statewide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes. Within the City of Tacoma, “shorelines” include: (1) Wapato Lake, (2) Titlow Lagoon, and (3) those areas of Puget Sound and those areas within the manmade waterways of Commencement Bay lying landward from the line of extreme low tide.

135. Shorelines of Statewide Significance

“Shorelines of Statewide Significance” means the following shorelines of the State:

- a. The area between the ordinary high water mark and the western boundary of the State from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;
- b. Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:
 - (1) Nisqually Delta – from DeWolf Bight to Tatsolo Point,
 - (2) Birch Bay – from Point Whitehorn to Birch Point,
 - (3) Hood Canal – from Tala Point to Foulweather Bluff,
 - (4) Skagit Bay and adjacent area – from Brown Point to Yokeko Point, and
 - (5) Padilla Bay – from March Point to William Point;
- c. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent saltwaters north to the Canadian line and lying seaward from the line of extreme low tide;
- d. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more, measured at the ordinary high water mark;
- e. Those natural rivers or segments thereof, as follows:
 - (1) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second, or more, and

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(2) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at 200 cubic feet per second, or more, or those portions of rivers east of the crest of the Cascade range downstream from the first 300 square miles of drainage area, whichever is longer;

f. Those shorelands associated with paragraphs a, b, d, and e above.

Within the City of Tacoma, the Puyallup River is the only river which has been designated as having shorelines of statewide significance. Because the Puyallup River within the City has been diked, the shorelines of statewide significance include the shoreline area on both sides of the river landward 200 feet from the ordinary high water mark. When dikes are located beyond 200 feet of the ordinary high water mark, the wetlands will be that area lying between the dike and the ordinary high water mark.

Other shorelines of statewide significance within the City of Tacoma are those areas of Puget Sound lying seaward from the line of extreme low tide. Within manmade waterways in Commencement Bay, shorelines of statewide significance include the area lying seaward from the line of extreme low tide. In some waterways, where extensive bulkheading has taken place, the line of extreme low tide may only mean a difference in water depth within the channel. In those situations, the shoreline of statewide significance is taken from the water line at extreme low tide seaward.

136. Shorelines of the City

“Shorelines of the City” means the total of all “shorelines” and “shorelines of statewide significance” within the City.

137. Shorelines of the State

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

138. 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.

139. Sign

“Sign” means any device, flag, light, figure, picture, letter, work, message, symbol, plaque, poster or building face that is visible from outside the lot on which it is located and that is designed to inform or attract the attention of the public through visual communication, excluding murals or architectural designs that do not advertise a business, product or service..

140. Sign, Advertising

“Sign, advertising” means all publicly displayed attached or freestanding signs whose purpose is to provide commercial identification of goods and services available on a site and advertising other than the name, occupation, and/or nature of the enterprise conducted on the premises. “Sign, advertising” shall not include merchandise and pictures or models of products or services incorporated in a window display or works of art which in no way identify a product, subject, however, to the illumination restrictions contained in Section 13.10.175.

141. Sign, Directional

“Sign, directional” means attached or freestanding railroad, highway, road, or traffic signs or signals erected, constructed, or maintained for the purpose of providing safety and directional information within public and private properties or rights-of-way for the movement of pedestrian and vehicular traffic.

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142. Sign, Freestanding

“Sign, freestanding” means a self-supporting sign placed off and away from the building or use to which it is related. Freestanding signs may be single faced or consist of two parallel and fully connected faces. The square footage of such signs shall be determined by the dimensions of the frame or edges of the sign, regardless of whether it is one- or twofaced.

143. Sign, Identification

“Sign, identification” means any attached or freestanding sign identifying the name, occupant, development, business, location, and/or nature of the enterprise conducted on the premises.

144. Sign, Informational

“Sign, informational” means a sign designed to impart educational, instructive, or historic information, or to identify parks or other public recreational facilities.

145. Sign, Public Park Activity

“Sign, public park activity” means any attached or freestanding sign comprised of a series of one foot-by-one-foot sign placards which may be twofaced, bearing Federal recreation symbols, and an area identification placard (i.e., Ruston Way Logo) for the purpose of providing information as to the activities available at a public park facility. Such signs are excluded from regulation by this chapter.

146. 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.

147. 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.

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. On a statewide basis, normal appurtenances include a garage; 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. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program.

148. Solid Waste

Solid waste means all solid and semi-solid wastes, except wastes identified in WAC 173-304-015, including, but not limited to, junk vehicles, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities, but excluding agricultural wastes and crop residues returned to the soil at agronomic rates. This includes all liquid, solid and semi-solid materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage from septic tanks, wood waste, dangerous waste, and problem wastes. Unrecovered residues from recycling operations shall be considered solid waste.

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149. 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.

150. 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.

151. Stockpiling of Materials

“Stockpiling of materials” means the accumulation and storage of raw materials, equipment, apparatus and/or supplies by an individual, business, or organization. Stockpiling of materials as a primary use activity is subject to all applicable shoreline permits. Stockpiling of materials as a secondary use activity pursuant to a valid shoreline permit is considered a permitted use activity.

152. Stream

“Stream” means a naturally occurring body of periodic or continuously flowing water where the water is contained within a channel.

153. Streamway

Streamway” means the bed and banks of a stream.

154. 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.

155. Substantial Development

"Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand seven hundred and eighteen dollars (\$5,718), or as adjusted by the State Office of Financial Management, or any development which materially interferes with the normal public use of the water or shorelines of the state.

156. Substantially Degrade

"Substantially degrade" means to cause significant ecological impact.

157. Support

“Support” means that a non-water-oriented component of a mixed-use project is necessary to pay the costs of or provide a basis for the existence and ongoing subsistence of the water-oriented component.

158. 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.

159. Transportation Facility

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A “transportation facility” includes roads and railways, related bridges and culverts, fills, embankments, causeways, parking lots, parking structures, and bus and truck terminals. Not included is off-street bicycle or recreational trails.

160. Underground Utilities

“Underground utilities” means services which produce and carry electric power, gas, sewage, communications, oil, water, and storm drains below the surface of the ground.

161. Uplands

“Uplands” means dry lands landward of OHWM.

162. Uses and Development Activities

“Uses and development activities” for the purposes of this chapter means the following uses and development activities as defined in the Final Guidelines of the Department of Ecology (WAC 173-16-060), RCW 90.58.030, and the adopted Master Program for the City of Tacoma: Tacoma Municipal Code City Clerk’s Office 13-285 (Revised 08/2009)

163. Utilities

“Utilities” are services and facilities that produce, convey, store, or process power, gas, sewage, 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.

164. 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.

165. 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.

166. 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.

167. Water-dependent

"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.

168. Water-enjoyment

"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.

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169. Water-oriented

"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.

170. 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.

171. 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:

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

172. 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:

- a. 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;
- b. 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
- c. 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.

173. Weir

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

174. 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 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.

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