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## ***Chapter 6 – Definitions***

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The definitions used in Chapters 90.58 RCW, 173-26 WAC, and 173-27 WAC are also considered part of this shoreline master program.

### **A**

Accessory Use	Any structure or use incidental and subordinate to a primary use or development
Accretion	The growth of a beach by the addition of material transported by wind and/or water
Act	Chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended
Adjacent Lands	Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction)
Appurtenance	Is a structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and also of the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences, and grading which does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.
Archaeological	Having to do with the scientific study of material remains of past human life and activities
Average grade level	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 before development. 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.

### **B**

Backshore	Is the accretion or erosion zone, located landward of the line of ordinary high tide, which is normally wetted only by storm tides. It may take the form of a more or less narrow storm berm (ridge of wave-heaped sand and/or gravel) under a bluff or it may constitute a broader complex of berms, marshes, meadows, or dunes landward of the line of ordinary high tide. It is part of the littoral drift process along its seaward boundary.
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Berm	Are a linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the line of ordinary high tide; also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.
Best Management Practice (BMP)	Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, and/or have been approved by the Department of Ecology.
Biofiltration System	Is a stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds, and other vegetative features
Biota	Refers to the animals and plants that live in a particular location or region
Boat Launch or Ramp	Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device
Boating Facilities	Is water-dependent facilities provided for boat moorage, launch, or service such as marinas, wet and dry moorage, boat launch ramps, floats and accessory uses.
Breakwater	An offshore structure aligned parallel to shore, sometimes shore-connected, that provides protection from waves.
Buffer Area	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	A solid or open pile wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action.
<b>C</b>	
CFR	Code of Federal Regulations
Channel	Is an open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stockwater channels.
Clean Water Act	Is the primary federal law providing water pollution prevention and control; previously known as the Federal Water Pollution Control Act. (33 USC 1251 et seq.)

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Clearing	Is the destruction or removal of vegetative ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.
Commercial	Refers to activities and facilities conducted or constructed for profit and which serve the needs and convenience of residents and visitors. Commercial includes wholesale, retail, recreational, service and business trades.
Community Structure	Is a building, dock, or other structure which is intended for the common use of the residents of a particular subdivision or community. It is not intended to serve as a public facility
Conditional Use	Is a use, development, or substantial development which is classified as a conditional use or is not classified within the master program.
Covered Moorage	Is boat moorage, with or without walls, that has a roof to protect a vessel.

## **D**

Development	Is a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Shoreline Management Act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or re-development.
Dock	Is a structure designed to float upon the water which abuts the shoreline and is used as a landing or moorage place for commercial, industrial, and recreational purposes.
Dredge Material/Spoil	Is the material removed by dredging.
Dredging	Is the excavation or displacement of the bottom or shoreline material of a water body.

## **E**

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 the master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements.
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Enhancement	Is an alteration of an existing wetland or habitat to improve or increase its characteristics and processes without degrading other existing environmental functions. Enhancements are to be distinguished from wetland/habitat creation or restoration projects.
Environmentally Sensitive Areas	Are those areas with especially fragile biophysical characteristics and/or with significant environmental resources as identified in a scientifically documented inventory accomplished as part of a SEPA/NEPA process or other recognized assessment. Environmentally sensitive areas may or can include but are not limited to unstable bluffs, wildlife habitat areas, fish breeding, rearing or feeding areas, wetlands, estuaries, and dunes.
Erosion	Is the wearing away of land by the action of natural forces.
Exempt Development	Are 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 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the Shoreline Management Act and this shoreline master program.
Exemption	Is an authorization from the Town which establishes that an activity is exempt from substantial development permit requirements under WAC 173-27-040, but subject to regulations of the Shoreline Management Act and the La Conner Shoreline Master Program.
Extreme Low Tide	Is the lowest line on the land reached by a receding tide.
<b>F</b>	
Fair Market Value	Refers to the open market bid price, excluding sales tax, for conducting the work, using equipment and facilities, and purchase of 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. (Note: In the Town of La Conner the fair market value or cost does not include applicable state sales tax.).
Fill	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.
Float	Is a floating platform structure(s), anchored or held by pilings.

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Floating Home	Refers to a structure designed and operated substantially as a permanently based overwater residence. Floating homes are not vessels and lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities.
Floodplain	Is defined by the Federal Emergency Management Agency for the Town of La Conner with the Flood Insurance Study (FIS) and defines the relatively flat area or lowlands adjoining the channel of a river, stream, watercourse, or other similar body of water, which has been or may be covered with floodwater during a 1% flood condition or more commonly referred to as the 100-year floodplain.
Foreshore	Is, in general terms, the beach between mean higher high water and mean lower low water.

## G

Gabions	Are structures 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.
Grading	Is the physical manipulation of the earth's surface and/or drainage pattern in preparation for an intended use or activity.
Groin	(Also referred to as a "spur dike" or "rock weir") Is a barrier-type structure extending from the backshore or stream bank into a water body for the purpose of the protection of a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials.

## H

Habitat	A place or type of site where a plant or animal naturally or normally lives and grows
Harbor line (inner and outer)	Are the lines set by the Washington State Department of Natural Resources delineating their harbor management areas.
Height	Is the distance measured from the average grade level, before development, 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; provided further, that temporary construction equipment is excluded in this calculation.
Houseboats	Are licensed and designed for use as a mobile residential structure with detachable utilities or facilities, anchoring and the presence of

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adequate self-propulsion and steering equipment to operate as a vessel.

## **I**

Industrial	Refers to light to medium manufacturing, fabrication, research, wholesale trade and distribution businesses, and their associated offices, which are largely devoid of nuisance and hazards, and which include processing and handling of products, the storage of finished or semi-finished goods.
Intertidal	The vertical zone between average high and average low tides. The intertidal zone of a stationary structure or bank is subject to alternate wetting and drying

## **L**

Littoral	Refers to living on, or occurring on, the shore.
Littoral Drift	Is the mud, sand, or gravel material moved parallel to the shoreline in the near shore zone by waves and currents.
Liveaboard Vessel	Is a vessel used as an over-water residence for a period exceeding sixty days in any one calendar year.

## **M**

Marina	means a boat basin offering dockage and other services for small marine craft which may consist of a system of piers, buoys, or floats to provide moorage for 10 or more boats.
Marine Shoreline	The portion of the Town of La Conner that abuts the OHWM of the Swinomish Channel.
Mitigation	means the process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal.
Multifamily Dwelling	Is a building containing two or more dwelling units, including but not limited to duplexes, apartments, and condominiums.

## **N**

NEPA	The National Environmental Policy Act.
Nonconforming Development or Nonconforming Structure	An existing shoreline structure which was lawfully constructed prior to the effective date of the applicable SMA/SMP provision,

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but which no longer conforms to the current applicable shoreline provisions due to subsequent changes to the master program.

**Nonconforming Lot** 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** 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.

**Non-water Oriented Use** Is any use which does not meet the definition of water-dependent, water-related or water-enjoyment.

**Normal Maintenance** Includes Normal Maintenance or Repair and those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

**Normal Repair** Is to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment.

**Normal Protective Bulkhead** Refers to a bulkhead, common to single-family residences, constructed at or near the ordinary high water mark to protect an existing single-family residence, and which sole purpose is for protecting land from erosion, not for the purpose of creating new land.

## **O**

**Office** Is an office space and required parking, etc., including high-tech or e-commerce research and development and professional offices.

**Ordinary High Water Mark (OHWM)** Is the 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 uplands, 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

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ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide.

## **P**

**Pier** Is a structure built on a fixed platform above the water which abuts the shoreline and is used as a landing or moorage place for commercial, industrial and recreational purposes.

**Primary Use** Refers to the use(s), permitted or conditional, for which a lot, development or structure, or the major portion thereof (more than 50 percent), is designed or actually employed. The primary use(s) will be calculated based on the building square footage by use of a development.

## **R**

**RCW** Revised Code of Washington.

**Recreational Development** Commercial and public facilities designed and used to provide recreational opportunities to the public.

**Residential Development** Development which is primarily devoted to or designed for use as a dwelling(s), including single-family residences, multifamily development, and the creation of new residential lots through land division.

**Restoration** In the context of “ecological restoration,” the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, 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.

**Riparian** Is of, on, or pertaining to the banks of a river.

**Riprap** Refers to a layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

**Runoff** Is water that is not absorbed into the soil but rather flows along the ground surface following the topography.

## **S**

**Secondary Use  
Multifamily**



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Residential	Is a multifamily residential use that is subordinate (49 percent or less of all uses) to the primary use(s) of the property, such as commercial. “Secondary use – multifamily residential” will be calculated based on the Uniform Development Code residential conditional use definition, LCMC 15.35.030.
Secondary Use - Residential	Refers to a residential use that is subordinate (49 percent or less of all uses) to the primary use(s) of the property, such as commercial. “Secondary use – residential” will be calculated based on the Uniform Development Code residential conditional use definition, LCMC 15.35.030.
SEPA	State Environmental Policy Act. SEPA requires state agencies, local governments, and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale.
Shorelands or Shoreland Areas	Are those upland lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark.
Shoreline Environment Designation	Are the categories of shorelines established by the Town to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. La Conner’s shorelines are designated in the following environments: residential, commercial, historic commercial, industrial, public and aquatic.
Shoreline Jurisdiction	Is the term describing all of the geographic areas covered by the SMA, related rules and the applicable master program; also, such areas within the Town’s authority under the SMA.
Shorelines	Are all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them, except shorelines of statewide significance.
Shorelines Hearings Board (SHB)	Refers to the a six-member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit and appeals by local government on Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA.

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Shorelines of Statewide Significance	In La Conner, that area in the Swinomish Channel, between the Burlington Northern Railway trestle to the north and a line running east/west and connecting Navigation Light No. 13 with the northeasternmost point of the jetty as it abuts McGlinn Island, lying waterward of the extreme low tide is considered to be a shoreline of statewide significance. The adjacent tidelands landward of the Channel's extreme low tide line and upland areas within the Town's shoreline jurisdiction are not shorelines of statewide significance.
Shorelines of the State	Is the total of all shorelines and shorelines of statewide significance within the state.
Sign	Is a board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.
Single-Family Residence (SFR)	Refers to a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.
Site Area	Includes all improved DNR-leased lands, fee lands, and improved public areas within the shoreline jurisdiction.
SMA	Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended
Structure	Refers to 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.
Substantial Development	Is any development of which the total cost or fair market value exceeds the value established in RCW 90.58.030 under the definition of substantial development (excluding sales tax), or any development which materially interferes with the normal public use of the water or shorelines of the state; except as specifically exempted pursuant to RCW 90.58.030(3)(e) and WAC 173-27-040 (See LCMC 10.10.____ et seq.) Note: The minimum development value changes over time. Refer to the current WAC 173-27-040.
Substantial Development Permit	Is authorization for any substantial development or revision to a substantial development granted by the Town under the provisions of the shoreline master program and Chapter 90.58 RCW.

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## U

Upland	Refers to the dry land area above and landward of the Ordinary High Water Mark.
Utilities (Primary)	A utility facility that performs primary functions (such as generation, treatment).
Utilities (Accessory)	Activities related to the functions or service to shoreline properties (such as transmission line, pipelines, pump stations).

## V

Variance	Is a means to grant relief from the specific bulk, dimensional or performance standards specified in the master program. It is not a means to vary a use of a shoreline.
Vessel	Refers to ships, boats, barges, or any other floating crafts which are designed and used for navigation and do not interfere with the normal public use of the water.

## W

WAC	Washington Administrative Code
Water-Dependent Use	A use that requires direct access to the water to accomplish its primary function. It is a use, or a 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 the operation. Example: marina, ferry terminal, boat launch.
Water-Enjoyment Use	A use that does not require direct access to the water, but is enhanced by a waterfront location. This includes uses that facilitate public access to the shoreline as a primary characteristic of the use; or uses that provide for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people. 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. Example: restaurant, parks.
Water-Related Use	A use that does not require direct access to the water, but provides goods or services associated with water dependent uses. 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. Example: boat repair, kayak rentals.

Watershed	A plan, developed or sponsored by the Department of Fish and
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Restoration Plan	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.
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Watershed Restoration Project	A public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities: (1) a project that involves less than 10 miles of stream reach in which less than 25 cubic yards of sand, gravel or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings; (2) a project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water, or (3) a project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish or enhance the fishery resource available for use by all 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 200 square feet in floor area and is located above the ordinary high water mark of the stream.
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Wetlands	Refers to areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. 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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## **Z**

Zoning	To designate by ordinance, including maps, areas of land reserved and regulated for specific land uses.
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