

BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING DRAFT

AMENDMENTS TO THE CRITICAL AREAS REGULATIONS Changes from Planning Commission Recommendation TCC 24.03 6/4/2012

DEFINITIONS

More definitions may be added as the draft Critical Areas Ordinance moves through the review process.

Chapter 24.03

DEFINITIONS

Sections:

24.03 Definitions.

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The following definitions shall apply to this chapter:

“Accessory structure” means a structure detached from the principal building located on the same lot and customarily incidental and subordinate to the principal building. Any part of the main building which shares a common wall and roof is considered a part of that building. A building or portion thereof attached to a primary structure by a covered breezeway is not considered attached.

“Accessory use” means a use of land or a portion thereof customarily incidental and subordinate to the principal use of the land and located on the same lot with the principal use.

“Accessory use, residential” means an accessory use to a primary residence as defined in this chapter, including but not limited to keeping household pets, private pools, docks, boathouses, detached accessory structures, private green houses, and agriculture or gardening for personal consumption which is secondary to the use of the property as a residence, including no employees.

“Adjacent” means nearby and not necessarily contiguous.

“Adjoins” means sharing a common boundary of sufficient width to maintain vehicular access.

"Agricultural building" please see TCC 17.15.200 Definitions – Critical areas, categories and terms, as amended.

"Agricultural equipment" and "agricultural facilities" please see TCC 17.15.200 Definitions – Critical areas, categories and terms, as amended.

"Agricultural ditch maintenance" please see TCC 17.15.200 Definitions – Critical areas, categories and terms, as amended.

"Agricultural products" please see TCC 17.15.200 Definitions – Critical areas, categories and terms, as amended.

"Agricultural, wetland conversion please see TCC 17.15.200 Definitions – Critical areas, categories and terms, as amended.

"Agriculture" please see TCC 17.15.200 Definitions – Critical areas, categories and terms, as amended.

"Agriculture, existing and ongoing" please see TCC 17.15.200 Definitions – Critical areas, categories and terms, as amended.

“Alteration, structure” means change to, addition to, or modification of an existing physical structure beyond routine repair and maintenance but not amounting to complete replacement. This includes changes to the supporting members of a building such as bare walls, columns, beams, floor joists, roof joists, girders, rafters, or changes in roof or exterior building footprint. An alteration also includes activity that requires a building permit. The cost of an alteration shall not exceed fifty percent of the structure’s current market value as determined by an accredited appraisal or the Assessor’s valuation, at the owner’s option. The value shall be determined based the value of the structure either before the repair, maintenance, alternation, or expansion is started, or if the structure has been damaged, and is being restored, before the damage occurred.

“Alteration, use” means change to, addition to, or modification of an existing use, including any human activity that results or is likely to result in an adverse impact upon the existing condition of a critical area or its buffer. “Alteration” does not include passive recreation such as walking, fishing or similar low impact activities.

“Anadromous fish” means fish that hatch and rear, to some extent, in freshwater, migrate to marine waters to feed and mature, then return to freshwater to spawn. Examples include salmon, steelhead trout, sea-run cutthroat trout, sea-run Dolly Varden, sea-run bull trout, and Pacific and river lamprey.

"Animal unit" please see TCC 17.15.200 Definitions – Critical areas, categories and terms, as amended.

“Applicant” means any person, business entity, or a government agency which applies for a development proposal, permit or approval subject to review under this chapter.

“Approval authority” means the director of the Thurston County Resource Stewardship Department, or his/her designee, for administrative permits or the hearings examiner for proposals as shown in chapter 24.05 TCC.

“Aquatic noxious weeds” means aquatic plants on the state noxious weed list as prescribed by RCW 17.10.010.

“Aquatic plants” means beneficial plants and noxious weeds that occur within the ordinary high water mark (OHWM) of state waters.

“(Nitrate) Assimilative capacity” means a maximum of ten percent (10%) of the difference between the nitrate water quality standard of 10.0 mg/l and the site background nitrate concentration. Maximum contaminant levels are defined by WAC 246-290-310.

“Bankfull depth” means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the flood plain or intersect a terrace or hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section. *WAC 222-16-010*.

“Bankfull width” means:

- (a) For streams - the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section;
- (b) For lakes, ponds, and impoundments - line of mean high water.
- (c) For tidal water - line of mean high tide.
- (d) For periodically inundated areas of associated wetlands - line of periodic inundation, which will be found by examining the edge of inundation to ascertain 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. (*WAC 222-16-010*)

“Base flood elevation (BFE)” means the flood elevation as indicated on any of the following:

- (a) Thurston County Flood Insurance Rate Map prepared by the Federal Emergency Management Agency (FEMA), supplemented by the current Flood Insurance Study for Thurston County; or
- (b) The Thurston County High Ground Water Hazard Area Resource Map on file with the Resource Stewardship Department or recognized by a detailed Thurston County groundwater study; or
- (c) The highest known recorded flood elevation.

If there is more than one base elevation listed, the County shall utilize whichever elevation is greater.

“Beneficial use” means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to

human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use.

“Best available science” means scientific information applicable to this title that is prepared by local, state or federal natural resource agencies, scientifically based peer reviewed literature, a qualified scientific professional or a team of qualified scientific professionals, that is consistent with the Growth Management Act (RCW 36.70A) and the criteria established in the Washington Administrative Code regarding best available science (WAC 365-195-900 through 365-195-925, as amended) to implement the Growth Management Act.

“Best management practices (BMPs)” means conservation practices or systems of practices and management measures that:

- (a) Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, or sediment;
- (b) Minimize adverse impacts to surface water and groundwater flow and circulation patterns and to the chemical, physical, and biological characteristics of a critical area;
- (c) Protect trees, vegetation and soils designated to be retained during and after site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas; and
- (d) Provide standards for property use of chemical herbicides within critical areas.

“Best management practices (BMPs), agricultural” see TCC 17.15.200 Definitions – Critical areas, categories and terms, as amended.

“Bioengineering” means use of plant materials to stabilize eroding stream channels and banks, marine shorelines, or slopes.

“Biosolids” means municipal sewage sludge that is a primarily organic, semisolid product resulting from the waste-water treatment process, that can be beneficially recycled and meets all requirements under chapter 173-308 WAC, and other applicable provisions of the Thurston County Code and Thurston County Sanitary Code. Biosolids includes a material derived from biosolids, and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC.

“Buffer, critical area” means that area which surrounds and protects the functions and values of critical areas from adverse impacts, minimizes public safety risks, and/or which may provide wildlife habitat integrally related to the critical area. See also “Riparian habitat area”.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy. The word building includes the word structure and the word structure includes the word building.

“Building footprint” means the area delineated by the outer edge of the foundation.

“Bulkhead” means walls or structures constructed parallel to the shoreline whose primary purpose is to retain the slope or prevent the erosion of soil due to wave action.

“Channel migration zone” means the area where the active channel of a stream is prone to move, resulting in a potential near-term loss of riparian function and associated habitat adjacent to the stream, except as modified by a permanent levee or dike. For this purpose, near-term means the time scale required to grow a mature forest (*WAC 222 –16-010*); those areas within the lateral extent of likely stream channel movement that are subject to risk due to stream bank destabilization, rapid stream incision, stream bank erosion, and shifts in the location of stream channels.

“Channel migration hazard area – 100 year” means a portion of the channel migration zone, including the present channel, that equals one hundred times the average annual channel migration rate, plus the present channel width.

“Chemical storage” means the storage of chemicals within an enclosed container or structure.

“Coastal High Hazard Area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the Flood Insurance Rate Map (FIRM) as Zone V1-30, VE or V.

“Composting” means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

“Composting facility” means all contiguous land (including buffer zones) and structures, other appurtenances, and improvements on the land used for composting. This does not include home composting.

“Conservation Area” means an easement or area shown on a lot or plat that contains one or more types of critical areas, but may not itself constitute a separate lot.

“Conservation easement” means a limited protective easement granted to Thurston County or a nonprofit entity (e.g., Land Trust) to enable the county to protect a critical area and associated buffer from use and development that is inconsistent with this title.

“Construction period” means the period during which all construction related activities are initiated and completed, including but not limited to, clearing, grading, building, finishing and landscaping.

“Contaminants of emerging concern (CECs)” means substances present in water or soils, for which environmental or health standards have not been established. These are often generally referred to as “contaminants of emerging concern” because the risk to human health and the environment associated with their presence, frequency of occurrence, or source may not be known. These substances are known to include endocrine disrupting chemicals, perfluorinated compounds, and pharmaceuticals and personal care products. Contaminants of emerging concern may also be

referred to as “constituents of emerging concern”, “compounds of emerging concern” or “chemicals of emerging concern”.

“Contamination” means the presence in the outdoor atmosphere, ground, or water of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal, or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

“County” means the county of Thurston, state of Washington, unless otherwise specified by this title.

“County boundary” means the exterior boundary of the county.

“Contiguous” See “adjoins”.

“Critical aquifer recharge area” means an area with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.

“Critical area tract” means an area containing a critical area owned in common by the owners of separate lots within a development proposal, and/or a conservation easement or lot.

“Critical areas” means the following areas, as per RCW 36.70A:

1. Critical aquifer recharge areas;
2. Geologic hazard areas;
3. Fish and Wildlife Habitat Conservation Areas;
4. Flood and channel migration hazard areas and
5. Wetlands.

“Critical facilities” means those facilities which are particularly vulnerable to natural disasters, or which pose a high risk to the public if damaged (e.g. dams), or which are necessary for emergency (e.g., earthquake, flood, etc.) operations or are listed as category III or IV in the International building code. Refer to Table 24.15-2 for a current list of “Critical Facilities for Thurston County.”

“Crown cover” means the area covered by tree crowns.

“Danger tree” See “Hazard tree”.

“Department” or department means the “Resource Stewardship Department” unless otherwise specified in this title.

"Development" means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, clearing, paving, excavation or drilling operations, storage of equipment or materials, or any other activity which results in the removal of vegetation or in the alteration of natural site characteristics. (*Adapted from Floodplain Management, Higher Regulatory Standards, FEMA Region 10, 2002.*)

“Development proposal” means any of the activities relating to the use and/or development of land requiring a permit or approval from Thurston County as described in this chapter.

“Development proposal site” means the legal boundaries of the parcel or parcels on which an applicant has applied for authority from Thurston County to carry out a development proposal.

“Dispersion” means the release of surface and stormwater runoff from a drainage facility system such that the flow spreads over a wide area and is located so as not to allow flow to concentrate anywhere upstream of a drainage channel with erodible underlying granular soils.

“Drainage district” means an active drainage district as provided in chapters 85.06 and 85.38 RCW. Active drainage districts in Thurston County include, but are not limited to, Chambers Lake, Hopkins Creek (i.e. Hopkins Ditch), and Scott Lake.

“Dripline” means the area defined by the outermost circumference of a tree canopy.

“Dry cleaner facility” means an establishment which launders or dry cleans articles dropped off on the premises directly by the customer, but excluding facilities where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

“Duff layer” means the matted, friable, partly decomposed, organic surface layer of forested soils. This term is used to identify a generally firm organic layer on the surface of mineral soils. It consists of fallen plant material that is in the process of decomposition and includes everything from the litter on the surface to underlying pure humus.

“Emergency” means an unanticipated and immediate threat to public health, safety or the environment which requires immediate action within a time period too short to allow submission and review of an application in compliance with this chapter.

“Enhancement” means an action which improves the functions of a stream, wetland, or other wildlife habitat.

“Erosion hazard areas” means land characterized by soil types that are subject to severe erosion when disturbed. These include, but are not limited to, those identified by the United States Department of Agriculture Soil Conservation Service Soil Classification System, with a water erosion hazard of “severe” or “high” (See Table 24.15-3, Erosion Soils of Thurston County). These areas may not be highly erodible until or unless the soil is disturbed by activities such as clearing or grading.

“Exotic” means any species of plants or animals not indigenous to Thurston County.

“Expansion” means alteration of a structure beyond the existing building footprint, or the alteration of a use beyond the existing use area. Also see definition of “Alteration”.

“Expansion, vertical” Refer to definition of “Alteration”.

“Federal” means the federal government of the United States.

“Federally designated endangered and threatened species” means those fish and wildlife species identified by the U.S. Fish and Wildlife Service that are in danger of extinction or threatened to become endangered.

“Fill” means a deposit or redistribution of any earth, vegetation, debris or other materials within a one-hundred-year floodplain; or within an important habitat, lake, pond, stream, or wetland; and their associated buffers as described in this chapter.

“Fish and wildlife habitat conservation” means land management for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term.

"Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. These also include locally important habitats and species.

Fish and wildlife habitat conservation areas that must be considered for classification and designation include:

- A. Areas where endangered, threatened, and sensitive species have a primary association;
- B. Habitats and species of local importance, as determined locally;
- C. Commercial and recreational shellfish areas;
- D. Kelp and eelgrass beds; herring, smelt, and other forage fish spawning areas;
- E. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
- F. Waters of the state;
- G. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
- H. State natural area preserves, natural resource conservation areas, and state wildlife areas; and
- I. Any other habitat areas as defined by WAC 365-190-130, as amended.

“Fish hatcheries” mean those structures, ponds and on-site improvements used for the propagation and rearing of various types of fin-fish but does not include egg boxes, egg tubes or other similar fisheries enhancement activities undertaken within the stream channel.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters and/or the unusual and rapid

accumulation of runoff of surface waters from any source. (*Floodplain Management, Higher Regulatory Standards, FEMA Region 10, 2002*)

“Floodplain, one hundred-year,” “one hundred-year floodplain” or “flood hazard areas” means those lands which are subject to a one percent or greater chance of flooding in any year. (Refer to Figures 11 and 12 located at the end of this chapter.)

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

“Flood protection facility” or “flow control facility” means those physical structural works which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to flooding and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes.

“Forest, mature” means a stand of trees that have developed for ninety years or longer. WAC 352-16-020(b).

“Forest, old growth” means a stand of trees that have developed for one hundred fifty years or longer and have the following structural characteristics: large old-growth trees, large snags, large logs on land, and large logs in streams. WAC 352-16-020.

“Forest practices” means any activity conducted on or impacting forest land. This may include, but is not limited to:

1. Road and trail construction;
2. Harvesting, final and intermediate;
3. Precommercial thinning;
4. Reforestation;
5. Fertilization;
6. Prevention and suppression of diseases and insects;
7. Salvage of trees; and
8. Brush control.

Forest practices shall not include preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

“Frequently flooded areas” means lands in the flood plain subject to at least a one percent or greater chance of flooding in any given year or areas within the highest known recorded flood elevation, or within areas subject to flooding due to high ground water. This includes all areas within unincorporated Thurston County identified on Flood Insurance Rate Maps prepared by the Federal Insurance Administration, as supplemented by “The Flood Insurance Study for Thurston County,” dated November 17, 1980, as amended. (These maps and the referenced report shall be on file with the department at the Thurston County Permit Assistance Center). Frequently flooded areas may include special flood hazard areas as defined in chapter 14.38 TCC or high ground water flood

hazard areas, where high ground water forms ponds on the ground surface, or may overlap with other critical areas, such as streams, rivers, lakes, coastal areas, and wetlands.

“Functions and values,” or “functions” means the beneficial roles served by critical areas. For example, functions and values associated with wetlands include: water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, aesthetic value and recreation.

“Gardening for personal consumption” means the production of typical garden crops (e.g. fruits, vegetables and herbs) that are not intended for retail sale. Generally, personal gardens are no larger than 2,000 square feet.

“Geologic hazard areas” means those areas that because of their susceptibility to erosion, landsliding, earthquake, volcanic lahar, liquefaction or other geological events, are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns.

“Geologist” means a person who has earned a degree in geology from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist, licensed in the State of Washington.

“Geotechnical engineer” means a practicing, geotechnical/ civil engineer licensed as a professional civil engineer with the state of Washington who has at least four years of professional employment pertaining to the field of geotechnical engineering.

"Geotechnical professional" means a person with experience and training in analyzing, evaluating, and mitigating any of the following: landslide, erosion, seismic, volcanic and/or mine hazards, or hydrogeology, fluvial geomorphology and river dynamics. A geotechnical professional shall be licensed in the State of Washington as an engineering geologist or professional engineer. In accordance with WAC 308-15-140 and 196-27-020, engineering geologists and professional engineers shall affix their signatures or seals only to plans or documents dealing with subject matter in which they are qualified by training or experience.

“Grading” means any excavating or filling of soil, or removal of the duff layer, or any combination thereof.

“Habitats of local importance” means those habitats designated as locally important by Thurston County. These may include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration. (*Adapted from WAC 365-190-030(9) and the State CTED model*) Also see “Species of local importance.”

“Hazardous materials” means those substances, debris and waste which are a physical or health hazard, chemical substances that are ignitable, corrosive, reactive or toxic, consistent with chapter

173-303 WAC and the International Fire Code (2009), as amended, including chemicals listed in WAC 173-303-9903 as “P” chemicals.

“Hazard tree” or “danger tree” means a tree with a high probability of falling due to a debilitating disease, a structural defect, a root ball more than fifty percent exposed, or having been exposed to wind throw within the past ten years, and where there is a residence or residential accessory structure within a tree length of the base of the trunk, or where the top of a bluff or steep slope is endangered. Where not immediately apparent to the review authority, the danger tree determination shall be made after review of a report prepared by an arborist certified in Washington State.

“Health officer” means that person of the Thurston County health department described as such in chapter 70.05 RCW or his/her duly authorized representative.

“High ground water flood hazard areas” means an area where flooding occurs as a result of subsurface geologic conditions that prevent recharging water from moving downward or laterally as fast as it enters the ground water system. The result is a rise in the ground water table and accumulation of surfacing ground water, typically intermixed with stormwater that cannot infiltrate, at low points on the ground’s surface. Such ponding may persist over protracted periods of time.

“Home composting” means composting of wastes generated on site, and incidental materials beneficial to the composting process, by the owner or person in control of a single-family residence, or for a dwelling that houses two to five families, such as a duplex or clustered dwellings.

“Hydric soil” means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part of the soil column. The presence of hydric soil shall be determined following the methods described in the Corps of Engineers Wetlands Delineation Manual (1987, as amended), with “Washington Regional Guidance on the 1987 Wetlands Delineation Manual” (1994, as amended). A list of “Hydric Soils of Thurston County” is contained in Table 24.30-5.

“Hydrologic regime” means the distribution over time of water in a watershed, among precipitation, evaporation, soil moisture, groundwater storage, surface storage, and runoff.

“Impervious surface” means pavement (compacted gravel, asphalt and concrete), roofs, revetments, or any other human-made surface which substantially impedes the infiltration of precipitation and other surface water that had entered the soil under natural conditions prior to development; and/or that hard surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to: rooftops, walkways, patios, driveways, parking lots, concrete or asphalt paving, gravel roads, and packed earthen materials.

“Important habitats”, “important species” or “important habitats and species” means those federal, state priority habitats and species and those local habitats and species recognized as such by this title. Also see “Fish and wildlife habitat conservation.”

“Important marine habitats” means marine shorelines of statewide significance and marine shorelines of the state (see chapter 90.58 RCW and related rules) consistent with WAC 220-110-020(57). It also applies to marine areas supporting kelp and eelgrass beds; herring spawning areas; intertidal areas supporting surf smelt and sand lance spawning, salmonids, and shellfish beds sustaining commercial or recreational harvest, including shellfish protection districts established pursuant to chapter 90.72 RCW.

“Integrated pest management (IPM)” means an approach to pest and vegetation control that utilizes regular monitoring to determine if and when treatments are needed. The approach emphasizes physical, mechanical, cultural, and biological tactics to keep pest numbers or vegetation problems low enough to prevent intolerable damage, annoyance, or public safety hazards. When chemical controls are necessary, they will be the least toxic available and will be used only when no other control methods would be effective or practical. Components for integrated pest management programs are established in the Thurston County Pest and Vegetation Management Policy.

“Intensification” means to alter the character of a use to the extent that the use generates new or greater impacts on the critical area and/or any associated buffers.

“Intensive use” means land uses that involve use or storage of hazardous materials or would generate excessive nutrients, sediments, or pollutants on property containing critical areas and/or buffers.

“Intermediate Stability (I)” means slopes that are generally steeper than 15 percent except where conditions such as weaker material and/or abundant groundwater exist. Identified areas include slopes of sand and gravel, till, or thin soils over bedrock which have no known failures. (Source: Coastal Zone Atlas of Washington, Volume 8 Thurston County (1980)).

"Invasive species" means nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state. "Invasive species" does not include domestic livestock, intentionally planted agronomic crops, or non-harmful exotic organisms. *RCW 79A.25.310.*

“Lahar” means a flowing mixture of water-saturated debris that moves downslope under the force of gravity. Debris flows consist of material varying in size from clay to blocks several tens of meters in maximum dimension. When moving, they resemble masses of wet concrete and tend to flow downslope along channels or stream valleys. Debris flows are formed when loose masses of unconsolidated wet debris become unstable. Water may be supplied by rainfall or by melting of snow or ice. Debris flows may be formed directly if lava or pyroclastic flows are erupted onto ice or snow. Debris flows may be either hot or cold, depending on their manner of origin and temperature of their constituent debris.

“Lake” means a naturally existing or artificially created body of standing water twenty acres or larger in size. Lakes include reservoirs which exist on a year-round basis and occur in a depression of land or expanded part of a stream. A lake is bounded by the ordinary high water mark or the extension of the elevation of the lake’s ordinary high water mark within the stream, where the stream enters the lake. All lakes meet the criteria of chapter 90.58 RCW (Shoreline Management

Act) and have been inventoried as “Shorelines of the State” under the Shoreline Master Program for the Thurston Region, and chapter 19.04 TCC.

“Landslide” means episodic downslope movement of a mass of soil or rock that includes but is not limited to rockfalls, slumps, mudflows, earthflows and snow avalanches.

“Landslide hazard areas” means those areas which are potentially subject to risk of landslide due to a combination of geologic, topographic, and/or hydrologic factors; and where the vertical height is fifteen feet or more. The following areas, at a minimum, are considered to be subject to landslide hazards:

- A. Any area with a combination of:
 - 1. Slopes of fifteen percent or steeper, and
 - 2. Impermeable subsurface material (typically silt and clay), frequently interbedded with granular soils (predominantly sand and gravel), and
 - 3. Springs or seeping groundwater during the wet season;
- B. Slopes of forty percent or greater;
- C. Any areas located on a landslide feature which has shown movement during the Holocene Epoch (post glacial) or which is underlain by mass wastage debris from that period of time;
- D. Known hazard areas, such as areas of historic failures, including areas of unstable, old and recent landslides.
- E. Breaks between landslide hazard areas shall be considered part of the landslide hazard area under the following condition: The required buffers from the top of slope of the landslide hazard area located below the break and the toe of slope of the landslide hazard area located above the break overlap or coincide, and the combined height is fifteen feet or more. When this condition is present, the upper and lower landslide hazard areas and the break shall be combined into one landslide hazard area.

“Large woody debris” means fallen trees and limbs with a minimum diameter of four inches and a minimum length of six feet that protrude or lay within a stream channel. These materials can include whole trees with a rootwad and limbs attached or portions of trees with or without rootwad or limbs.

“Legal lot” means a lot that meets the criteria for a legal lot in title 18 TCC, Platting and Subdivisions. The word “lot” includes the word “plot.”

“Liquefaction” means a phenomenon in which strong earthquake shaking causes a soil to rapidly lose its strength and behave like quicksand. Liquefaction typically occurs in artificial fills and in areas of loose sandy soils that are saturated with water, such as low-lying coastal areas, lakeshores, and river valleys.

“Maintenance” See “Repair and maintenance”.

“Mass wasting” means one of several processes by which a large mass of rock or earth material is moved down slope by gravity.

“Marine bluff” means all the shorelines of Puget Sound, excluding the Nisqually Delta which extends from Luhr Beach easterly to the center of the Nisqually River.

“Marine bluff hazard area” means the following:

- A. Those marine bluffs which have a vertical height of fifteen feet or more, including the upland area which lies within two hundred feet of the top of the marine bluff; or
- B. Those marine bluffs mapped as “unstable”(U), “unstable recent landslide” (URS), “unstable old landslide” (UOS) or “intermediate stability” (I) on the maps of the Coastal Zone Atlas of Washington; Volume 8 Thurston County (1980), including the upland area which lies within two hundred feet of the top of the marine bluff; provided that bluffs less than fifteen feet high and determined stable on an individual parcel basis by the approval authority may be excluded.
- C. Known hazard areas, such as areas of historic failures or areas with active bluff retreat that exhibit continuing sloughing of bluff sediments resulting in a steep bluff face.
- D. Breaks between landslide hazard areas shall be considered part of the landslide hazard area under the following condition: The required buffers from the top of slope of the landslide hazard area located below the break and the toe of slope of the landslide hazard area located above the break overlap or coincide, and the combined height is fifteen feet or more. When this condition is present, the upper and lower landslide hazard areas and the break shall be combined into one landslide hazard area.

"Maximum contaminant level (MCL)" means the maximum concentration of a contaminant in water established by the Environmental Protection Agency under the Federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) and published in 40 C.F.R. 141 as presently promulgated or as subsequently amended or repromulgated. *WAC 173-200.020*

“Methods of prevention and control” (MPCs) means reasonable methods of prevention and control. Examples of MPCs include, but are not limited to, pollution prevention plan development and implementation, routine maintenance, secondary containment, and measures to eliminate containment pathways to the source water.

“Minerals” include gravel, sand, and valuable metallic substances.

“Mine hazard areas” means those areas directly underlain by, adjacent to, or directly affected by mine workings such as adits (mine entrances), gangways (tunnels), drafts or air shafts.

“Mitigation bank” means a program to implement mitigation at a subwatershed or watershed scale and provide opportunities to provide larger, better habitat in advance of impacts. Mitigation banking involves the generation of “credits” through restoring, creating, and/or enhancing habitats. These

credits can then be sold to permit applicants who need to offset the adverse impacts of projects that would occur within the “service area” of the bank. Wetland mitigation is regulated by Chapter 90.84 RCW. The U.S. Army Corps of Engineers and U.S. Environmental Protection Agency also offer guidance.

“Mitigation” or “compensatory mitigation” means replacing project-induced critical area losses or impacts, and includes, but is not limited to, restoration, creation or enhancement.

“Mitigation, wetland creation (establishment)” means the manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

“Mitigation, enhancement” means the manipulation of the physical, chemical, or biological characteristics of a critical area to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some critical area functions and can lead to a decline in other functions, but does not result in a gain in critical area acreage. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

“Mitigation, wetland protection/maintenance (preservation)” means removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term *preservation*. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

“Mitigation, re-establishment” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former critical area. Re-establishment results in a gain in critical area acreage (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

“Mitigation, rehabilitation” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland or other critical area. Rehabilitation results in a gain in critical area function but does not result in a gain in critical area acreage. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influence to a wetland.

“Mitigation, restoration” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland or other critical area. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.

“Mitigation, in-kind” or “in-kind mitigation” means to replace wetlands, other critical areas, associated buffers and their functions with substituted critical areas/buffers whose characteristics closely approximate those destroyed or degraded by an allowable use or activity.

“Mitigation, out-of-kind” or “out-of-kind mitigation” means to replace a critical area, associated buffer and their functions with a substitute critical area and buffer whose characteristics do not closely approximate those destroyed or degraded by an allowable use or activity. It does not refer to replacement out-of-category.

“Mitigation, off-site” or “off-site mitigation” means to replace a critical area, buffer and their functions away from the site on which a critical area has been impacted by an allowable use or activity.

“Mitigation, project” means actions necessary to replace project-induced losses to the functions of a critical area, including land acquisition, planning, construction plans, monitoring and contingency actions.

“Mitigation sequencing” Refer to TCC 24.01.037.

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

“No development zone (NDZ)” means an area extending fifty feet, measured on a horizontal plane, from the outer edge of the high ground water hazard area or extending to a ground elevation two feet (vertically) above the base flood elevation, whichever is less. No development is allowed in the NDZ.

“No Net Loss” means that permitted uses in critical areas shall be designed and conducted in a manner to avoid, minimize and/or mitigate, in so far as practical, any resultant damage to the ecology and environment of the critical area. It may also encompass restoration of ecological functions necessary to sustain critical areas.

The concept of "net" as used herein, recognizes that any development has potential or actual, short-term or long-term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, those impacts will be addressed in a manner necessary to assure that the end result will not diminish the critical area resources and functions as they currently exist.

“Nonconforming structure” means a building or a portion thereof, which was lawfully erected, altered or maintained prior to the adoption of this chapter, but because of the application of this chapter, does not conform to the provisions of this chapter.

“Nonconforming use” means an activity that was lawfully established prior to the adoption of this chapter, but because of the application of this chapter does not conform to the provisions of this chapter.

“Normal residential appurtenances” means those improvements or structures which are connected to the use and enjoyment of the single-family residence and are located landward of the ordinary high-water mark and includes a garage, deck, driveway and utilities.

“Noxious weed” means a plant that when established is highly destructive, competitive, or difficult to control by cultural or chemical practices. See “Noxious Weed Control.”

“Noxious weed control” means those activities subject to review or action by the Thurston County Noxious Weed Control Board to control noxious weeds. The Noxious Weed Control Board is authorized to carry out noxious weed control under chapter 17.10 RCW, Noxious Weed Control Board Act, and adopts rules and regulations regarding the listing and control of noxious weeds consistent with chapter 16-750 WAC and chapter 17.10 RCW.

"Prior converted croplands" please see section 17.15.200 Definitions – Critical areas, categories and terms, as amended.

“Oak habitat” means stands of Oregon white oak (*Quercus garryana*) or Oregon white oak/conifer associations where canopy coverage of the oak component of the stand is twenty-five percent (25%) or more; or where total canopy coverage of the stand is less than twenty-five percent (25%), but oak accounts for at least fifty percent (50%) of the canopy coverage. The latter is often referred to as oak savanna. Oak habitat includes oak savannas and oak woodlands.

“Oak savanna” means an Oak Habitat with a community of widely spaced Oregon white oak trees (*Quercus garryana*) where total canopy coverage is less than twenty-five percent (25%) but where Oregon white oak accounts for at least fifty percent (50%) of the canopy coverage above a layer of native prairie grasses and forbs. The spacing of these trees is widely scattered so that there is no closed canopy and groups of trees. In degraded habitat, trees may be more widely spaced above a layer of non-native vegetation on developed property.

“Oak woodlands” means those stands of Oregon white oak (*Quercus garryana*) or Oregon white oak/conifer associations where the crown cover of the Oregon white oak component of the stand is greater than or equal to twenty-five percent (25%). In degraded habitat, the Oregon white oak component of the stand may be less than twenty-five percent (25%), or the canopy coverage may be less than fifty percent (50%).

“Open space” means lands which are in a natural or underdeveloped character because they have not been developed with structures, paving or other appurtenances. Open space lands can refer to parks; recreation areas; conservation easements; critical area buffers, and/or critical area tracts.

“Ordinary high water mark” means the mark on all lakes, streams and tidal waters which is 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; 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 high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

“Permanent roof structure for deck or patio” means a legally permitted roof structure that, if enclosed, would create habitable living space in compliance with the Thurston County Building Code. This does not include canvas awnings or free-standing gazebo structures.

“Pier” means a structure generally built from the shore extending out over the water to provide moorage for commercial or private recreation water craft or float planes or for water-oriented recreation use. When such a structure is serving ten or more boats it is considered a marina. It may be either anchored and floating or permanently fixed to pilings.

“Pollution prevention plan” means a site-specific plan that addresses the avoidance of unplanned chemical release in the air, water, or land. It is based on deliberate waste management planning, site design, and operational practices.

“Pond” means a naturally existing or artificially created body of standing water less than twenty acres in size and not defined as “Shorelines of the State” by chapter 90.58 RCW (Shoreline Management Act) or as a wetland under this title. Ponds can include reservoirs which exist on a year-round basis and occur in a depression of land or expanded part of a stream, but shall exclude stormwater or agricultural stock ponds within the Nisqually or long-term agricultural districts. A pond is bounded by the ordinary high water mark or the extension of the elevation of the pond’s ordinary high water mark within the stream, where the stream enters the pond.

“Prairie” or “Westside Prairie,” means herbaceous, non-forested (forested means greater than or equal to 60% forest canopy cover) plant communities that can either take the form of a dry prairie where soils are well-drained or a wet prairie. In parts of the Puget Trough, prairies can sometimes be recognized by mounded topography commonly referred to as Mima Mounds. Mima Mounds are a unique geologic feature of prairie habitat in Thurston County.

“Prairie, Dry” means prairies located in areas containing prairie vegetation. Although dry prairie can occur on other soils, typically it occurs on any one of the soils known to be associated with prairie (Table 24.25-6). Locations occurring on mapped prairie soils where the surface is impervious is not considered dry prairie. Certain vegetation characteristics typify dry prairie. These include the occurrence of diagnostic grasses, sedges, and forbs. Mosses, lichens, and bare ground may also be found in the spaces between grass and forbs cover.

The presence of certain diagnostic plants is required to establish an occurrence of dry prairie. In particular, three of the diagnostic grasses, sedges, or forbs (Table 24.25-8) are required to establish the presence of dry prairie.

Shrubs such as black hawthorn (*Crataegus douglasii*), kinnikinnick (*Arctostaphylos uva-ursi*), and oval-leaf viburnum (*Viburnum ellipticum*) can be found at low densities within dry prairies. Some Oregon white oak (*Quercus garryana*) can also be present in native prairie (see Oak Habitat).

Native and nonnative invasive plants typically dominate most remaining prairie. Common invasive species are Scot’s broom (*Cytisus scoparius*), colonial bentgrass (*Agrostis tenuis*), common velvetgrass (*Holcus lanatus*), tall oat-grass (*Arrhenatherum elatius*), and Kentucky bluegrass (*Poa*

pratensis). Douglas fir is also considered an invasive species with respect to prairie habitat. Other invasive grasses, forbs, and shrubs also may be present.

Marginal or fair condition areas may be dominated by non-native species with several native prairie species present (e.g. from Tables 24.25-7 and 8) or with a significant cover of native prairie species. Areas dominated by invasive species, such as Scot's broom (non-native shrub), can be restorable to prairie if they have native prairie species in the understory. Such marginal and restorable areas may have significant value if they are large in area, located close to prairies, or in a landscape that connects two or more prairies.

“Prairie, Wet” means prairies located in areas containing prairie vegetation. Although wet prairie can occur on other soils, typically it occurs on any one of the soils where the surface topology and the groundwater table approach each other, and where local aquifers are present. Locations occurring on mapped prairie soils where the surface is impervious is not considered wet prairie. Wet prairies in the Puget Trough generally are found on glacial outwash soils that typically are limited to swales or low-gradient riparian areas. Three diagnostic grasses, sedges, or forbs from a combination of the wet prairie diagnostic species list (Table 24.25-7) and the dry prairie diagnostic species list (Table 24.25-8) are required to establish the presence of wet prairie.

Areas dominated by invasive species, such as Scot's broom (non-native shrub), can be restorable to prairie if they have native prairie species in the understory.

“Primary association” means the use of a habitat area by a listed or priority species for breeding/spawning, rearing young, nesting, roosting, feeding, foraging, and/or migrating on a frequent and/or regular basis during the appropriate season(s) as well as habitats that are used less frequently/regularly but which provide for essential life cycle functions such as breeding/nesting/spawning.

“Primary structure” means the structure in which the primary use of a given lot is conducted, as distinguished from a secondary or accessory structure.

“Primary use” means the principal or predominant use of any lot, building or structure.

“Prior converted croplands” means wetlands that before December 23, 1985, were drained, dredged, filled, leveled, or otherwise manipulated including the removal of woody vegetation, for the purpose, or to have the effect, of making the production of an agricultural commodity possible and an agricultural commodity has been produced at least once before December 23, 1985. This determination is made by the Natural Resources Conservation Service.

“Priority habitat, state” or “state priority habitat” means a seasonal range or habitat element, so identified by the Washington Department of Fish and Wildlife, with which a given species has a primary association, or habitat types or elements with unique or significant value to a diverse assemblage of species, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. These might include areas of high relative diversity or species richness, breeding habitat, and winter range and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage,

or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife.

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 or beds). 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.

“Priority species, state” or “state priority species” means those species that are so identified by the Washington Department of Wildlife due to their population status and their sensitivity to habitat manipulation. Priority species include those which are state-listed endangered, threatened and sensitive and candidate species; animal aggregations considered vulnerable; vulnerable species of recreational, commercial or tribal importance; as well as other species of concern and game species.

“Priority species conservation area” means the areas containing a documented priority species location and the associated buffer established pursuant to this chapter.

"Project area or boundary" means the geographic limits or the outer extent of the site to be altered or impacted by proposed development.

“Public agency” means any agency, political subdivision or unit of local government of this state including but not limited to municipal corporations, special purpose districts, and local service districts; any agency of the state of Washington, the United States or any state thereof; or any Indian tribe recognized as such by the federal government.

“Public facilities” means the buildings, streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools or uses of land whether owned or leased, operated by a public agency for such purposes as providing places for public assembly and recreation, operating services of benefit to the public or for the administration of public affairs.

“Public project of significant importance” means a project funded by a public agency, department or jurisdiction which is found to be of compelling interest to the citizens of Thurston County. The Thurston County board of commissioners may only declare a project as such in a resolution after a public hearing.

“Public services” mean fire protection and suppression, law enforcement, public health, education, recreation, environmental protection and other governmental services.

“Public use” means any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of any government, without reference to the ownership of the building or structure or of the land upon which it is situated.

“Public utility” means a business or service, either governmental or having appropriate approval from the state, which is engaged in regularly supplying the public with some commodity or service

which is of public consequence and need such as electricity, gas, water, transportation or communications.

“Ravine” means a narrow gorge containing steep slopes and deeper than fifteen vertical feet as measured from the centerline of the ravine to the top of the slope. Refer to Figure 13.

“RCW” means Revised Code of Washington.

“Reclaimed water” means water derived in any part from wastewater with a domestic wastewater component that has been treated for use in beneficial purposes, such as irrigation, industrial processes, landscaping, or aquifer recharge.

“Recreation, active” means leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields. The term “active recreation” includes, but is not limited to, swimming, tennis, and other court games, baseball, soccer and other field sports, and playground activities.

“Recreation, passive” means low intensity recreation activities which have limited noise and light impacts and are minimally disruptive to the natural environment. For the purposes of this title, “passive recreation” includes, but is not limited to, hiking, canoeing, viewing, nature study, photography, fishing and hunting.

"Recreational vehicle" means a vehicle which is: built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck; and designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use. Recreational vehicles are not for use as permanent dwellings. (*FEMA Region 10*)

“Reference wetland” means, in the context of compensatory mitigation, a wetland chosen to represent the functions and characteristics that are being created, restored, or enhanced at the “mitigation” site. A reference wetland can be used for monitoring the success of the mitigation project. Reference wetlands, in the context of methods for assessing wetland functions, mean the sites chosen to represent the full range of functioning in a region or hydrogeomorphic class. Data collected at these sites are used to calibrate the methods.

“Repair and maintenance” means those activities associated with the routine care and upkeep of a structure, development, land use or activity.

“Replacement” or “total replacement” of a structure involves the removal of more than fifty percent of the lineal footage of existing exterior ground floor walls and the cost of repairs exceeds fifty percent of the structure’s current market value as determined by an accredited appraisal or the Assessor’s valuation, at the owner’s option. The value shall be determined based the value of the structure either before the repair, maintenance, alternation, or expansion is started, or if the structure has been damaged, and is being restored, before the damage occurred.

“Restoration” means the return of a critical area to a state in which its functions approach its unaltered state as closely as possible.

“Restricted development zone (RDZ)” means an area extending from the outer edge of the No Development Zone to a ground elevation two feet (vertically) above the base flood elevation.

“Retaining wall” means a wall or structure constructed to hold or prevent the sliding of soil. Such a wall or structure located along the shoreline or the ordinary high water mark is referred to as a “bulkhead.”

“Review area” means the area surrounding or adjacent to a point location of a species of concern, or other critical area or buffer in which proposed activities are reviewed to determine what, if any, impacts may occur to the critical area, or what hazard(s) the critical area may pose to the proposed activity. A project located in a review area does not necessarily require submission of any detailed critical area reports. The review area is not a buffer; it allows the approval authority to look beyond the immediate area or proposed impact to assess the project on a larger scale.

“Right-of-way” means an area dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities.

“Riparian habitat areas” are areas that include both freshwater and marine riparian habitat areas.

“Riparian habitat areas, freshwater” are areas adjacent to streams containing elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. For the purposes of these regulations, riparian habitat areas are as specified in chapter 24.25 TCC.

“Riparian habitat areas, marine” means areas adjacent to marine waters containing elements of both marine and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the marine ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. For the purposes of these regulations, riparian habitat areas are as specified in chapter 24.25 TCC.

“Riparian management zone” means an area established along the outer boundary of freshwater and marine riparian habitat areas, as specified in this title. Uses and activities within riparian management zones shall be conducted in a manner and/or restricted as necessary to minimize adverse impacts to riparian, freshwater and/or marine habitat.

“Salmonid” means a member of the fish family salmonidae. In Thurston County these include chinook, coho, chum, sockeye and pink salmon, rainbow, steelhead, cutthroat trout, brown trout, bull trout (char), Brook trout (char), Dolly Varden char, kokanee and whitefish.

“Seismic hazard areas” means the following:

- A. Those areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, surface faulting, settlement or soil liquefaction, such as artificial fill areas, and areas underlain by glaciolacustrine deposits and/or glacial outwash; or
- B. Those areas mapped as having a liquefaction susceptibility of high, moderate to high, or low to moderate on the Liquefaction Susceptibility Map of Thurston County, Washington, published by Washington Department of Natural Resource (September 2004).

“Sewage system” means a system designed to transport, process and/or treat urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places. For the purposes of this title, "sewage" is generally synonymous with domestic wastewater.

"Sewage system, on-site" means an integrated system of components located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component.

“Site plan review” means a development review permit described in chapter 20.37 TCC.

“Sludge” means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial processing, manufacturing, or wastewater treatment plant, water supply treatment plant, or air pollution control facility, excluding the treated effluent from a wastewater treatment plant.

“Solid waste” means all rotting or decaying (putrescible) and non-rotting or non-decaying (nonputrescible) solid, semisolid, and liquid wastes, including, but not limited to, garbage, rubbish, yard debris, ashes, industrial wastes, contaminated soils, dredge spoils, swill, demolition and construction wastes, abandoned vehicles or parts thereof, wood waste, sludge, dangerous waste, moderate risk waste, recyclable materials, and discarded commodities.

“Special management areas” means those geographic areas of Thurston County which contain a unique combination of physical features and require a special set of management techniques specifically designed for that area, or where the uniqueness of the area demands an even greater degree of environmental protection.

“Species of local importance” means those species that may not be endangered or threatened from a statewide perspective, but are of local concern due to their population status or their sensitivity to habitat manipulation and have been designated as such. Also see “Habitats of local importance.”

“Species, point location” means generally, but not limited to, an individual occurrence, breeding location, communal roost or marine mammal haul out site for a state priority species.

“Species of concern” includes, but is not limited to, species listed under the federal Endangered Species Act as threatened or endangered, candidate species for federal listing, priority species identified on the WDFW Priority Habitats and Species List, anadromous fish, and species of local importance.

“Stair tower” means a structure twelve feet or taller in height, typically consisting of one or more flights of stairs, usually with landings to pass from one level to another.

“Stairway” means one or more flights of stairs, usually with landings to pass from one level to another.

“Stand (of trees)” means a group of more than three trees in closed-canopy configuration, considered a homogenous unit for management purposes.

“State” means the state of Washington.

“State designated endangered, threatened, and sensitive species” are those fish, wildlife, and plant species native to the state of Washington identified by the state Department of Fish and Wildlife, and the state Department of Natural Resources, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species), and WAC 232-12-011 (state threatened and sensitive species), as amended. Vulnerable plant species are recorded by the Department of Natural Resources’ Natural Heritage Program, per chapter 352-28 WAC, and the state Department of Fish and Wildlife maintains the most current fish and wildlife listings. These agencies should be consulted as necessary for current listing status.

“Steep slope” means an area which is equal to or in excess of forty percent slope and where there is a vertical height of at least fifteen feet.

“Storage tank, hazardous materials” means above- or underground tanks and vaults for the storage of hazardous materials, animal wastes, fertilizers, or hazardous/dangerous waste, as defined in chapter 173-303 WAC.

“Storage tank, nonhazardous materials” means above- or underground tanks and vaults for the storage of materials not referenced in “storage tank, hazardous materials”.

“Stormwater” means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, and wetlands as well as shallow ground water.

“Stormwater, private retention/detention facility” means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration and/or infiltration into the ground; or to hold runoff for a short period of time and then release it to the surface and stormwater management system.

“Stormwater, regional retention/detention facility” means a surface water control structure constructed by Thurston County to correct excess surface water runoff problems of a basin or sub-basin. The area downstream of the facility must have been identified by the director of the water and waste management department previously as having significant, regional basin flooding and/or water quality problems. The facility must be listed as a Thurston County capital improvement project.

“Stormwater, temporary sediment control pond” means a pond used to improve water quality by allowing sediments to settle out of stormwater prior to discharge to a stream, wetland or other conveyance.

“Stream segment” means that portion of a stream which lies between road crossings of a public right-of-way.

“Streams” means those areas of Thurston County where surface waters flow sufficiently to produce a defined channel or bed. A “defined channel or bed” is an area which demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses unless they are used by salmon or used to convey streams naturally occurring prior to construction.

“Stream and water body types” means as follows:

1. Type S waters include all aquatic areas inventoried as "shorelines of the state", in accordance with chapter 90.58 RCW, including segments of streams where the mean annual flow is more than twenty cubic feet per second, marine shorelines and lakes twenty acres in size or greater.
2. Type F waters include all segments of aquatic areas that are not type S waters and that contain fish or fish habitat including waters diverted for use by a federal, state or tribal fish hatchery from the point of diversion for one-thousand five-hundred feet or the entire tributary if the tributary is highly significant for protection of downstream water quality.
3. Type N waters include all segments of aquatic areas that are not type S or F waters and that are physically connected by an above-ground channel system, stream or wetland to type S or F waters.

“Structural mitigation plan” means a design for any site structures or building engineering submitted specifically to mitigate the influence of a landslide. An engineer licensed to practice in the State of Washington shall prepare the plan. Said engineer will be designated the design professional in responsible charge as per International Building Code 106.3.4. The design professional in responsible charge shall conduct special inspections and provide written reports to the building official on the installation of those engineered elements.

"Structure" means that which is built or constructed. The term "structure" shall be construed as though followed by the words "or parts thereof".

“Structure, threatened” means a structure to be protected from streambank, slope or bluff erosion and where through a geotechnical report it has been determined that the documented erosion rates over the past 30-50 years show that a structure will be harmed within a three year timeframe. An additional hazard assessment process by the geotechnical expert may be included to ensure that the structure is not exposed to landslide hazards potentially not captured in the erosion rate methodology. If the erosion rate and additional hazard assessment suggest that harm will likely occur to the structure within a three-year timeframe then the property is deemed “threatened”.

“Structures to be protected” means structures considered for protection from erosion or failing slopes, including: primary parcel structures (includes commercial, industrial or residential), accessory dwelling units, septic systems, public roads, public infrastructure such as pipes or utilities, and private driveways/roads where relocation is not feasible. Structures not protected are: stairs, trails to the beach, bathhouses, detached deck/patios, fences, sheds, trees, landscaping, and any structures threatened by self-created hardship.

“Submerged lands” means those areas below the ordinary high-water mark of marine waters or rivers and which are defined as a “shoreline of the state” by chapter 90.58 RCW (Shoreline Management Act).

“Substantial development permit” or “shoreline substantial development permit” means a permit issued subject to the provisions of the Shoreline Master Program for the Thurston Region, as amended, and chapter 19.04.

“Sub-watershed” means the areas within a watershed draining to one or more major tributaries of the mainstem stream, such as the Deschutes or Nisqually River.

“TCC” means Thurston County Code.

“Thermobaric” means deeper, older waters stored at depth. They are warmer and higher in dissolved solids due to longer water-rock contact times and geothermal gradient.

“Title” means the “Thurston County Critical Areas Ordinance” unless otherwise specified in the text.

“Toe of slope” means a distinct topographic break in slope at the lower-most limit of the landslide or marine bluff hazard area. The following areas qualify as toe of slope:

- A. A distinct topographic break in slope which separates slopes inclined less than forty percent from slopes equal to or greater than forty percent. Where no distinct break exists, this point shall be the lower most limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet;
- B. A distinct topographic break in slope which separates slopes inclined less than fifteen percent from slopes equal to fifteen to thirty-nine percent, when the slope also meets the criteria found in section A of the landslide hazard area definition in this chapter; or

- C. For marine bluffs, the toe means the ordinary high water mark except where there has been a landslide of upland materials which now rests on the beach. In this case, the toe shall be the point on the undisturbed slope which would be defined as the ordinary high water mark if not for the landslide.
- D. A distinct topographic break in slope, as determined by the geotechnical assessment.

“Top of slope” means a distinct topographic break in slope at the upper most limit of the landslide or marine bluff hazard area. The following areas qualify as top of slope:

- A. A distinct topographic break in slope which separates slopes inclined less than forty percent from slopes equal to or greater than forty percent. Where no distinct break exists, this point shall be the upper most limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet;
- B. A distinct topographic break in slope which separates slopes inclined less than fifteen percent from slopes equal to fifteen to thirty-nine percent, when the slope also meets the criteria found in section A of the landslide hazard area definition in this chapter; or
- C. A distinct topographic break in slope, as determined by the geotechnical assessment.

“Unstable (U)” means slopes that are generally steep and considered unstable because the geology, groundwater, or wave erosion factors are critical and/or the slopes show evidence of present or past landsliding. Unstable areas include landslides and talus too small or obscure to be individually mapped (Source: Coastal Zone Atlas of Washington, Volume 8 Thurston County (1980)).

“Unstable Old Slide (Uos)” means post-glacial but prehistoric landslide areas (Source: Coastal Zone Atlas of Washington, Volume 8 Thurston County (1980)).

“Unstable Recent Landslide (Urs)” means recent or historically active landslide areas. [Note that Urs designation is based on investigations carried out in the late 1970s; subsequent landsliding is not reflected on the Coastal Zone Atlas maps] (Source: Coastal Zone Atlas of Washington, Volume 8 Thurston County (1980)).

“Use area” means the portion of property physically occupied or used by the land use activity.

“Utility” means water, electric and natural gas distribution, sewer and stormwater collection, cable communications, telephone utility, and related activities.

"Utilities" means enterprises or facilities serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water and for the disposal of sewage.

“Utility corridor” means rights-of-way or easements for utility lines on either publicly or privately owned property.

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

"Vadose zone" means the zone between land surface and the capillary fringe within which the moisture content is less than saturation and pressure is less than atmospheric. Soil pore spaces also typically contain air or other gases. The capillary fringe is not included in the unsaturated zone.

"Vegetation, hydrophytic" or "hydrophytic vegetation" means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Corps of Engineers Wetlands Delineation Manual (1987) with "Washington Regional Guidance on the 1987 Wetland Delineation Manual" (1994).

"Vegetation management-aquatic weeds" means the removal or control of submerged or floating-leaved plants in lakes, ponds or rivers which are regulated by any state agency, including but not limited to: aquatic herbicide applications regulated under chapter 90.48 RCW (chapter 173-201 WAC, Short-Term Modifications to Water Quality Standards); mechanical or physical control measures such as mechanical harvesting or bottom barriers regulated under the Hydraulic Code (RCW 77.55.100 and 77.55.110); grass carp planting regulated under chapter 232-12 WAC; and dredging or other; mechanical means of removing aquatic plants regulated under chapter 90.58 RCW (Shoreline Master Act), the Shoreline Master Program, as amended, and other regulations.

"Vegetated filter strip" means a section of vegetation, typically 30-50 feet in width, that contains plants that form a rough surface capable of filtering sediment, pollutants, and nutrients.

"Vegetation, native" or "native vegetative" means vegetation or plant species which are indigenous to the area or habitat in question.

"Volcanic hazard areas" means those areas subject to pyroclastic flows, lava flows and inundation by debris flows, mud flows or related flooding resulting from geologic or volcanic events of Mount Rainier, as mapped by United States Geological Survey Open File Report 98-428. The boundaries on these maps are approximately located, and areas outside of the boundaries should not be regarded as hazard-free.

"Designated wellhead protection area" means the surface and subsurface area surrounding a water well or well field, through which contaminants are reasonably likely to move toward and reach such well or well field within one, five and ten years, respectively. Wellhead protection areas are considered to be critical aquifer recharge areas, and subject to the requirements of this title. For the purposes of this title, a designated wellhead protection area shall be established for public or private water systems consisting of three or more connections. Known impacts to individual wells should be avoided or mitigated according to best available science and TCC 24.01.037.

"WAC" means Washington Administrative Code.

"Water body types". See "stream and water body types."

“Wetland” or “wetlands” means 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, and other areas meeting the definition of wetland under RCW 36.70A.030, as amended. 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 in order to mitigate conversion of natural wetlands. Areas below the ordinary high water mark (OHWM) of a water body, including but not limited to marine waters, lakes, ponds, streams, and rivers, may also qualify as wetlands if they meet the criteria of the 1987 US Army Corps of Engineers Wetlands Delineation Manual and the 2008 Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region.

“Wetland edge” or “wetland boundary” means the line delineating the outer edge of a wetland established consistent with the provisions of this title.

“Wetland Rating System for Western Washington” means the most recently approved version of the Washington State Department of Ecology’s Wetland Rating System for Western Washington.

“Wetland specialist” or “wetland scientist” means a person with experience and training in wetland issues and with experience in performing delineations, analyzing wetland functions and values, analyzing wetland impacts, and recommending wetland mitigation and restoration. Qualifications include: (1) Bachelor of Science or Bachelor of Arts or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife, agriculture, or related field, and two years of related work experience, including a minimum of one year experience delineating wetlands using Army Corps of Engineers methodology and preparing wetland reports and mitigation plans. Additional education may substitute for one year of related work experience; or (2) four years of related work experience and training, with a minimum of two years experience delineating wetlands using the Unified Federal Manual and preparing wetland reports and mitigation plans. The person should be familiar with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, Corps of Engineers Wetlands Delineation Manual 1987 edition and corresponding guidance letters, March 1997 Washington State Wetlands Identification and Delineation Manual, Washington State Wetlands Rating System for Western Washington, as amended.

“Wildlife blind” means a structure no larger than fifty square feet used for the observation or hunting of wildlife.

“Wood products preserving and treating” means the application of chemicals to wood products to increase their durability and resistance to destruction by insects, fungus and/or decay. This shall not include typical residential applications.