Chapter 14.04 DEFINITIONS

14.04.020 Definitions.

Alluvial fan: a fan shaped deposit of water transported material (alluvium). They typically form at the base of topographic features where there is a marked break in slope. ~~the fan-like deposit of a stream where it issues from a gorge onto a plain (see "landslide hazard areas").~~

Alteration, critical area: Any human induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, or any other activity that changes the character of the critical area. ~~any human-induced action which changes the existing condition of a critical area.~~

Anadromous fish: Fish that spawn and rear in freshwater and mature in the marine environment. ~~fish species that ascend rivers from the sea to spawn.~~

Approving Authority: is the Administrative Official for Administrative Variances (Level I 14.06) and the Hearing Examiner Variances (Level II 14.06)

Aquifer recharge areas: Areas that, due to the presence of certain soils, geology, and surface water, act to recharge ground water by percolation. ~~areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of water.~~

Aquifer: A geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring. ~~any geologic formation that will yield water to a well or other withdrawal works in sufficient quantity for beneficial use.~~

Best available science: Current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 925. ~~information gathered, analyzed and presented based on scientific principles and practices including peer review, use of scientific methodology, logical analysis and reasonable inference, statistical analysis, rigorous referencing within the scientific literature, and conclusions drawn from within an accepted scientific framework.~~

~~**Biologist:** a person having specific relevant expertise who has a minimum of a Bachelor of Science degree in biological sciences or related field from an accredited college or university and/or with equivalent relevant training in fish and wildlife biology and substantial demonstrated experience as a practicing biologist.~~

Buffer, critical area: An area that is contiguous to and protects a critical area which is required for the continued maintenance, functioning, and/or structural stability of a critical area. ~~an area which provides the margin of safety through protection of slope stability, attenuation of surface water flows and landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters; or an area which is an integral part of a stream or wetland ecosystem and which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland boundaries, habitat for wildlife, and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.~~

Compensatory mitigation: replacing project-induced critical area losses or impacts, and includes, but is not limited to, restoration, creation, ~~or~~ enhancement or preservation.

Critical areas: Critical areas include any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in RCW 36.70A and this Title. ~~include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.~~

~~Critical area designation:~~ ~~legal identification and specification for regulatory purposes of critical areas (wetlands, aquifer recharge areas, geologically hazardous areas, and fish and wildlife habitat) by definition through the assessment of site specific conditions. (Exception: Frequently Flooded Areas shall be designated on the Flood Insurance Rate Maps.)~~

~~Critical area indicators:~~ ~~site specific features such as vegetation, soils, hydrology, topography or other environmental features established through a site visit or other means that indicate that critical areas are or may be present at a particular location. For critical areas such as aquifer recharge areas, where indicators cannot be identified through a site visit, indicators may be identified through use of critical area maps or other resources.~~

~~Delineation:~~ ~~the precise determination of wetland boundaries in the field according to the application of specific methodology as described in the Washington State Wetlands Identification and Delineation Manual, Washington State Department of Ecology publication No. 96-94.~~

Fish and wildlife habitat conservation areas: ~~**and their networks shall be classified as follows:**~~

(a) areas with which endangered, threatened, and sensitive species have a primary association;

(b) habitats and species of local importance that have been designated by the County at the time of application;

(c) all public and private tidelands suitable for shellfish harvest;

(d) kelp and eelgrass beds, herring and smelt spawning areas;

(e) naturally occurring ponds under 20 acres with submerged aquatic beds that provide fish or wildlife habitat;

(f) waters of the State as defined by WAC 222-16-030;

(g) lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;

(h) areas with which anadromous fish species have a primary association;

(i) State Natural Area Preserves and Natural Resource Conservation Areas; and

(j) other aquatic resource areas.

(k) State Priority Habitats and Areas Associated with State Priority Species as defined in WAC 365-190-080; and

(l) Areas of Rare Plant Species and High Quality Ecosystems as identified by the Washington State Department of Natural Resources through the Natural Heritage Program in RCW 79.70.

Flow-Sensitive Basin: a watershed drainage area, designated under SCC 14.24, where water withdrawals could adversely affect aquatic resources.

Frequently flooded areas: lands in the floodplain subject to a 1% or greater chance of flooding in any given year~~.~~ and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the Administrative Official in accordance with WAC 365-190-080(3). At a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program. ~~These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like.~~

Function~~s~~ and~~al~~ values: The beneficial roles served by critical areas including, but are not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; wave attenuation; protection from hazards; historical, archaeological, and aesthetic value protection; educational opportunities; and recreation. These beneficial roles are not listed in order of priority. ~~means those functions performed by a critical area or buffer which are highly beneficial to the maintenance of the aquatic system and surrounding environment. As used in this Chapter, "functional values" for wetlands, streams and buffers are limited to the following elements:~~

~~(a) Streams: Fish and wildlife habitat, water quality maintenance, water supply and water conveyance.~~

~~(b) Wetlands: Fish and wildlife habitat, water quality maintenance, pollution assimilation, shore stabilization, sediment retention, runoff and floodwater storage and conveyance, runoff control, stream base flow maintenance, and groundwater discharge/recharge.~~

~~(c) Buffers: Fish and wildlife habitat, runoff absorption, pollution assimilation, streambank stabilization, sediment entrapment, water quality maintenance including shading for maintenance of temperature, noise and visual screening, upland flood protection, recreation, and provision of nutrients and woody debris for streams.~~

Geologically hazardous areas: Areas that may not be suited to development consistent with public health, safety, or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include: erosion, landslide, seismic, mine, and volcanic hazards. ~~areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.~~

~~**Geologist:** a person having specific relevant expertise who has received a degree in geology from an accredited college or university, or a person who has equivalent educational training and substantial demonstrated experience as a practicing geologist.~~

Groundwater: Water in a saturated zone or stratum beneath the surface of land or a surface water body. ~~all waters that exist beneath the land surface or beneath the bed of any body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.~~

Hazard Trees: those trees with a structural defect, combination of defects or disease resulting in a structural defect that, under the normal range of environmental conditions at the site, will result in the loss of a major structural component of the tree in a manner that will:

(a) Damage a residential structure or accessory structure, place of employment or public assembly or approved parking for a residential structure or accessory structure or place of employment or public assembly;

(b) Damage an approved road or utility facility; or

(c) Prevent emergency access in the case of medical hardship.

Hydrogeological susceptibility: the degree to which groundwater may become contaminated depending on the local hydrologic characteristics.

Land Use Intensity, High: Land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium- and high-density residential (more than one home per five acres), multifamily residential, some agricultural practices, and commercial and industrial land uses.

Land Use Intensity, Low: Land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation, open space, or forest management land uses.

Land Use Intensity, Moderate: Land uses which are associated with moderate levels of human disturbance or substantial habitat impacts including, but not limited to, low-density residential (no more than one home per five acres), active recreation, and moderate agricultural land uses.

Mass wasting: a general term for a variety of geomorphic processes by which large masses of rock or earth material are moved downslope by gravity.

Misinformation: information regarding the nature and/or location of the proposed activity as presented in the application or regarding the presence of a critical area or critical area indicators on the subject property which the Applicant knew or should have known was relevant at the time of the submittal of the checklist.

Mitigation bank: means a properly developed collection of existing, created, restored or enhanced wetlands and their protective buffers that are created or established using best available science to provide mitigation credits to offset future adverse impacts to wetlands from approved projects elsewhere pursuant to the requirements of RCW 90.84 and draft rule (WAC 173-700).

Mitigation banking: an approved program including the creation, restoration, or enhancement of wetland or other aquatic habitats and their ~~functional~~ functions and values together with a program of administrative functions expressly for the purpose of providing compensatory mitigation in advance of proposed discharges into water of the United States, including wetlands, where mitigation cannot be achieved at the site of the impact.

National Wetland Inventory: an inventory that was developed by the U.S. Fish and Wildlife Service, which used aerial photography to map wetlands across the nation. ~~This information has been put on USGS Quadrangle maps and the County has a complete set for Skagit County. The USFWS used its more inclusive definition of wetlands to determine which wetland would be included in the NWI. Ground truthing of this information indicates that the NWI does not include all the wetlands that actually exist. In some areas, only 50% of the existing wetlands are identified in the NWI. Wetlands in forested areas are especially difficult to identify from aerial photographs, and are likely to be missing from the NWI.~~

On-site compensation: to replace critical areas at ~~or within 200 feet of~~ the site on which a critical area has been impacted by a regulated activity.

Perennial stream: are waters that do not go dry any time of a year of normal rainfall.~~means a stream, the natural flow of which is normally continuous at any given location.~~

~~**Qualified expert:** a person having substantial demonstrated experience as a practicing specialist and who has a degree in a related field from an accredited college or university or who has equivalent training.~~

Qualified professional: a person with experience and training in the applicable field or critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geology or related field, and two years of related work experience.

(a) A qualified professional for watercourses, wetlands, and wildlife habitat conservation areas must have a degree in biology or related field and relevant professional experience in functional assessment and mitigation techniques.

(b) A qualified professional for preparing geotechnical reports and geotechnical design recommendations must be a professional geologist or geotechnical engineer, licensed in the state of Washington.

(c) A hydrogeologist or professional engineer, licensed in the State of Washington, who is trained and qualified to analyze geologic, hydrologic, and groundwater flow systems.

Reasonable alternatives: in determining what is a "reasonable alternative" for a proposed development, alteration or activity, the Department may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the alternative action or proposal. Reasonable alternatives are those that are capable of being carried out, taking into consideration the overall project purposes, needs and objectives.

Regulated wetland: a wetland area and associated buffers which would be or have been determined through a site assessment ~~review~~ to be subject to the provisions of this Code.

Restoration: Measures taken to restore an altered or damaged natural feature including:

(a) Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and

(b) Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events. ~~the return of a stream or wetland to a state in which its functions and values approach its unaltered state as closely as possible.~~

Riparian ~~or riparian~~ area: areas adjacent to aquatic systems that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. Widths shall be measured from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities. ~~the portion of habitat extending from the ordinary high water mark (OHWM) of a stream (i.e., a flowing body of water) to that part of the upland influenced by elevated water tables or flooding. It includes the area that directly influences the aquatic ecosystem (e.g., providing coarse woody debris to the stream, filtering sediments); provided, that riparian areas associated with an existing system of dikes and levees shall not extend beyond the toe of the slope on the landward side of the dike or levee structure.~~

~~**Riparian corridor:** an area between the aquatic and terrestrial ecosystems of rivers and streams defined by the presence of vegetation that requires moist conditions and, usually, periodic free flowing water. This includes adjacent wetlands. The benefits of vegetation cover and food sources and the availability of water in riparian corridors means that they are likely to be preferentially used by wildlife and enable wildlife movement between wetlands and along streams, rivers, and lakes.~~

~~**Riparian vegetation:** means vegetation that tolerates and/or requires moist conditions and periodic free flowing water, thus creating a transitional zone which provides shade and food sources of aquatic and terrestrial insects for fish. Riparian vegetation and their root systems stabilize river and stream banks, attenuate high water flows, and provide limbs and other natural debris which, in turn, stabilize river and stream beds. The benefits of vegetation cover and food sources and the availability of water in riparian corridors mean that they are likely to be preferentially used by wildlife and enable wildlife movement between wetlands and along streams, rivers and lakes.~~

Seismic hazard areas: those areas that are subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction or surface faulting~~areas mapped as seismic zones 3 and 4 when appropriate in the Uniform Building Code~~.

~~Sensitive~~ species, Endangered: any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species. ~~a species native to the State of Washington, that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the State without cooperative management or the removal of threats as designated by WAC 232-12-011.~~

Species, Local Importance: those species of local concern due to their population status or their sensitivity to habitat manipulation, or that are game species.

Species, Priority: any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Washington Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

Species, Threatened: Any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

Site assessment: means a site-specific analysis which identifies the presence of critical areas, classifies and designates the critical area, documents site conditions, analyzes impacts (including long-term impacts) due to short- term or ongoing disturbances, and identifies appropriate mitigati~~ve~~on measures. Site assessments include wetland reports, hydrogeologic reports, geotechnical reports and habitat management plans.

Site visit: means a preliminary on-site inspection of an area where an activity ~~having the potential to adversely impact critical areas~~ has been proposed in order to determine the likelihood that critical area indicators are present. (See site assessment.)

~~**Species of local importance:** those species that may not be endangered, threatened or sensitive from a State-wide perspective, but are of local concern due to their population status, sensitivity to habitat manipulation, or other educational, cultural or historic attributes.~~

~~**Threatened species:** a species, native to the State of Washington, that is likely to become endangered in the foreseeable future throughout a significant portion of its range within the State without cooperative management or the removal of threats as designated by WAC 232-12-011.~~

~~**Type 1 to 5 waters:** see definitions in WAC 222-16-030.~~

~~**Upland:** shall mean those shoreline areas landward of the ordinary high water mark (OHWM) except backshores, natural wetlands and floodplains.~~

Volcanic hazard areas: those areas subject to pyroclastic flows, lava flows, debris avalanche, and inundation by debris flows, mudflows, lahars or related flooding resulting from volcanic activity.~~areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from volcanic activity.~~

Wellhead protection area: the surface and subsurface recharge area through which contaminants are likely to pass and eventually reach the point or points of withdrawal for ~~surrounding a~~ well(s), ~~or~~ wellfield(s) or surface water that supplies a public water system for which a wellhead protection program is required ~~through which contaminants are likely to pass and eventually reach the water well or wellfield, as has been designated~~ pursuant to Chapter 246-290 WAC.

~~**Wetland functions:** those natural processes performed by wetland, such as facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial or avian species, maintaining the availability and quality of water acting as recharge and discharge areas for groundwater aquifers, moderating surface water and stormwater flows and other functions including but not limited to those identified in CFR 320.4(b)(2).~~

~~**Wetland professional:** a person who has earned a minimum of a bachelor's or master's degree in biology, natural resources, or physical sciences with specific or related course work in wetland ecology,botany, hydrology or soils science from an accredited college or university, and 2 years of professional experience in wetland delineation, functional assessment, and mitigation techniques or equivalent experience.~~

~~**Wetland reconnaissance:** a site assessment of wetlands in accordance with the methodologies stipulated in the manual adopted under RCW 36.70A.175 pursuant to RCW 90.58.380.~~

~~**Wetland and/or stream specialist:** a person who has earned a bachelor's degree in science with specific or related course work in wetland and/or stream ecology, hydrology or soils science from an accredited college or university and 2 years of professional experience in wetland delineation, and stream and wetland functional assessment and mitigation or equivalent experience.~~

~~**Wildlife habitat specialist:** a person having specific relevant expertise who has earned a bachelor's degree in wildlife biology or ecology or has other equivalent professional experience, education and expertise in the scientific disciplines necessary to identify, evaluate and manage habitat.~~