

# Chapter 13

## Definitions

### Acronyms

OHWM	Ordinary High Water Mark
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act, RCW 43.21C
SMA	Shoreline Management Act, RCW 90.58
SMP	Shoreline Master Program, the local regulations implementing the SMA
WAC	Washington Administrative Code

### Definitions

Accessory use—A use that is demonstrably subordinate and incidental to the principal use, and which functionally supports its activity.

Administrator—See Shoreline Administrator, below

Adverse impact—An impact that can be measured or is tangible and has a reasonable likelihood of causing moderate or greater harm to ecological functions or processes or other elements of the shoreline environment.

Agricultural activities—Agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. (WAC 173-26-020(3)(a)).

Agriculture—The cultivation of soil, production of crops, or raising of livestock.

Alteration—Any human-induced change in the existing condition of the shoreline, a critical area, or a buffer. Alterations include but are not limited to grading, filling, channelizing, dredging, removing vegetation, construction, compaction, excavation, paving, or any other activity that changes the character of the shoreline, critical area, or buffer.

Archaeological resources—Any material remains of human life or activities which are of archaeological interest. See WAC 25-48-020(10).

Areas with a critical recharging effect on aquifers used for potable water—Areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water. See WAC 365-190-030(2).

Associated Wetlands—Wetlands in proximity to and that either influence or are influenced by waters of a lake or stream subject to the Shoreline Management Act.

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.

Best Management Practices (BMPs) (for wetlands)—Conservation practices of systems of practices and management that:

- a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal wastes, toxics, or sediment;

- b. Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of the site;
- c. Protect trees, vegetation, and soils designated to be retained during and following site construction, and use native plant species appropriate to the site for revegetation of disturbed areas; and
- d. Provide standards for proper use of chemical herbicides within critical areas.

**Bioengineering**—The practice of using natural vegetative materials to stabilize shorelines and prevent erosion. It is a technology that uses live plant materials as a main structural component. As the plants grow, these systems work with the natural environment to create permanent protection and preservation of land. Both biological and structural elements of the system must function together in an integrated and complementary manner, whether the structural elements are natural or man-made. Vegetation also mitigates the seasonal temperature extremes of water, provides habitat for wildlife, and contributes to the aesthetic quality of the area.

**Boat house**—A structure over or immediately adjacent to water, used to store watercraft. A boat house is different from a storage building further inland.

**Boat lift**—An over-water structure designed to lift a boat, personal watercraft, or similar device, so that the boat is stored above but generally not in contact with the water.

**Buffer**—An area of intact vegetation maintained between human activities and a particular natural feature, such as a wetland or shoreline. The buffer reduces potential negative impacts by providing an area around the feature that is unaffected by the activity.

**Bulkhead**—A vertical wall in contact with the water. A bulkhead is different from a retaining wall which does not touch the water.

**Compensatory Mitigation**—A project for the purpose of mitigating, at an equivalent or greater level, unavoidable impacts that remain after all appropriate and practical avoidance and minimization measures have been implemented. Compensatory mitigation includes, but is not limited to, wetland creation, restoration, enhancement, and preservation; stream restoration, relocation, and rehabilitation; and buffer enhancement.

**Cover**—Any feature that provides protective concealment for fish and wildlife. Cover may consist of live or dead vegetation or geomorphic features such as boulders and undercut banks. Cover may be used to escape from predators or weather, or for feeding or resting.

**Critical areas**—The Growth Management Act (RCW 36.70A) defines critical areas as 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
- e. Geologically hazardous areas.

**Cumulative effects**—The combined, incremental effects of human activity on ecological functions and values. Cumulative impacts result when the effects of an action are added to or interact with the effects of other actions in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

**Cumulative impacts**—The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

**Development**—A land use consisting of construction; grading, dredging, drilling, or dumping; filling; removal of sand, gravel, or minerals; bulkheading; driving of pilings; or any project of a temporary or permanent nature which modifies structures, land, or shorelines and which does not fall within allowable exemptions.

**Diversity**—The variety, distribution, and abundance of different plant and animal communities and species within an

area.

Ecological functions or shoreline functions—the work performed, role played, or services provided by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem. Ecological functions include ecosystem-wide processes such as those associated with the movement of water, sediment, and organic materials; the presence and movement of fish and wildlife, and the maintenance of water quality. Ecological functions also include individual components and localized processes such as those associated with shoreline vegetation, soils, water movement through the soil and across the land surface, and the composition and configuration of the bed and banks of water bodies.

Shoreline ecological functions of lakes and wetlands include:

1. Hydrologic: Storing water and sediment, attenuating wave energy, removing excess nutrients and toxic compounds, recruitment of large woody debris and other organic matter.
2. Shoreline Vegetation: maintaining temperature, removing excessive nutrients and toxic compounds, attenuating wave energy, sediment removal and stabilization; and providing woody debris and other organic matter.
3. Hyporheic functions: removing excessive nutrients and toxic compounds, water storage, support of vegetation, and sediment storage and maintenance of base flows.
4. Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals, amphibians, and fish: space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

Ecologically intact shorelines—Those which retain the majority of their natural shoreline functions and values, as evidenced by vegetation and shoreline configuration. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human activities.

Ecological restoration—See Restore, below.

Ecosystem-wide processes—The suite of naturally-occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both types of habitat and the associated ecological functions. (WAC 173-26-020)

Emergency—An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the Master Program. Emergency construction is construed narrowly as to that which is necessary to protect property from the elements (RCW 90.58.030(3eiii) and WAC 173-27-040(2d)).

Enhancement—Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

Environmental impacts—The effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197-11-600 and 197-11-444).

Environment(s) or Shoreline environment(s)—Designations given specific shoreline areas based on the existing development pattern, the biophysical capabilities and limitations, and the goals and aspirations of the local citizenry, as part of a Master Program

Feasible—That an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2. The action provides a reasonable likelihood of achieving its intended purpose; and
3. The action does not physically preclude achieving the project’s primary intended legal use.

Flood protection facilities—Any constructed facilities for the purpose of flood protection, such as dikes, levees, and overflow channels.

Floodway—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 (1') (MLMC 18.53.030.J). Upper Parker Horn, above the Fill, is an example.

Frequently flooded areas—Lands in the floodplain subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like. WAC 365-190-030(7)

Functions and values—The services provided by shorelines and critical areas to society, including but not limited to: improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.

Geologically hazardous areas—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. See RCW 36.70A.030(9).

Geotechnical report or geotechnical analysis—A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

Hard engineering—The use of permanent, unnatural structures such as dams, levees, and riprap, and activities such as periodic dredging to fight problems such as flooding and erosion. Often these techniques completely change the natural structure of an area, and require periodic maintenance.

Impervious surface—Any alteration to the surface of a soil that prevents or retards the entry of water into it compared to its undisturbed condition, or any reductions in infiltration that cause water to run off the surface in greater quantities or at an increased rate of flow compared to that present prior to development. Common impervious surfaces include, but are not limited to: rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Marina—Commercial moorage, which may include a facility that provides launching, storage, supplies, moorage, and other accessory services for 6 or more pleasure and/or commercial water craft.

Mass failure—Movement of aggregates of soil, rock, and vegetation down slope in response to gravity.

Mitigation or mitigation sequence—The following sequence of steps listed in order of priority, with (a) being the highest priority:

- a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d) Reducing or eliminating the impact over time by preservation and maintenance operations;
- e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environment; and
- f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Mitigation plan—A detailed plan indicating actions necessary to mitigate adverse impacts to critical areas.

Monitoring—Evaluating the impacts of development proposals over time on the biological, hydrological, and geological elements of ecosystem functions and processes and/or assessing the performance of required

mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features compared to baseline or pre-project conditions and/or reference sites.

Native Vegetation—Plant species that occur naturally in a particular region or environment and were not introduced by human activities and that reasonably could be expected to occur naturally on the site.

Natural character of the shoreline—The structural components of a given shoreline area that together comprise the societal and ecological functions of the shoreline. Natural character includes, but is not limited to: vegetative structure, soil composition, underlying geology, presence of wildlife, aesthetics, and utility for human use.

Natural resources include but are not limited to scenic vistas and other natural aesthetic resources, fish and wildlife habitat, including shoreline vegetation and wetlands associated with shorelines, and soils.

No net loss as a public policy goal means the maintenance of the aggregate total of the City's shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes.

Non-conforming use—A shoreline use or structure or portion thereof which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or local shoreline master program provision, or amendments, but no longer conforms to the policies and regulations of this Master Program.

Non-water-oriented—Uses which have little or no relationship to the shoreline and are not considered priority uses under the Shoreline Management Act. Any use which does not meet the definition of water-dependent, water-related, or water-enjoyment is classified as non-water-oriented.

Examples of non-water-oriented uses include professional offices, general retail or commercial uses, residential development, and mini-storage facilities.

Ordinary High Water Mark (OHWM)—That mark on all lakes and streams that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland. Where the OHWM cannot be found on a lake, it shall be the line of mean high water. Where the OHWM cannot be found on a stream, it shall be the line of mean high water. For braided streams, the OHWM is found on the banks forming the outer limit of the depression within which the braiding occurs. See WAC 173-22-030(11).

Person—Any individual, firm, partnership, association, organization, agency, or any non-federal entity however designated.

Planned Unit Development (PUD)—One or a group of specified uses, such as residential, resort, commercial, or industrial, to be planned and constructed as a unit. Zoning and subdivision regulations with respect to lot size, building bulk, etc. may be varied to allow design innovations and special features in exchange for additional and/or superior site amenities or community benefits.

Practical alternative—An alternative that is available and capable of being carried out after taking into consideration short-term and long-term cost, existing technology, options of project scale and phasing, and logistics in light of overall project purposes, and having less impacts to environmentally sensitive areas. It may include using an area not owned by the applicant that can reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed development.

Priority Habitat—A habitat type with unique or significant value to a diverse assemblage of species. State-recognized priority habitats in Grant County are as follows:

1. Aspen stands
2. Biodiversity areas and corridors
3. Inland dunes
4. Shrub-steppe
5. Riparian
6. Freshwater wetlands and freshwater deepwater

7. Instream
8. Caves
9. Cliffs
10. Snags and logs
11. Talus

A priority habitat may be described by a unique vegetation type (e.g. shrub-steppe) or by a dominant plant species that is of primary importance to fish and wildlife (such as areas dominated by greasewood, which general grows in alkaline/saline soils and stabilizes the soil where other vegetation cannot grow, providing food, shade and cover for various species). A priority habitat may also be described by a successional stage (such as freshwater wetlands where the land is transitional between terrestrial and aquatic systems because the water table is at or near the surface or the land is covered in shallow water). Alternatively, a priority habitat may consist of a specific habitat element (such as caves or snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

Priority species—Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below:

1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. One example is heron colonies.
3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Public Trust Doctrine—Common law principle which says that the waters of the state belong to the people of the state, no matter who owns the underlying land. See Chapter 1, Introduction, for more discussion of the Public Trust Doctrine.

Qualified Professional—A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant area subject in accordance with WAC 365-195-905. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and have at least five years of related work experience.

- A. A qualified professional for wetlands must be a professional wetland scientist with at least 2 years of full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans.
- B. A qualified professional for habitat must have a degree in biology or a related degree and professional experience related to the subject species.
- C. A qualified professional for a geologic hazard must be a professional engineer or geologist, licensed in the State of Washington.
- D. A qualified professional for critical aquifer recharge areas means a hydrologist, geologist, engineer, or other scientist with experience in preparing hydrogeological assessments.

Repair or Maintenance—An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

Restore, restoration, or ecological restoration—The reestablishment or upgrading of impaired ecological shoreline functions or processes. This may be accomplished through measures including but not limited to re-vegetation,

removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Retaining wall—A vertical wall that is upland of the ordinary high water mark so is not in contact with the water. A retaining wall is not the same as a bulkhead.

Revetment—A sloped shoreline structure built to protect an existing eroding shoreline or newly-placed fill against currents and wave action. Revetments are most commonly built of randomly placed boulders (riprap), but may also be built of sand cement bags, paving, or building blocks, gabions (rock-filled wire baskets), or other systems and materials. The principal features of a revetment, regardless of type, are a heavy armor layer, a filter layer, and toe protection.

Riparian—Pertaining to the area directly adjacent to water that is characterized by moist soils and plants that require moist conditions.

Riparian vegetation—Vegetation that requires the continuous presence of water, or conditions that are more moist than normally found in the area, thus creating a transition zone between aquatic and terrestrial habitats which provides cover, shade, and food sources for aquatic and terrestrial insects for fish species. Riparian vegetation stabilizes shorelines, attenuates high water flows, provides wildlife habitat and travel corridors, and provides a source of limbs and other woody debris to terrestrial and aquatic ecosystems, which, in turn, stabilizes shorelines.

Riparian zone—The area adjacent to a water body (stream, lake, or marine water) that contains vegetation that influences the aquatic ecosystem, nearshore area, and/or fish and wildlife habitat by providing shade, fine or large woody material, nutrients, organic debris, sediment filtration, and terrestrial insects (prey production). Riparian areas include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., zones of influence). Riparian zones provide important wildlife habitat. They provide sites for foraging, breeding and nesting; cover to escape predators or weather; and corridors that connect different parts of a watershed for dispersal and migration.

Riprap—A layer, facing, or armoring mound of stone placed on shoulders, slopes, or other such places that is intended to protect them from erosion, scour, or sloughing of a structure or embankment; also, the stone that is so used.

Sensitive area—Any area that is naturally unsuitable or undesirable for intensive human use or development due to its higher development costs or its value to the region or community in its natural or present condition.

Shall—A mandate; the action must be done.

Shoreline Administrator—The Director of the Community Development Department or the staff member designated by the Director to perform the review functions required in this Master Program.

Shoreline functions—See Ecological functions, above.

Shoreline jurisdiction—The water, along with those lands extending landward for 200' in all directions measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200' from such floodways, and all wetlands associated the streams and lake. See WAC 173-22-030(14).

Shoreline modifications—Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. Shoreline modifications can include other actions, such as clearing, grading, or application of chemicals.

Should—A particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and WAC 173-26, against taking the action.

Significant—A reasonable likelihood of more than a moderate adverse impact on environmental quality.

Significant vegetation removal—The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant impacts to ecological functions

provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

Soft engineering—Engineering techniques that use natural processes and materials to alter or restore an area. Soft engineering alters the environment as little as possible, and avoids the long-term need for human intervention.

Substantially degrade—To cause significant ecological impact.

Surface water facilities—Any water management facilities related to the lake, streams, or wetlands. Irrigation pumps would be an example.

Unavoidable impacts—Adverse impacts that remain after all appropriate and practical avoidance and minimization measures have been implemented.

Vegetation—Plant life of all kinds, including trees, shrubs, grasses, and groundcover plants.

Vegetative stabilization—Planting of vegetation to retain soil and retard erosion, reduce wave action, and retain bottom materials. It also means utilization of temporary structures or netting to enable plants to establish themselves in an unstable area.

Water-dependent—A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. See WAC 173-26-020(36). Examples include docks, fishing, marinas, aquaculture, float plane facilities, irrigation facilities, and sewer outfalls.

Water-enjoyment—A recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through the location, design, and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment. See WAC 173-26-020(37). Water-enjoyment uses may include parks with activities enhanced by proximity to the water, piers and other improvement that facilitate public access to the shoreline, restaurants with water views and public access improvements, museums with an orientation to shoreline topics, aquariums, scientific/ecological reserves, resorts with uses open to the public and public access to the shoreline.

Water-oriented—Any water-dependent, water-related, or water-enjoyment use, or a combination of such uses.

Water-related—A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent on a waterfront location for one of the following reasons:

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

Examples include professional services primarily serving water-dependent activities, utility lines serving water-dependent activities, and storage of water-transported goods. Uses which obtain an economic advantage from the shoreline due simply to its amenity factor (such as restaurants and hotels) are considered water-enjoyment rather than water-related.

Wetland or wetlands—Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland 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 nonwetland areas created to mitigate conversion of wetlands. See RCW 36.70A.030(21).