

"New Title"

TITLE 18S

DEVELOPMENT POLICIES AND REGULATIONS – SHORELINES

CHAPTERS:

18S.10 INTRODUCTION.

**18S.20 SHORELINES OF STATEWIDE SIGNIFICANCE AND SHORELINE
ENVIRONMENT DESIGNATIONS.**

18S.30 GENERAL POLICIES AND REGULATIONS.

18S.40 USE AND DEVELOPMENT POLICIES AND REGULATIONS.

18S.60 PERMITS AND APPROVALS.

18S.70 APPENDICES.



Chapter 18S.10

INTRODUCTION

Sections:

- 18S.10.010 Title.**
- 18S.10.020 Purpose.**
- 18S.10.025 Constitutional Protection.**
- 18S.10.030 Applicability.**
- 18S.10.040 Procedural Exemption.**
- 18S.10.050 Interpretation.**
- 18S.10.055 Recognition of Legally Established Development.**
- 18S.10.060 Coordination with Other Titles.**
- 18S.10.065 Procedural Guidance.**
- 18S.10.070 Compliance.**
- 18S.10.080 Severability.**
- 18S.10.090 Warning and Disclaimer of Liability.**

18S.10.010 Title.

Title 18S PCC shall be officially cited as Title 18S PCC, Development Policies and Regulations – Shorelines, and may be referred to as Title 18S PCC. Title 18S PCC includes the shoreline policies, regulations, and shoreline environment designation maps. Title 18E PCC, Development Regulations – Critical Areas, and Title 18H PCC, Development Regulations – Forest Practices, are incorporated by reference¹. Collectively, Title 18S PCC, Title 18H PCC and Title 18E PCC make up the Pierce County Shoreline Master Program.

18S.10.020 Purpose.

The purpose of Title 18S PCC is to implement the Shoreline Management Act (Act) in unincorporated Pierce County. There are three interrelated basic policy areas to the Act: (1) shoreline use; (2) environmental protection; and (3) public access. The Act expresses a preference for appropriate development that requires a shoreline location, protection of shoreline environmental resources, and protection of the public's right to access and use the shorelines (RCW 90.58.020).

The Act requires that "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shorelines..." Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences, ports, shoreline recreational uses, water-dependent industrial and commercial developments, and other developments that provide public access opportunities. To the maximum extent possible, the shorelines should be reserved for water-oriented uses, including water-dependent, water-related, and water-enjoyment uses.

¹ Title 18E PCC, Ordinance Nos. 2004-56s, 2004-57s, 2004-58s, and amended by Ordinance 2006-103s. Title 18H PCC, Ordinance 2004-58s, amended by Ordinance 2012-2s7.



1 The Act is intended to protect shoreline natural resources, including "...the land and its
2 vegetation and wildlife, and the waters of the state and their aquatic life..." against adverse
3 effects. All development is required to mitigate adverse environmental impacts to the maximum
4 extent feasible and preserve the natural character and aesthetics of the shoreline.

5 The overarching policy is that, "The public's opportunity to enjoy the physical and aesthetic
6 qualities of natural shorelines of the State shall be preserved to the greatest extent feasible,
7 consistent with the overall best interest of the State and the people." Alterations of the natural
8 conditions of the shorelines of the State, in those limited instances when authorized, shall be
9 given priority for development that will provide an opportunity for substantial numbers of people
10 to enjoy the shorelines of the State.

11 The Act also implements the common law Public Trust Doctrine. The essence of this court
12 doctrine is that the waters of the State are a public resource for the purposes of navigation,
13 conducting commerce, fishing, recreation, and similar uses, and that this trust is not invalidated
14 by private ownership of the underlying land. The Doctrine limits public and private use of
15 tidelands and other shorelands to protect the public's right to use the waters of the State.

16 The protection of ecological functions, and the aquatic and terrestrial life associated with
17 shorelines, shall be integral in the consideration of all development in the shorelines. New land
18 alterations and development shall not result in any net loss to ecological functions as
19 implemented by the concept of mitigation sequencing.

20 A. **General Purpose.** The general purpose of Title 18S PCC is to implement the
21 following:

- 22 1. Shoreline Management Act (Act) (Chapter 90.58 RCW) which governs the
23 development of Washington's shorelines. The Act requires the County to prepare
24 and adopt a Shoreline Master Program (Master Program); and
- 25 2. Washington State Department of Ecology (Ecology) Rules (Chapters 173-18, 20, 22,
26 26 and 27 WAC) that guide, along with the Act, the required contents of the Master
27 Program.

28 B. **Specific Purpose.** In implementing the above general purpose, the more specific
29 purpose of Title 18S PCC is to:

- 30 1. Regulate the development of shorelines;
- 31 2. Protect critical areas from the impacts of development;
- 32 3. Protect development from the impacts of hazards areas;
- 33 4. Achieve no net loss of ecological functions of shorelines; and
- 34 5. Promote the public health, safety, and general welfare of the community.

35 36 **18S.10.025 Constitutional Protection.**

37 No person shall be deprived of property without due process of law; nor shall private
38 property be taken for public use, without just compensation.

39 40 **18S.10.030 Applicability.**

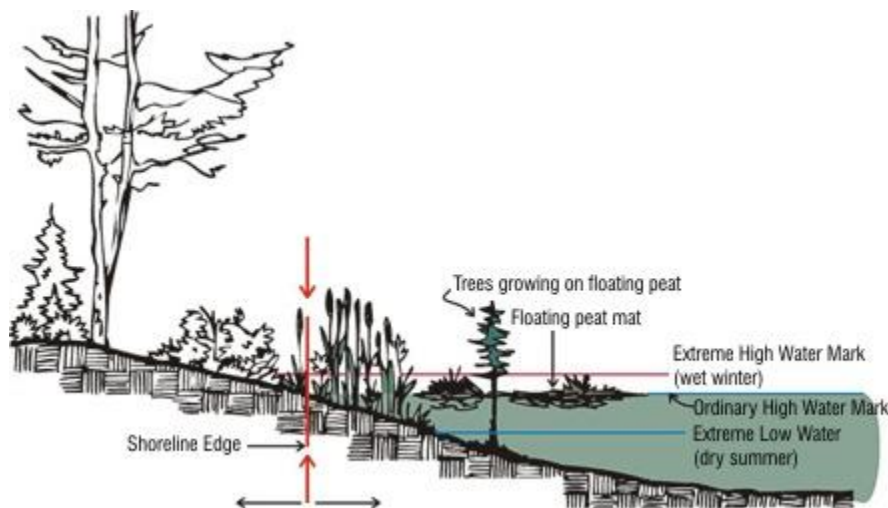
41 A. Title 18S PCC applies to all shoreline use and development occurring in unincorporated
42 Pierce County. For purposes of Title 18S PCC, "shorelines" consist of:

- 43 1. All marine waters;
- 44 2. All rivers and streams downstream from a point where the mean annual flow is 20
45 cubic feet per second; and
- 46 3. All lakes 20 acres in size or larger.



4. For the shorelines listed in PCC 18S.10.030 1.-3., Title 18S PCC shall apply to the following:
 - a. The waters themselves;
 - b. Those shorelands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM) of the water body;
 - c. Associated wetlands; and
 - d. River deltas.
5. Floodways and contiguous floodplain areas landward 200 feet from such floodways.
6. For the shorelines listed in PCC 18S.10.030 1.-5., Title 18S PCC shall also apply to the following:
 - a. The air above the shoreline area; and
 - b. The land below the shoreline area.
7. Shorelines do not include land necessary for critical area buffers when the buffer is located outside areas identified in PCC 18S.10.030 4.-5.
8. The shoreline jurisdiction does not include land owned by tribal members or tribes within their tribal reservation, or lands held in trust by the federal government for tribes or tribal members.

FIGURE 18S.10-1 – Ordinary High Water Mark



18S.10.040 Procedural Exemption.

For development exempt from the requirement to obtain a Shoreline Substantial Development Permit (SD), see PCC 18S.60.020, Shoreline Substantial Development Permit Exemptions.

18S.10.050 Interpretation.

- A. Any inconsistencies between the Shoreline Management Act (Act) and Title 18S PCC shall be resolved in accordance with the Act. Within Title 18S PCC, any ambiguities between the policies and the regulations shall be resolved in accordance with the policies. Furthermore, the provisions of other applicable County, State, and Federal regulations shall control when they establish more protective restrictions than are



established in Title 18S PCC, provided such regulations are consistent with the Act and Title 18S PCC.

- B. Water dependent uses, to include associated incidental and necessary uses that are located within shoreline jurisdiction and regulated by Title 18S PCC, shall not be regulated by the Use Tables of Title 18A PCC.
- C. When a provision of County Code conflicts with another provision in County Code, the more restrictive shall apply.
- D. In case of any ambiguity, difference of meaning, or inconsistencies between the text and any illustrations or other graphics and maps, the text throughout Title 18S PCC, including text within tables, shall control.
- E. Terms that appear in Title 18S PCC and one or more other Titles in the Title 18 PCC series are defined in Chapter 18.25 PCC. In instances where a specific term has one definition in Chapter 18.25 PCC and a different definition appears in Title 18S PCC, the term in Title 18S PCC shall apply. Terms found only in Title 18S PCC are located in Chapter 18S.70 PCC – Appendix A. Except for words and terms defined in Title 18S PCC and in Chapter 18.25 PCC, all words and terms used in Title 18S PCC shall have their customary meanings.
 - 1. The term "shall" means a mandate and the action is required.
 - 2. The term "should" means that the particular action is required unless there is a demonstrated, compelling reason, based on a policy of the Shoreline Management Act and Title 18S PCC for not taking the action.
 - 3. The term "may" indicates that the action is discretionary, provided it satisfies all other applicable regulations.
- F. Formal written administrative interpretations of Title 18S PCC require consultation with Ecology to ensure consistency with the purpose and intent of Chapter 90.58 RCW and the applicable guidelines.
- G. When a site contains more than one regulated critical area, the standards and requirements for each identified feature shall be applied.
- H. **Maps.** The County Geographic Information System (GIS) includes the shoreline environment designation (SED) maps.
 - 1. Changes to County designated SED boundaries require a Shoreline Master Program (Master Program) Amendment which requires approval of the County Council and the Washington State Department of Ecology (Ecology). The SED of a shoreline cannot be changed with a Shoreline Variance or any other process addressed in Title 18S PCC.
 - 2. Associated wetlands have the same designation as the adjacent SED. However, the determination of the exact boundary of an associated wetland, and corresponding shoreline jurisdiction boundary, would occur at the time of project review.
 - 3. If a shoreline has not been assigned an SED, it shall automatically be designated "Conservancy" until it can be designated through a Pierce County Shoreline Master Program Amendment.
 - 4. Divided Parcels.
 - a. Where the County Council, as part of an ordinance approving Title 18S PCC, approves SEDs that divide a parcel, the parcel shall be so divided, provided such boundaries are shown on the approved map and the parcel split is acknowledged in the ordinance. However, for parcels split by an Aquatic SED, the parcel shall be divided at the OHWM.



- b. Where the County Council, as part of an ordinance approving Title 18S PCC, inadvertently approves SEDs that divide a parcel, the entire parcel shall be considered to be within the classification of the majority of the parcel; i.e., the portion which is greater than 50 percent of the lot area, except for those split by the Aquatic SED.
 - c. Where SED boundaries are established by a road or railroad right-of-way, the center of the road right-of-way or railroad line will act as a boundary line between the SED classifications.
- I. As provided for in RCW 90.58.900, the Act is exempted from the rule of strict construction; the Act and Title 18S PCC shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies and regulations for which the Act and Title 18S PCC were adopted.

18S.10.055 Recognition of Legally Established Development.

This Section provides standards for legally established development subject to this Title.

- A. **Applicability.** This Section applies to shoreline uses, structures, and land divisions which were lawfully constructed or established prior to the effective date of the Shoreline Management Act (Act) or Shoreline Master Program (Master Program), or amendments thereto, but which do not conform to present regulations of Title 18S PCC.
- B. **General.** Existing legally established structures and uses may continue to exist, be used, maintained and repaired. That is the case even if the Master Program includes regulations that would not allow new uses or development to be configured or built as they exist.
1. For purposes of this Section, "expanded" or "expansion" means to expand into undeveloped portions of the lot or parcel, expansion of the use onto another parcel, an increase of the square footage of a building or the expansion of a building's footprint or height, an increase in number of buildings/structures, an increase in the hours of the operation, an increase in the noise, an increase in the total area under active cultivation, an increase in the number of motor vehicles associated with the use, an increase in the areas used for storage of equipment or materials, or an expansion of parking areas.
 2. The burden shall be on the property owner and/or applicant to prove that a use or structure was lawfully constructed or established.
 3. If a nonconforming use or use of a non-conforming structure is abandoned or discontinued for more than three years, the nonconforming rights shall expire and any subsequent use or structure shall be conforming. A use authorized pursuant to PCC 18S.10.055 E.3. shall be considered a conforming use for purposes of this subsection.
- C. **Residential Structures.** Residential structures and appurtenant structures that were legally established and are used for a conforming use but that do not meet standards for setbacks, buffers, or yard; area; bulk; height; or density may be considered a conforming structure. Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure is allowed consistent with the Master Program, including requirements for no net loss of shoreline ecological functions and the following:
1. Residential structures that were legally established which do not meet standards for setbacks, buffers or yards; area; bulk; height or density may be maintained and



1 repaired and may be enlarged or expanded provided that said enlargement does not
2 increase the extent of nonconformity by further encroaching upon areas where
3 construction or use would not be allowed for new structures.

- 4 2. A residential structure may be moved to a location resulting in greater conformance
5 with the Master Program and the Act.
- 6 3. Structurally raising the floor elevation of an existing legally established single-
7 family residence, which is necessary to protect the structure from flooding due to sea
8 level rise, shall be allowed in accordance with the height limits set forth in PCC
9 18S.30.060, Scenic Protection and Compatibility.
- 10 4. For purposes of this Section, "appurtenant structures" means garages, sheds, and
11 other legally established structures. "Appurtenant structures" does not include
12 bulkheads and other shoreline modifications or over-water structures.
- 13 5. Nothing in this Section restricts the ability of the County to limit redevelopment,
14 expansion, or replacement of over-water structures located in hazardous areas, such
15 as floodplains and geologically hazardous areas; or affects the application of other
16 federal, state, or local government requirements to residential structures.

17 **D. Nonconforming Structures.**

- 18 1. Structures that were legally established and are used for a conforming use but which
19 are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or
20 density may be maintained and repaired and may be enlarged or expanded provided
21 that said enlargement does not increase the extent of nonconformity by further
22 encroaching upon or extending into areas where construction would not be allowed
23 for new structures.
- 24 2. A structure for which a variance has been issued shall be considered a legal
25 nonconforming structure and the requirements of this Section shall apply as they
26 apply to preexisting nonconformities.
- 27 3. A nonconforming structure may be moved to a location resulting in greater
28 conformance with the Master Program and the Act.
- 29 4. Structurally raising the floor elevation of an existing legally established
30 nonconforming structure, which is necessary to protect the structure from flooding
31 due to sea level rise, shall be allowed in accordance with the height limits set forth in
32 PCC 18S.30.060, Scenic Protection and Compatibility.

33 **E. Nonconforming Uses.**

- 34 1. Uses that were legally established and are nonconforming with regard to the use
35 regulations of the Master Program may continue as nonconforming uses. Such uses
36 shall not be enlarged or expanded.
- 37 2. A use which is listed as a conditional use but which existed prior to adoption of the
38 Master Program or any relevant amendment thereto or which existed prior to the
39 applicability of the Master Program to the site, and for which a Conditional Use
40 Permit has not been obtained, shall be considered a nonconforming use.
- 41 3. A structure or site which is being or has been used for a nonconforming use may be
42 used for a different nonconforming use only upon the approval of a Shoreline
43 Conditional Use Permit, provided the following findings are met:
 - 44 a. No reasonable alternative conforming use is practical; and
 - 45 b. The proposed use will be at least as consistent with the policies and provisions of
46 the Act and the Master Program and as compatible with the uses in the area as
47 the preexisting use.



- c. Such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Master Program and the Act, and to assure that the use will not become a nuisance or a hazard.
- F. **Nonconforming Lots.** An undeveloped lot, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the Act or Master Program but which does not conform to the present lot size standards may be developed if permitted by applicable land use regulations and so long as such development conforms to all other requirements of the applicable Master Program and the Act.
- G. **Restoration of Development Due to Damage.** If a nonconforming use or nonconforming structure is damaged, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within three years of the date the damage occurred and all permits are obtained, and the restoration is completed within two years of permit issuance.

18S.10.060 Coordination with Other Titles.

In addition to Title 18S PCC, shoreline development may be subject to other Pierce County Code (PCC) Titles. Below is a list of some of the frequently used PCC Titles and Chapters which may be applicable to the review process of a shoreline development, or which may provide additional regulations applicable to the shoreline project site.

- A. **Title 1 PCC.** General Provisions.
1. **Hearing Examiner Code.** The provisions for public hearings, decisions, reconsiderations, and appeals are found in Chapter 1.22 PCC.
- B. **Title 2 PCC.** Administration.
1. **Fees.** Fees for applications filed pursuant to Title 18S PCC are found in Chapter 2.05 PCC.
 2. **Current Use Assessment.** Chapter 2.114 PCC defines the process by which a property owner may apply for current use property tax assessment, allowed pursuant to Chapter 84.34 RCW, provides an opportunity for certain categories of lands to have the tax structure based upon the "current use" rather than on the traditional fair market value system of "highest and best use."
- C. **Title 13 PCC.** Public Sanitary Sewer Systems.
- D. **Title 17A PCC.** Construction and Infrastructure Regulations – Site Development and Stormwater Drainage.
- E. **Title 17C PCC.** Construction and Infrastructure Regulations – Building and Fire Codes.
- F. **Title 18 PCC.** Development Regulations – General Provisions.
1. **Definitions.** Definitions for the Title 18 series of Codes are found in Chapter 18.25 PCC.
 2. **Application Filing.** The provisions for filing of applications, including preliminary reviews prior to filing, are found in Chapter 18.40 PCC.
 3. **Review Process.** The provisions for the review of applications are found in Chapter 18.60 PCC.
 4. **Notice.** The provisions for providing notice of application submittal, SEPA determinations, hearings, and decisions are found in Chapter 18.80 PCC.



- 1 5. **Time Period for Final Decision.** The provisions for issuing a notice of final
2 decision on any application filed pursuant to Title 18S PCC are found in Chapter
3 18.100 PCC.
- 4 6. **Compliance.** The enforcement regulations for Title 18S PCC are found in Chapter
5 18.140 PCC, in addition to PCC 18S.10.070.
- 6 7. **Revocation/Recision, Modification and Expiration.** The provisions for
7 establishing the authority and procedures for the revocation/recision, modification
8 and expiration of permits and approvals granted pursuant to Title 18S PCC are found
9 in Chapter 18.150 PCC.
- 10 8. **Vesting.** The provisions for the vesting of applications, duration of approvals,
11 modifications to applications, expiration of applications, and waiver of vesting are
12 found in Chapter 18.160 PCC.
- 13 G. **Title 18A PCC.** Development Regulations – Zoning. Zone Classifications, Density and
14 Dimension Tables, Use Category Tables, and Use Category Descriptions are found in
15 Title 18A PCC.
- 16 H. **Title 18D PCC.** Development Regulations – Environmental. The provisions for
17 submittal and review of an environmental checklist to conform with the State
18 Environmental Policy Act (SEPA) are found in Chapter 18D.40 PCC.
- 19 I. **Title 18E PCC.** Development Regulations – Critical Areas.
- 20 1. **Wetlands.** Regulations that apply to Wetlands are found in Chapter 18E.30 PCC.
- 21 2. **Fish and Wildlife Species and Habitat Conservation Areas.** Regulations that
22 apply to Fish and Wildlife Species and Habitat Conservation Areas are found in
23 Chapter 18E.40 PCC.
- 24 3. **Aquifer Recharge and Wellhead Protection Areas.** Regulations that apply to
25 Aquifer Recharger and Wellhead Protection Areas are found in Chapter 18E.50
26 PCC.
- 27 4. **Volcanic Hazard Areas.** Regulations that apply to Volcanic Hazard Areas are
28 found in Chapter 18E.60 PCC.
- 29 5. **Flood Hazard Areas.** Regulations that apply to Flood Hazard Areas are found in
30 Chapter 18E.70 PCC.
- 31 6. **Landslide Hazard Areas.** Regulations that apply to Landslide Hazard Areas are
32 found in Chapter 18E.80 PCC.
- 33 7. **Seismic (Earthquake) Hazard Areas.** Regulations that apply to Seismic Hazard
34 Areas are found in Chapter 18E.90 PCC.
- 35 8. **Mine Hazard Areas.** Regulations that apply to Mine Hazard Areas are found in
36 Chapter 18E.100 PCC.
- 37 9. **Erosion Hazard Areas.** Regulations that apply to Erosion Hazard Areas are found
38 in Chapter 18E.110 PCC.
- 39 J. **Title 18G PCC.** Development Regulations – Conservation Programs, includes the
40 process for the Transfer of Density Credit process.
- 41 K. **Title 18H PCC.** Development Regulations – Forest Practices. Class IV – General
42 Forest Practices identified in WAC 222-16-050(2) also are subject to the requirements of
43 Title 18H PCC, Pierce County Development Regulations – Forest Practices.
- 44
45



1 **18S.10.065 Procedural Guidance.**

2 See Chapter 18S.60 PCC, Permits and Approvals, for shoreline permit review procedures.
3 The purpose of this Section is to provide general guidance for use of Title 18S PCC and to
4 provide information on the process of shoreline development review.

5 A. **Title 18S PCC, Development Policies and Regulations – Shorelines.**

- 6 1. **Chapter 18S.20 PCC**, Shorelines of Statewide Significance and Shoreline
7 Environment Designations, provides information on the different shoreline
8 environments and the criteria used to designate a shoreline within a particular
9 environment. It also provides a list of shorelines considered by the Shoreline
10 Management Act (Act) as Shorelines of Statewide Significance.
11 2. **Chapter 18S.30 PCC**, General Policies and Regulations, includes general policies
12 and regulations that, when applicable, apply to all shoreline use and development.
13 3. **Chapter 18S.40 PCC**, Use and Development Policies and Regulations, includes
14 policies and regulations that apply to specific types of uses and development. The
15 policies and regulations of Chapter 18S.40 PCC apply in addition to the general
16 policies and regulations found in Chapter 18S.30 PCC.
17 4. **Chapter 18S.60 PCC**, Permits and Approvals, includes the list and criteria for
18 development that may be exempt from the requirement to obtain a Shoreline
19 Substantial Development Permit. It also includes a list of prohibited uses, and a
20 table that indicates which shoreline permit is required for uses, modifications and
21 development authorized in each of the environments.
22 5. **Chapter 18S.70 PCC**, Appendices, includes definitions for terms, miscellaneous
23 application requirements, maps, shoreline jurisdiction descriptions, and lateral
24 boundary line guidance.

25 B. **Title 18E PCC, Development Regulations – Critical Areas.** Critical area regulations
26 adopted in compliance with the State Growth Management Act are administered by Title
27 18E PCC.

- 28 1. Buffers to protect critical areas, such as a wetland or fish and wildlife habitat
29 conservation area, may be wider than the shoreline buffers of Title 18S PCC. The
30 most protective regulations apply.
31 2. Application requirements for critical areas are in addition to those for shoreline
32 permits.
33 3. Shoreline permits for development which may impact a critical area will not be
34 granted until critical area review is complete.

35 C. **Substantial Development.** All shoreline development requires County review and
36 approval. If development meets one or more of the criteria specified in PCC
37 18S.60.020, the activity doesn't require a Shoreline Substantial Development Permit
38 (SD). An "exempt" activity is only exempt from the requirement to obtain an SD.
39 Approval of an exempt project may include conditions, and exempt proposals must still
40 comply with all applicable use and development regulations.

41 D. **Conditional Uses.** Certain uses are considered "conditional" by the Act and, therefore,
42 conditional review is required for such uses per Table 18S.60.030-1.

- 43 1. A proposal may require both a substantial development permit and a Conditional
44 Use Permit. Other proposals, that are not a "substantial development", may require
45 only a Conditional Use Permit.
46 2. The Washington State Department of Ecology (Ecology) has the final approval
47 authority of conditional uses.



- 1 E. **Variance.** When development is proposed that does not comply with the bulk and
2 dimensional standards, such as a shoreline buffer, of the Master Program, then the
3 development can only be authorized with approval of a variance.
4 1. The issuance of a variance is predicated upon a determination that the project will be
5 consistent with the criteria listed in PCC 18S.60.070 and those listed in WAC
6 173-27-170.
7 2. Variances to the type of uses and development authorized by the Master Program are
8 prohibited.
9 3. Ecology has final approval authority of Shoreline Variances.

10
11 **18S.10.070 Compliance.**

12 This Section is a supplement to Chapter 18.140 PCC, Compliance, which establishes
13 authority and procedures for compliance with the Development Regulations.

- 14 A. Within shorelines jurisdiction, except where specifically provided in state statute, all
15 proposed uses and development shall conform to the Shoreline Management Act (Act)
16 (Chapter 90.58 RCW) and with Title 18S PCC whether or not a permit or approval is
17 required.
18 B. No person may commence any shoreline development without first obtaining all permits
19 and approvals required pursuant to Title 18S PCC. A person may be required to obtain
20 multiple permits and approvals, including critical area approvals. All development
21 within shoreline jurisdiction subject to critical area review shall receive critical area
22 review approval before or concurrent with the associated shoreline permit or approval.
23 C. The Act requires that critical areas located within shorelines be addressed through the
24 Shoreline Master Program (Master Program). To meet the requirement, Title 18S PCC
25 adopts by reference the existing County Critical Areas Regulations (Title 18E PCC).
26 Title 18S PCC contains additional regulations that apply to shorelines.
27 D. Shoreline development shall comply with the Zoning Code, Title 18A PCC,
28 Development Regulations – Zoning.
29 E. Permits and approvals may also be required pursuant to other County Codes, other
30 governmental agencies, and/or entities such as other County agencies, State agencies
31 such as the Washington State Department of Ecology; the Washington Department of
32 Fish and Wildlife; the Washington State Department of Natural Resources; and the
33 Department of Archaeology/Historic Preservation, and Federal agencies such as the
34 Army Corps of Engineers and Coast Guard.
35 F. It shall be the sole responsibility of the applicant(s) to contact all applicable agencies to
36 secure any required permits and approvals.
37 G. Rights reserved or otherwise held by Indian Tribes pursuant to treaties, executive orders,
38 or statutes shall not be impaired or limited by any action taken or authorized by the
39 County under the Master Program, and all such rights shall be accommodated.
40 H. Other entities may have rules, guidelines, or restrictions on the use of the shoreline, such
41 as homeowners' associations.
42 I. Any departure from the conditions of a County permit or approved plans constitutes a
43 violation of Title 18S PCC, and is subject to enforcement actions, penalties, and rescission
44 of the original permit or approval.
45
46



1 **18S.10.080 Severability.**

2 If any Section, portion, Chapter, paragraph, clause, or phrase of Title 18S PCC is held to be
3 unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect
4 the validity or constitutionality of the remaining portions of Title 18S PCC.
5

6 **18S.10.090 Warning and Disclaimer of Liability.**

7 To promote public health, safety, and welfare, Title 18S PCC provides the minimum
8 standards for development of sites in shorelines. The minimum standards are deemed to be
9 reasonable for regulatory purposes and are based on scientific and engineering considerations.
10 However, natural and manmade events that exceed the scope regulated under Title 18S PCC may
11 include, but are not limited to: erosion of land, landslides, seismic and volcanic activity, and
12 flooding. Such events may cause serious personal or bodily injury, including death and damage
13 to or loss of property. The minimum standards in Title 18S PCC are not a guarantee against
14 damage or injury. Applicants under Title 18S PCC are responsible for fully investigating and
15 making their own assessment of all potential risks, harm, and dangers that may be present in or
16 near their site and are free to exceed the established standards if they choose.
17



Chapter 18S.20

**SHORELINES OF STATEWIDE SIGNIFICANCE AND
SHORELINE ENVIRONMENT DESIGNATIONS**

Sections:

18S.20.010 Purpose.

18S.20.020 Shorelines of Statewide Significance.

18S.20.030 Natural Shoreline Environment Designation (SED).

18S.20.040 Conservancy Shoreline Environment Designation (SED).

18S.20.050 Residential Shoreline Environment Designation (SED).

18S.20.060 High Intensity Shoreline Environment Designation (SED).

18S.20.070 Aquatic Shoreline Environment Designation (SED).

18S.20.010 Purpose.

Shorelines of the State are the total of all shorelines, shorelands, and Shorelines of Statewide Significance within the State as defined in the Shoreline Management Act (Act) Revised Code of Washington (RCW) Chapter 90.58. To effectively manage shoreline resources, the County has employed a shoreline classification system that categorizes the shorelines into shoreline environments. These environments are the mechanism for applying appropriate land use policies and regulations to different shoreline areas. This environment classification system is consistent with the Washington Administrative Code (WAC) 173-26-211 guidelines, which state that the classification system shall be based on the existing land use patterns, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans and the criteria in this Chapter.

The environment classification system, together with other County land use regulations, helps to ensure that shoreline development is designed and located to minimize conflicts between the proposed use and stated policies of the applicable shoreline environment. This system encourages development that enhances the character of the environment while placing reasonable standards and restrictions on development that might adversely affect the positive attributes of the environment.

A map depicting the Shoreline Environment Designations (SEDs) can be found in Chapter 18S.70 PCC – Appendix F. Details for interpreting the maps to determine boundaries between different designations can be found in PCC 18S.10.050 H., Maps. The designation boundaries are drawn to coincide with tax parcel boundaries where applicable. The designation boundaries extend above and below the earth's surface on a vertical plane.

18S.20.020 Shorelines of Statewide Significance.

The Act affords special consideration to Shorelines of Statewide Significance that have greater than regional importance. Preferred uses for Shorelines of Statewide Significance, in order of priority, are to "recognize and protect the statewide interest over local interest; preserve the natural character of the shoreline; result in long-term over short-term benefit; protect the resources and ecology of the shoreline; increase public access to publicly-owned shoreline areas; and increase recreational opportunities for the public in the shoreline area." All Shorelines of Statewide Significance in unincorporated Pierce County are also classified as one of five



Shoreline Environment Designations (SEDs). Shorelines of Statewide Significance are as follows:

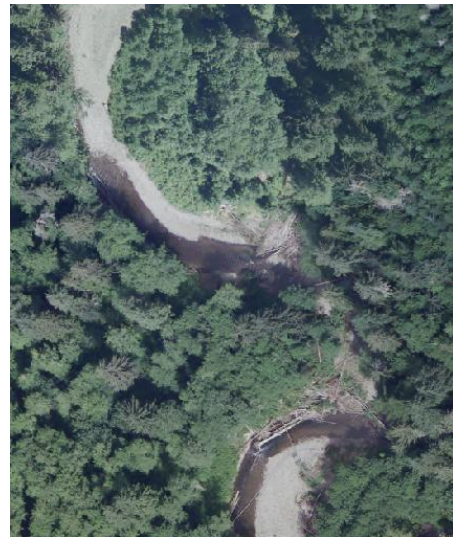
- A. Those areas of Puget Sound and adjacent salt waters between the ordinary high water mark (OHWM) and the line of extreme low tide as follows: Nisqually Delta – from the Thurston County/Pierce County border to Tatsolo Point.
- B. Those areas of Puget Sound, and adjacent salt waters, lying seaward from the line of extreme low tide.
- C. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more measured at the OHWM as follows:
 1. Alder Lake
 2. American Lake
 3. Lake Tapps
- D. Those natural rivers, or segments thereof, downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second or more as follows:
 1. Nisqually River: upstream from its mouth on Nisqually Reach to the mouth of Mineral Creek
 2. Puyallup River: upstream from its mouth at Commencement Bay to the mouth of Carbon River
 3. White River: upstream from its mouth at Puyallup River to the mouth of Greenwater River
- E. Those shorelands associated with PCC 18S.20.020 A., C., and D. above.

18S.20.030 Natural Shoreline Environment Designation (SED).

The intent of the Natural SED is to ensure long-term preservation of shorelines that are ecologically intact or minimally degraded, sensitive to human influence, or retain value because of their natural, unaltered condition.

A. **Designation Criteria.** The following criteria apply to Natural shoreland areas.

1. The shoreline is ecologically intact and, therefore, currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
2. One of the following apply:
 - a. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
 - b. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.
3. Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.
4. Ecologically intact shorelines, as used herein, means those shoreline areas that retain the majority of their natural shoreline



**FIGURE 18S.20-1 –
Example of Natural Shoreline Environment**



functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development.

5. The term ecologically intact shorelines applies to all shoreline areas meeting the above criteria ranging from larger reaches that may include multiple properties to small areas of a single property and may be inside or outside urban growth areas.

B. Management Policies.

1. Any use that would degrade ecological functions, natural features, and overall character of the shoreline area shall not be allowed.
2. Single-family residential development may be allowed if the density and intensity of the use is limited to protect ecological functions and is consistent with the intent of the natural shoreline environment.
3. New land divisions shall be developed consistent with low impact development (LID) techniques.
4. Private and public enjoyment should be facilitated through low-intensity development such as passive, recreational, scientific, historical, cultural, and educational uses, provided that no net loss in ecological function and processes will result.
5. Low intensity agricultural and forestry uses may be consistent when they are limited to ensure that the intensity remains low.
6. Commercial, industrial, multi-family residential, and non water-oriented recreation uses should not be permitted.
7. New roads, utility corridors, and parking areas should not be permitted, except as necessary to support uses otherwise allowed by Title 18S PCC.
8. New development or vegetation removal that would reduce ecological functions or processes should not be permitted.
9. Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.

- C. Maps.** Natural Shoreline Environment Designation maps are found in Chapter 18S.70 PCC – Appendix F.

18S.20.040 Conservancy Shoreline Environment Designation (SED).

The intent of the Conservancy SED is to conserve and manage existing natural resources and valuable historic and cultural areas while providing recreational benefits to the public and while achieving sustained resource utilization and maintenance of floodplain processes. Shoreline ecological functions should be preserved by avoiding development that would be incompatible with existing functions and processes, locating restoration efforts in areas where benefits to ecological functions can be realized, keeping overall intensity of development or use low, and maintaining most of the area's natural character.



1 A. **Designation Criteria.** The Conservancy designation applies to shoreland areas that
2 meet one or more of the following criteria:

- 3 1. The shoreline is currently
4 supporting lesser-intensity
5 resource-based uses, such as
6 agriculture, forestry, or recreational
7 uses, or is designated agricultural
8 or forest lands pursuant to RCW
9 36.70A.170;
10 2. The shoreline is currently
11 accommodating low density
12 residential uses;
13 3. The shoreline is supporting human
14 uses but is subject to environmental
15 limitations, such as properties that
16 include or are adjacent to steep
17 banks, feeder bluffs, or flood plains or other flood-prone areas;
18 4. The shoreline is of high recreational value or with unique historic or cultural
19 resources; or
20 5. The shoreline has predominantly low-intensity water-dependent uses.
21 6. Shoreline areas appropriate and planned for development that is compatible with
22 maintaining or restoring of the ecological functions of the area, that are not generally
23 suitable for water-dependent uses and that lie in urban growth areas, or commercial
24 or industrial "limited areas of more intensive rural development" if any of the
25 following characteristics apply:
26 a. They are suitable for water-related or water-enjoyment uses;
27 b. They are open space, flood plain or other sensitive areas that should not be more
28 intensively developed;
29 c. They have potential for ecological restoration;
30 d. They retain important ecological functions, even though partially developed; or
31 e. They have the potential for development that is compatible with ecological
32 restoration.



FIGURE 18S.20-2 –
Example of Conservancy Shoreline Environment

33 B. **Management Policies.**

- 34 1. Active and passive outdoor recreation activities and resource-based uses such as
35 timber harvesting, aquaculture, and passive agricultural uses such as pasture and
36 range lands shall receive priority.
37 2. Opportunities for ecological restoration should be pursued, giving priority to the
38 areas with the greatest potential to restore ecosystem-wide processes (the site of
39 naturally occurring physical and geologic processes of erosion, transport, and
40 deposition; and specific chemical processes that shape landforms within a specific
41 shoreline ecosystem and determine both the types of habitat and the associated
42 ecological functions) and functions.
43 3. Development should be limited to that which sustains the shoreline area's physical
44 and biological resources and temporary uses that do not substantially degrade
45 ecological functions or the natural character.
46 4. Agriculture, forestry, and aquaculture should be allowed.



5. Mining, as a unique use due to its inherent relationship to geology, may be an appropriate use when conducted in a manner consistent with the Conservancy SED, and located consistent with mineral resource lands' designation criteria pursuant to applicable provisions of the Growth Management Act, RCW 36.70A.170, and WAC 365-190-070.
 6. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time including, but not limited to boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, may be allowed.
 7. Commercial and industrial development should be limited to, water-oriented commercial and industrial development in instances where those uses have been located there in the past, or at unique sites that possess shoreline conditions and services necessary to support the development.
 8. Outstanding recreational or scenic values should be protected from incompatible development.
- C. **Maps.** Conservancy Shoreline Environment Designation maps are found in Chapter 18S.70 PCC – Appendix F.

18S.20.050 Residential Shoreline Environment Designation (SED).

The intent of the Residential SED is to accommodate residential development in areas that are already developed with or planned for residential development. The Residential SED may also include water-oriented commercial and recreation uses.

- A. **Designation Criteria.** The Residential SED applies to shoreland areas that are predominantly single-family or multi-family residential development or are planned and platted for residential development.

B. **Management Policies.**

1. Priority should be given to residential and water-oriented commercial development where such development can be accommodated with no net loss of shoreline ecological functions.
2. Public or private recreation facilities should be encouraged if compatible with surrounding development. Preferred recreational uses include water-dependent and water-enjoyment recreation facilities that provide opportunities for substantial numbers of people to access and enjoy the shoreline.
3. Development should be designed to preserve and enhance the visual quality of the shoreline, including views over and through the development from the upland side, and views of the development from the water.
4. New commercial development should be limited to water-oriented uses. Expansion of existing non water-oriented commercial uses may be permitted, provided that such uses should create a substantial benefit with respect to the goals and policies of Title 18S PCC, such as providing improved public access or restoring degraded shorelines.



**FIGURE 18S.20-3 –
Example of Residential Shoreline Environment**



C. **Maps.** Residential Shoreline Environment Designation maps are found in Chapter 18S.70 PCC – Appendix F.

18S.20.060 High Intensity Shoreline Environment Designation (SED).

The intent of the High Intensity SED is to provide for high intensity water-oriented commercial, transportation, and industry development that foster economic development while protecting existing shoreline ecological functions, and to restore ecological function on previously degraded sites.

A. **Designation Criteria.** The High Intensity SED applies to shoreland areas that currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.

B. **Management Policies.**

1. The first priority for development shall be intensive water-dependent uses. The second priority shall be water-related and recreational uses.
2. Development shall be designed to ensure no net loss of ecological functions. Some instances may involve off-site mitigation outside of the High Intensity SED due to site limitations and the need for effective mitigation measures.
3. Visual and physical access should be required where feasible and where public safety can be assured.
4. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate location of development, screening and architectural standards, and maintenance of natural vegetative buffers.
5. Non water-oriented uses should not be allowed except as part of a mixed-use development.
6. Non water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the water's edge. Such situations should be identified in shoreline use analysis or special area planning, as described in WAC 173-26-201(3)(d)(ix).
7. Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with any relevant State and Federal law.

C. **Maps.** High Intensity Shoreline Environment Designation maps are found in Chapter 18S.70 PCC – Appendix F.



FIGURE 18S.20-4 – Example of High Intensity Shoreline Environment

18S.20.070 Aquatic Shoreline Environment Designation (SED).

The intent of the Aquatic SED is to protect, restore, and manage the unique characteristics and resources of marine and fresh waters.

A. **Designation Criteria.** The Aquatic SED applies to all shoreline areas waterward of the ordinary high-water mark.

B. **Management Policies.**

1. All development on navigable waters and submerged lands should be located and designed to minimize interference with surface navigation, to reduce impacts to



- 1 public views, and to allow for the safe, unobstructed passage of fish and wildlife,
2 particularly those species dependent on migration.
- 3 2. Development that adversely impacts the ecological functions of marine and
4 freshwater habitats should not be permitted except where necessary to achieve the
5 objectives of RCW 90.58.020, and then only when all identified impacts are
6 mitigated as necessary to assure maintenance of shoreline ecological functions and
7 processes.
- 8 3. Shoreline development and modifications should be designed and managed to
9 prevent degradation of water quality and alteration of natural hydrographic
10 conditions.
- 11 4. New over-water structures should only be permitted for water-dependent uses or
12 public access. The size of new over-water structures should be limited to the
13 minimum necessary to support the structure's intended use.
- 14 5. Multiple uses of the same over-water facility should be encouraged.
- 15 6. Overwater linear public transportation and utility facilities may be allowed when it is
16 the most technically, economically, and environmentally feasible option.
- 17 C. **Maps.** Aquatic Shoreline Environment Designation maps are found in Chapter 18S.70
18 PCC – Appendix F.
19
20



Chapter 18S.30

GENERAL POLICIES AND REGULATIONS

Sections:

- 18S.30.010 Purpose.
- 18S.30.020 Archaeological, Cultural, and Historic Resources.
- 18S.30.030 Ecological Protection.
- 18S.30.040 Excavation, Dredging, Filling, and Grading.
- 18S.30.050 Shoreline Access.
- 18S.30.060 Scenic Protection and Compatibility.
- 18S.30.070 Shoreline Stabilization.
- 18S.30.080 Shoreline Modifications.
- 18S.30.090 Water Oriented Development.
- 18S.30.100 Water Quality, Stormwater, and Nonpoint Pollution.

18S.30.010 Purpose.

The purpose of Chapter 18S.30 PCC is to provide general development policies and regulations that are, or could be, applicable to all shoreline uses and development in all shoreline environment designations.

18S.30.020 Archaeological, Cultural, and Historic Resources.

The intent of the Archaeological, Cultural, and Historic Resources policies and regulations is to recognize that these resources can be found throughout the County and that they are valuable because they are irreplaceable and limited. When these resources are found on shoreline sites they should be preserved, protected, and restored. Archaeological areas, ancient villages, military forts, old settlers' homes, ghost towns, historic trails, historical cemeteries, and other cultural sites and features are nonrenewable resources, many of which are in danger of being lost through present day changes in land use and urbanization.

A. **Applicability.** The policies and regulations of this Section shall apply to all uses and development, within all shoreline environment designations.

B. **Policies.**

1. Locate, design, and operate developments to be compatible with the protection of any adjacent identified archaeological, cultural, or historic site.
2. Where appropriate, locate access trails near protected, educational, historical, and archaeological sites and areas.
3. Encourage private and public owners of archaeological, cultural, or historic sites to provide public access and educational opportunities in a manner consistent with long-term protection of both historic values and shoreline ecological functions.

C. **Regulations.**

1. Should archaeological materials (e.g., bones, shells, stone tools, beads, ceramics, bottles, hearths, etc.) or human remains be observed during project activities on shorelines, all work in the immediate vicinity shall cease.
 - a. Upon discovery of such resources, the applicant shall immediately contact the State Department of Archaeology and Historic Preservation, the County Planning and Land Services Department, the affected Tribe(s), and the County coroner (if



applicable) to help assess the situation and determine how to preserve the resource(s).

- b. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53 Archaeological Sites and Resources, 27.44 Indian Graves and Records, and WAC 25-48 Archaeological Excavation and Removal Permit) is required.

- 2. For known archaeological, cultural, and historic resources identified within a State, Federal, or local process for historic places or recorded as cultural resource sites, an archaeological, cultural, or historic resource management plan for the site shall be prepared by an archaeologist or historic preservation professional as a part of the shoreline review process.

- a. For development within shorelines on a site with known historic buildings, the following items shall be included in the historical resource management plan:

- (1) The purpose of the proposed development;
- (2) A site plan for the proposed development;
- (3) An assessment of any known or likely adverse impacts to the historic resources or building including, but not limited to, structural stability, historic character of the resources including buildings and surrounding area, views of or from the resources including buildings considered to be historically significant as a result of the proposed development;
- (4) If impacts will occur, an analysis of how these impacts will be avoided, or where avoidance is not possible; and
- (5) A recommendation of appropriate mitigation measures for any adverse impacts to the historic resources including buildings.

- b. For development within shorelines on the same site as a known historical, cultural, or archaeological resource, the following items shall be included in the historic, cultural, or archaeological resource management plan:

- (1) The purpose of the proposed development;
- (2) A site plan for the proposed development;
- (3) Identification of the location of any known historic, cultural, or archaeological resources;
- (4) Likelihood of discovery of resources not yet identified on or surrounding the project site;
- (5) Depth and location of all ground disturbing activities including, but not limited to utilities, driveways, clearing, and grading;
- (6) An examination of project on-site design alternatives;
- (7) An explanation of the need for the proposed development in the proposed location, or access across and/or through a historic, cultural, or archaeological resource;
- (8) An assessment of the on-site resources and an analysis of the potential adverse impacts as a result of the development;
- (9) If impacts will occur, an analysis of how these impacts have been avoided, or where avoidance is not possible; and
- (10) A recommendation of appropriate mitigation measures.



1 **18S.30.030 Ecological Protection.**

2 The intent of the Ecological Protection policies and regulations is to ensure that shoreline
3 development is established and managed in a manner that protects existing ecological functions
4 and ecosystem-wide process and that mitigates adverse impacts to ecological functions. This
5 means assuring no net loss of ecological functions and processes in shorelines, and protecting
6 critical areas designated in Title 18E PCC.

7 Shoreline ecological functions refers to the work performed or role played by the physical,
8 chemical, and biological processes that contribute to the maintenance of the aquatic and
9 terrestrial environments that constitute the shoreline's natural ecosystem. Examples of shoreline
10 ecological functions are fish and wildlife habitat, food chain support, and water temperature
11 maintenance.

12 Shoreline processes are the suite of naturally occurring physical and geologic processes of
13 erosion, transport, and deposition; and specific chemical processes that shape landforms within a
14 specific shoreline ecosystem and determine both the types of habitat and the associated
15 ecological functions. Processes that should be protected include, but are not limited to, water
16 flow; littoral drift; erosion and accretion; infiltration; groundwater recharge and discharge;
17 sediment delivery, transport, and storage; large woody debris recruitment; organic matter input;
18 nutrient and pathogen removal; and stream channel migration.

19 Ecological protection of the shoreline also includes conservation of vegetation. Benefits of
20 shoreline vegetation include, but are not limited to, the following:

- 21 • Shade necessary to maintain water temperatures required by salmonids, forage fish,
22 and other aquatic biota;
- 23 • Regulation of microclimate in riparian and nearshore areas;
- 24 • Organic input necessary for aquatic life, including food in the form of various insects
25 and other benthic macroinvertebrates;
- 26 • Bank stabilization, minimized erosion and sedimentation, and reduced occurrence or
27 severity of landslides;
- 28 • Reduced fine sediment input into the aquatic environment by minimizing erosion,
29 aiding infiltration, and retaining runoff;
- 30 • Improved water quality through filtration and vegetative uptake of nutrients and
31 pollutants;
- 32 • A source of large woody debris to moderate flows, create hydraulic roughness, form
33 pools, and increased aquatic diversity for salmonids and other species; and
- 34 • Habitat for wildlife, including connectivity for travel and migration corridors.

35 A. **Applicability.** The Ecological Protection policies and regulations shall apply to all uses
36 and development, within all shoreline environment designations.

37 B. **Policies.**


- 38 1. Establish and manage shoreline uses and development in a manner that mitigates
39 adverse impacts so that the resulting ecological condition is maintained or improved.
- 40 2. All shoreline uses and development should avoid and minimize adverse impacts on
41 the shoreline environment.
- 42 3. Recognize the value of adaptive management as a means of providing for flexibility
43 in administering ecological protection provisions of the Master Program.
- 44 4. Assure that shoreline modifications individually and cumulatively do not result in a
45 net loss of ecological functions. This is to be achieved by limiting the number and
46 extent of shoreline modifications and by giving preference to those types of



- shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modification.
5. Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses and development. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
 6. Preserve and protect existing trees and native vegetation within shorelines to maintain shoreline ecological functions and mitigate the direct, indirect, and cumulative impacts of shoreline development. Where shoreline vegetation is inadequate to protect against the impact of new uses or development, native vegetation should be enhanced.
 7. Avoid impacts to shorelines through application of mitigation sequencing, giving highest priority to impact avoidance whenever new uses or development are proposed in shorelines.
 8. Replace designated noxious weeds and invasive species with native vegetation and other non-invasive vegetation to establish and maintain shoreline ecological functions and processes.
 9. Allow vegetation management through practices such as pruning, trimming, or limbing for purposes of views and access paths when it is demonstrated that these practices will result in no net loss of shoreline ecological functions and processes.

C. Regulations – General.

1. All development shall occur as defined in Table 18S.30.030-1, Mitigation Sequencing, with avoidance of impacts being the highest priority. Lower priority measures shall be applied only when higher priority measures are determined to be infeasible or inapplicable. Mitigation sequencing components consist of a series of consecutive steps beginning with avoidance and ending with monitoring and taking appropriate corrective measures.

Table 18S.30.030-1. Mitigation Sequencing	
Higher Priority  Lower Priority	Avoiding the impact altogether by not taking a certain action or parts of actions.
	Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.
	Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
	Reducing or eliminating the impact over time by preservation and maintenance operations; or
	Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.
	Monitoring the impact and compensation projects and taking appropriate corrective measures.

2. Where new developments and uses are proposed, shoreline vegetation shall be conserved or restored when feasible. Shoreline vegetation helps to maintain shoreline ecological functions and processes and mitigate the direct, indirect and cumulative impacts of shoreline development.
3. Where retention of shoreline vegetation is not feasible, new developments shall include a vegetation management plan as defined in PCC 18S.30.030 G.2.



4. Where a critical area or critical area buffer is present, the applicable requirements of Title 18E PCC shall apply.
5. The Department shall periodically evaluate the cumulative effects of all project review actions in shoreline areas.

D. Regulations – Critical Areas.

1. Title 18E PCC, Development Regulations – Critical Areas, are hereby adopted by reference. In instances when the regulations of Title 18E PCC conflict with the requirements of Title 18S PCC, the more protective standard shall apply.
2. Because of its incorporation by reference, the provisions of Title 18E PCC shall apply to any use, alteration, or development within shoreline jurisdiction, to include those instances when it is determined that a shoreline permit or approval is not required.
3. The Reasonable Use provisions of PCC 18E.20.050 are not included as part of the Shoreline Master Program.
4. Any modification to a critical area buffer that exceeds 25 percent shall be subject to review of a Shoreline Variance.
5. For regulations specific to submerged aquatic vegetation, forage fish spawning and herring holding areas and other in-water critical saltwater habitats, see PCC 18E.40.040 D.-F.
6. Category III and IV Wetlands. The mitigation requirements of PCC 18E.30.050, Mitigation Requirements, will not be imposed for activities within:
 - a. Category III wetlands less than 2,500 square feet in size which are not:
 - (1) Contiguous with a freshwater or estuarine system;
 - (2) Located within shoreline jurisdiction; or
 - (3) Part of a mosaic wetland complex, as set forth in PCC 18E.30.020 E.2.
 - b. Category IV wetlands less than 10,000 square feet in size which are not:
 - (1) Contiguous with a freshwater or estuarine system;
 - (2) Located within shoreline jurisdiction; or
 - (3) Part of a mosaic wetland complex, as set forth in PCC 18E.30.020 E.2.

E. Regulations – Shoreline Buffers.

1. Development on shorelines is subject to both the buffer requirements of Title 18S PCC and the applicable requirements of Title 18E PCC. Table 18S.30.030-2 indicates the standard shoreline buffer requirements. Table 18E.40-060-1 identifies Fish and Wildlife Habitat Conservation Area buffer which may exceed the standard shoreline buffer for the same water body. The most restrictive buffer width requirement shall apply.
2. Standard shoreline buffers listed in Table 18S.30.030-2 below are determined based on the Shoreline Environment Designation and shall be measured from the ordinary high water mark (OHWM), except that for Lake Tapps Reservoir, the setback shall be measured from the full pool elevation of 543 feet (equivalent to water level 543 msl as measured at the USGS Gage 12101000).



Table 18S.30.030-2. Standard Shoreline Buffers and Setbacks	
Shoreline Environment Designation (SED)	Standard Buffer
Natural	150 feet
Conservancy	100 feet
Residential	75 feet
Setback for Lake Tapps Reservoir	50 feet
High Intensity – non water-dependent use, or those portions of a use that are not water-dependent	50 feet
High Intensity – water-dependent use, or those portions of a use that are water-dependent	0 feet
See Chapter 18E.40 PCC for Fish and Wildlife Habitat Conservation Area regulations; critical area buffers may be greater than the standard shoreline buffer.	

3. **Modification Allowances to the Standard Shoreline Buffer/Setback Width.** This Section does not apply to critical area buffer modification allowances which are regulated pursuant to Chapter 18E.40 PCC.

a. Any modification to a standard shoreline buffer that exceeds 25 percent shall be subject to review of a Shoreline Variance.

b. **Standard Buffer Averaging.** The standard buffer, as indicated in Table 18S.30.030-2 for all SEDs, may be averaged to reduce portions of the buffer by a maximum of 25 percent when the applicant demonstrates all of the following:

- (1) Avoidance of the impact to the buffer, as preferred by mitigation sequencing described in Table 18S.30.030-1, is not feasible due to topographic or other site constraints;
- (2) The buffer alteration is minimized or reduced by limiting the degree and magnitude of the proposal;
- (3) The buffer to be reduced is offset by an increase in the width of other portions of the buffer so that the total buffer area after alteration is no less than the buffer area prior to the alteration;
- (4) Changes to the configuration of the buffer area are consistent with other requirements set forth in the Master Program and with applicable requirements of Title 18E PCC, Development Regulations – Critical Areas;
- (5) The alteration to the buffer area will not result in a net loss of shoreline ecological function nor increase the risk of slope failure or downslope stormwater drainage impacts; and
- (6) The standard shoreline buffer shall not be averaged for commercial forestry in a Natural SED.

c. **Standard Buffer Reduction.** The standard buffer, as indicated in Table 18S.30.030-2 for the Residential or Conservancy SEDs, may be reduced by a maximum of 25 percent when the applicant demonstrates all of the following:

- (1) Standard buffer averaging, as described above, is not feasible;
- (2) The reduction is unavoidable;
- (3) The proposed alteration is minimized by reducing or limiting the degree or magnitude of the proposal;



- (4) Changes to the configuration of the buffer area are consistent with other requirements set forth in the Master Program and with applicable requirements of Title 18E PCC, Development Regulations – Critical Areas;
 - (5) The alteration to the buffer area will not result in a net loss of shoreline ecological function nor increase the risk of slope failure or downslope stormwater drainage impacts; and
 - (6) The buffer area has less than 15 percent slopes.
- d. **Adjacent Development Standard Buffer/Setback Reduction.** The standard shoreline buffer/setback, as indicated in Table 18S.30.030-2, for a vacant lot may be reduced when the vacant lot has a common property line with one or more lots which abut the OHWM and which are developed with single-family residence(s), provided:
- (1) The single-family residence(s) on the adjacent lot(s) is(are) built no more than 100 feet from the vacant lot, as measured from the property line to the building; and
 - (2) The standard buffer/setback is reduced by no more than 25 percent and the resulting buffer/setback is no less than the average setback of the adjacent residences.
 - (3) This reduction does not apply to an adjacent residence built with a reduced setback pursuant to a variance or other approval that reduced the standard setback or buffer.

4. **Uses and Development Allowed within Standard Shoreline Buffer.**

- a. Water dependent uses and public shoreline access are allowed within the standard shoreline buffer subject to applicable regulations of the Master Program.
- b. An unpaved access path from a residential dwelling to the shoreline is allowed if:
 - (1) The path width is limited to 4 feet;
 - (2) The length of the path is minimized by keeping the path at a right angle to the shoreline to the degree feasible; and
 - (3) No trees are removed.
- c. Up to 500 square feet or 25 percent of the area encompassed within the first 50 feet measured from the ordinary high water mark (OHWM) may be disturbed to accommodate shoreline access, landscaping, or minor construction associated with a water dependent use upon review and approval of a Vegetation Planting Plan pursuant to PCC 18S.30.030 G.2. Such disturbance shall not be concentrated nor span the extent of the shoreline at the water's edge.

5. **Expansion of Existing Development within Standard Shoreline Buffer.**

- Expansion of legally existing development within the standard Shoreline buffer is allowed without a Shoreline Variance in the following instances:
- a. Expansion landward of existing development within a Shoreline buffer when an existing permanent substantial improvement serves to eliminate or greatly reduce the impact of the proposed expansion upon Shoreline ecosystem functions. Examples of features that may serve as a substantial improvement include permanent structures (such as homes and commercial buildings), larger paved areas (such as commercial parking lots and major roadways), dikes, and levees. Smaller structures (such as sheds and outbuildings) and smaller paved areas do not typically serve as substantial improvements.



- b. Development may be allowed in-line with existing development, parallel to the shoreline and no closer than the existing structure, when on existing impervious surfaces and when there is no loss of existing vegetation.
- c. Development is allowed upward, above an existing building footprint, provided applicable height limits of the Master Program and zone classification are satisfied.

F. **Regulations – Impervious Surface Limits.** For residential development, not more than one third of the parcel within shoreline jurisdiction and landward of the ordinary high water mark shall be covered by effective impervious areas, except that new lots created in a Natural or Conservancy SED shall be limited to 10 percent effective impervious surfaces. The calculation for impervious surfaces shall include parking areas but may exclude a 12-foot-wide driveway. This restriction applies to both principal and accessory uses and structures.

G. **Regulations – Vegetation Conservation.**

1. Retention of existing vegetation shall be a priority within the entire shoreline jurisdiction. Retention of existing trees is particularly important. Significant trees as identified in Table 18J.15.030-1 cannot be removed without approval of a vegetation planting plan. Prior to proposing any tree removal, the land owner shall first evaluate alternate means of achieving their development goals, such as selective limbing and tree topping.
2. **Vegetation Planting Plan.** Where vegetation is removed or disturbed within a standard shoreline buffer in excess of the vegetation removal allowances described in PCC 18S.30.030 G.3.-6., the applicant shall be required to prepare and implement a Vegetation Planting Plan. The Plan shall be submitted for review with a site development or building permit application subject to the following requirements:
 - a. Mitigation for loss of vegetation within the standard shoreline buffer shall generally consist of replanting an area equal to or greater than the area of vegetation that was removed or disturbed, except that in those instances when a standard shoreline buffer is reduced, replacement at a greater ratio may be required. Additional forms of mitigation, such as the installation of habitat features, may also be proposed;
 - b. Vegetation to be disturbed should not be concentrated along the shoreline, and the first priority for planting shall be adjacent to the ordinary high water mark;
 - c. Planting shall occur in a way that maximizes connectivity between critical areas and between the water's edge and upland areas. Small isolated plantings are undesirable;
 - d. Plants shall consist of native tree, shrub, and groundcover vegetation;
 - e. Vegetation Planting Plans shall identify the following:
 - (1) The location and area of the vegetation loss;
 - (2) The location of an equal area, or areas, to be planted;
 - (3) No less than one tree species, two shrub species, and two groundcover species; and
 - (4) The number of plants as specified in Table 18S.30.030-3 below.



Table 18S.30.030-3. Vegetation Conservation Mitigation Planting		
Plant Type	Spacing	Number of Plants = Square Footage of Area to be Planted Divided By
Trees	12-15 feet on-center	144-225 square feet (based on tree spacing)
Shrubs	6 feet on-center	36 square feet
Herb/Groundcover	3 feet on-center	9 square feet

- f. Monitoring of vegetation planted according to the planting plan shall be provided as follows:
- (1) Pre-planting photos; and
 - (2) Photos taken in a consistent fashion, at established locations, at intervals of 6, 12, and 24 months.
3. Minor vegetation removal for purposes of providing views and protecting overhead utility lines shall be limited to selective limbing of trees and removal of shrubs. Tree limbing shall be done consistent with Vegetation Management: A Guide for Puget Sound Bluff Property Owners, by the Washington State Department of Ecology. <https://fortress.wa.gov/ecy/publications/publications/9331.pdf>
 4. Hazard Tree Removal may be performed pursuant to PCC 18J.15.130 C.4., Removal of Danger, Hazard and Diseased Trees and, where applicable, PCC 18E.40.040 B.2., Vegetation Removal, Disturbance, and Introduction.
 5. Control of noxious weeds that are included on the State noxious weed list (WAC 16-750) or invasive plant species as identified by Pierce County is allowed when conducted by clipping, pulling, over-shading with native tree and shrub species, or non-mechanized digging. Shoreline buffer mitigation planting is not required for this type of vegetation removal but erosion control measures may be required.
 6. Maintenance of lawfully established landscaping and gardens is allowed within the shoreline buffer or setback including, but not limited to mowing lawns, weeding, harvesting, and replanting of garden crops, pruning and planting of vegetation to maintain the condition and appearance of such areas as they existed on the effective date of this Title and planting of indigenous native species.
 7. Trees within shoreline setbacks may be removed and replaced with shrubs and groundcover at the spacing standard described in Table 18S.30.030-3.
 8. Vegetation enhancement within shoreline buffers or setbacks should consist of plants that do not require use of fertilizers, pesticides or chemicals that are detrimental to water quality or harmful to aquatic life.
- H. **In-lieu Fee Mitigation and Mitigation Banking.** An applicant may utilize In-lieu Fee (ILF) Mitigation or Mitigation Banking at such time as the County has developed such programs and the programs have been approved by the appropriate State and Federal agencies. Applicants proposing ILF or Mitigation Banking are still subject to the mitigation sequencing requirements of Table 18S.30.030-1.



1 **18S.30.040 Excavation, Dredging, Filling, and Grading.**

2 The intent of the Excavation, Dredging, Filling, and/or Grading policies and regulations is to
3 provide direction for shoreline excavation, dredging, filling, and/or grading associated with a
4 principal use. This Section may contain more restrictive regulations that limit or effectively
5 preclude a use or development that is authorized pursuant to another Section(s) and this Section
6 shall control in the event of a conflict.

7 A. **Applicability.** The policies and regulations of this Section shall apply to all
8 development for proposals that include excavation, dredging, filling or grading, within
9 all shoreline environment designations.

10 B. **Policies.**

- 11 1. Prohibit fill waterward of the ordinary high watermark (OHWM) except for
12 restoration projects, or when necessary to support a water dependent use, public
13 access, or alteration of a transportation facility of statewide significance.
- 14 2. Locate and design new development to avoid the need for fill. When fill is deemed
15 necessary, its use should be minimized and environmental impacts mitigated.
- 16 3. Evaluate fill projects for:
 - 17 a. Total water surface reduction;
 - 18 b. Navigation restriction;
 - 19 c. Impediment to water flow, circulation, and currents;
 - 20 d. Reduction of water quality;
 - 21 e. Destruction of habitat and natural resources systems; and
 - 22 f. Creation of hazard to the public and adjacent properties.
- 23 4. Locate and design new development to avoid or minimize the need for maintenance
24 dredging.
- 25 5. Allow dredging only for water-dependent uses and only to the extent necessary to
26 support those uses.
- 27 6. Allow dredging for the purpose of establishing, expanding, relocating, or
28 reconfiguring navigation channels and basins to ensure safe and efficient
29 accommodation of existing navigational uses.
- 30 7. Restrict maintenance dredging of established navigation channels and basins to the
31 minimum necessary, and limit such dredging to the historic or a previously dredged
32 location, depth, and width.
- 33 8. Encourage the recycling of clean, drained, dredged material, for uses that benefit
34 shoreline resources, and agricultural, forest land, and landscaping uses.
- 35 9. Prohibit dredging waterward of the OHWM for the purpose of obtaining fill
36 material.

37 C. **Regulations.** These regulations are in addition to those in Title 17A PCC, Construction
38 and Infrastructure Regulations – Site Development and Stormwater Drainage, Pierce
39 County Stormwater Management and Site Development Manual.

- 40 1. The following activities are prohibited:
 - 41 a. Filling in locations that will cut off or isolate hydrologic features, except as
42 allowed pursuant to PCC 18S.40.060, Flood Hazard Management;
 - 43 b. Solid waste landfills;
 - 44 c. Dredging for the purpose of obtaining fill material, except for projects associated
45 with Model Toxics Control Act (MTCA) or Comprehensive Environmental
46 Response, Compensation, and Liability Act (CERCLA) habitat restoration, or



- any other significant restoration effort project approved by a Conditional Use Permit; and
- d. Disposal of dredged material within the Nisqually Reach Aquatic Reserve.
2. Filling waterward of the OHWM is prohibited for the purpose of creating upland, but may be allowed when necessary to support:
- a. Water-dependent uses;
- b. Public access;
- c. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
- d. Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington State Department of Natural Resources (DNR);
- e. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline, and then only upon a demonstration that alternatives to fill are not feasible;
- f. Mitigation action, environmental restoration, beach nourishment, or enhancement project; or
- g. Public utility projects approved in accordance with an adopted transportation or utility plan or program.
3. Excavation, dredging, filling, and/or grading shall not occur without an authorized principal use or development.
4. Excavation, dredging, filling, and/or grading shall be limited to the minimum amount necessary for the specific use or development proposed.
5. Activities waterward of the OHWM shall only be allowed after the proponent has demonstrated that alternative locations and designs have been considered and found to be infeasible, and the dump site or destination and staging area for dredged material has been provided.
6. Excavation, dredging, filling, and/or grading shall not unnecessarily impact natural processes such as water flow, circulation, currents, channel migration, erosion, sediment transport, and floodwater storage, and shall not cut off or isolate hydrologic features.
7. Dredging material, if suitable, should be utilized for beneficial shoreline resources.
8. Stabilization measures should be designed to blend physically and visually with existing topography.
9. New development shall be located and designed to avoid or minimize the need for maintenance dredging.

18S.30.050 Shoreline Access.

The intent of the Shoreline Access policies and regulations is to recognize the rights of the general public to reach, touch, view and enjoy the water's edge, to travel the waters of the State, and to view the water and the shoreline from adjacent locations. These rights are a fundamental element of the Shoreline Management Act (Act).

A. Applicability. The policies and regulations of this Section shall apply to the following:

1. Public projects, except for public linear infrastructure projects where the amount of land and/or legal authority of the project preclude the ability to provide shoreline access and except for instances of incompatibility due to safety, security or impact to the shoreline environment;



2. Residential developments containing five or more dwelling units;
 3. Non-residential recreational, commercial, industrial, and civic development; and
 4. Marinas.
- B. **Policies.**
1. Protect the navigation rights of the general public.
 2. Provide the space necessary for water-dependent uses.
 3. Protect, promote, and enhance the public's opportunity to enjoy the physical and aesthetic qualities of shorelines, including views of the water, while also protecting private property rights and public safety.
 4. Increase the amount and diversity of shoreline access to the State's shorelines consistent with the natural shoreline character, property rights, public rights under the Public Trust Doctrine, and public safety.
 5. Design shoreline access to give priority to public safety and minimize potential impacts to private property, individual privacy, and shoreline ecological functions and processes.
 6. Include shoreline access facilities in development by public entities unless such access is shown to be incompatible because of safety or security concerns, adverse impacts to the shoreline environment or where a more effective public access system can be achieved through alternate means. Focus public access at the most desirable locations.
 7. Publicly financed or subsidized development should not restrict public access to the water's edge except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.
 8. Design the scale and character of shoreline access areas and facilities proportionate to the scale of the proposed development.
 9. Preserve and protect access opportunities offered by public road-ends and other public rights-of-way that abut the water's edge, existing shoreline public use areas, and other public areas that provide visual or physical access to the shoreline.
 10. Discourage right-of-way for utility development that would impede shoreline access, trails, and recreation.
 11. Give preference to new recreation uses that facilitate the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline.
 12. Acquire access to publicly owned tidelands and shorelands where appropriate and encourage cooperation among the County, landowners, developers, other agencies and organizations to enhance and increase public access to shorelines as specific opportunities arise.
- C. **Regulations – Residential.** Residential developments containing five or more dwelling units shall provide and maintain a commonly owned tract between the water's edge and the first tier of lots closest to the water's edge for the benefit of all lots within said subdivision. The purpose of the tract is to maintain the natural visual appearance and ecological functions of the waterfront and to provide shoreline access.
- D. **Regulations – Non-Residential.**
1. Public shoreline access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters. It may include



- 1 interpretive centers and displays. Public shorelines access shall incorporate the
2 following location and design criteria:
- 3 a. Public pedestrian access is required where open space, including critical areas, is
4 provided along the water's edge, and public access can be provided in a manner
5 that will not adversely impact shoreline ecological processes and functions.
 - 6 (1) The access shall be buffered from sensitive ecological features and provide
7 limited and controlled access to the water's edge where appropriate.
 - 8 (2) Fencing may be used to control damage to plants and other sensitive
9 ecological features.
 - 10 (3) Pedestrian access shall be constructed of permeable materials to reduce
11 impacts to ecologically sensitive resources.
 - 12 b. Public areas and shoreline access points shall connect to abutting public
13 sidewalks, walkways, trails and streets.
 - 14 c. Where views of the water or shoreline are available and physical access to the
15 water's edge is not present or appropriate, a public viewing area shall be
16 provided.
 - 17 d. Intrusions on privacy shall be minimized by avoiding locations adjacent to
18 windows and outdoor private open spaces or by screening or other separation
19 techniques.
 - 20 e. Public shoreline access design shall provide for the safety of users to the extent
21 feasible. Appropriate amenities such as benches, picnic tables, and public
22 parking sufficient to serve the users shall be provided.
- 23 2. Public shoreline access shall be placed on-site unless one or more of the following
24 conditions apply:
- 25 a. Unavoidable health or safety hazards to the public exist which cannot be
26 prevented by any practical means.
 - 27 b. Inherent security requirements of the use cannot be satisfied through the
28 application of alternative design features or other solutions.
 - 29 c. The cost of providing the access, easement, or an alternative amenity is
30 unreasonably disproportionate to the total long-term cost of the proposed
31 development.
 - 32 d. Adverse impacts to shoreline ecological processes and functions will result from
33 the public access.
 - 34 e. Significant unavoidable conflict between any access provision and the proposed
35 development and adjacent development would occur.
 - 36 f. A public entity has enacted a program for effective public access to shorelines in
37 lieu of project-specific access.
- 38 3. To meet any of the conditions in PCC 18S.30.050 D.2. above, the applicant shall
39 demonstrate that all reasonable alternatives to providing on-site public access have
40 been exhausted including, but not limited to:
- 41 a. Regulating access by such means as maintaining a gate and/or limiting hours of
42 use; and/or
 - 43 b. Separating uses and activities (e.g., fences, terracing, use of one-way glazings,
44 hedges, landscaping, etc.).
- 45



4. If on-site public shoreline access cannot be provided, off-site public shoreline access shall be provided consisting of a dedication of land, physical improvement, and/or equivalent financial contribution to a local public access fund for a specific public access project.
5. Off-site public shoreline access should be located in the general vicinity of the project.
6. The County shall not vacate a county road or part thereof which abuts a shoreline unless the purpose of the vacation is to enable a public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes, or unless the property is zoned for industrial uses, pursuant to RCW 36.87.130.
7. Public shoreline access sites (on or off site) should be fully developed and available for public use at the time of use or occupancy of the shoreline development. If a financial contribution to a parks department, agency, or entity furthering public access is allowed, the payment shall be received prior to occupancy, although the specific project it is funding need not be initiated.
8. Public shoreline access provisions shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the County Auditor's Office prior to the time of building permit approval, occupancy, or plat approval, whichever comes first pursuant to RCW 58.17.110. Future actions by the applicant's successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
9. Maintenance of the public shoreline access facility over the life of the use or development shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement recorded with the County Auditor's Office.
10. Shoreline access should be available to the public from dawn to dusk unless specific hours of operation are established through a shoreline permit or approval.
11. Public shoreline access sites shall be made barrier-free for the physically disabled and in accordance with the Americans with Disabilities Act (ADA).
12. Signs that indicate the public's right of shoreline access shall be constructed, installed, and maintained by the applicant or owner in conspicuous locations at public access sites.

18S.30.060 Scenic Protection and Compatibility.

The purpose of the Scenic Protection and Compatibility policies and regulations is to preserve shoreline scenic vistas and to ensure development on shorelines is compatible with the surrounding environment, existing, and planned development.

- A. **Applicability.** The policies and regulations of this Section shall apply to all uses and development, within all shoreline environment designations. For private property view enhancement by way of tree trimming (see PCC 18S.30.030 G.3.).
- B. **Policies.**
 1. Encourage sustainable residential development through restrictions on the scale of development, preservation of vegetation and topography, and preservation of views.
 2. Locate new residential structures with respect to views and with a height limit of 35 feet.



3. Design development, except linear public utilities, to fit the natural topography and vegetation to preserve the natural landscape. Design linear public utilities to preserve the natural landscape.
4. Maintain, enhance, and/or restore shoreline features including vegetation.
5. Avoid or minimize negative impacts of commercial development proposals to areas of scenic or cultural importance.
6. Address scenic protection and aesthetic impacts, including views, through measures such as placement of utilities underground, minimizing topographic alterations for above ground uses, increased setbacks, landscaping, low impact development (LID) techniques, screening, color selection, etc.
7. Locate new transportation routes to avoid parks, scenic views, historical, archaeological, and cultural resources, unless no feasible alternative exists.
8. Design shoreline stabilization activities and structures to accomplish the stabilization with maximum preservation of the aesthetics and natural characteristics of the shoreline.
9. Locate in- and over-water structures so as to minimize visual impacts to adjacent properties and uses and other in- and over-water uses.
10. Consider aesthetics in placement and design of over-water structures and encourage multiple uses of over-water facilities.
11. Consider impacts to view and scenic resources enjoyed by abutting uses.

C. Regulations – General.

1. Utility facilities should be located outside shorelines. Whenever utility facilities must be placed in a shoreline area, the location and design should be chosen so as not to obstruct or destroy scenic views. Transmission facilities paralleling the water's edge should be placed underground.
2. The County may require a visual impact analysis of views from various locations to determine if the shoreline view for adjacent properties will be significantly obstructed as part of a development proposal.
3. Parking lots, including circulation driveways, shall be located as far inland as practicable with pedestrian access provided by walkways or other methods.
4. Compatibility with, and impacts to, the following shall be considered: navigation, recreation, public access, public use of the beaches and surface waters, traffic, abutting uses, and views.
5. The ability of watercraft to navigate past the site should not be blocked unless inherently impossible for the use proposed, such as a dam.
6. Appropriate measures shall be employed to protect public safety and prevent adverse impacts on navigation, public access, recreation, and other approved shoreline development.
7. Over-water facilities should accommodate multiple uses whenever feasible.

D. Regulations – Height Limits. Structure height is measured from the average pre-developed grade level to the highest point of a structure: Provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines: Provided further, that temporary construction equipment is excluded from this calculation.

1. Residential structures shall not exceed a height of 35 feet.



2. Non-residential structures should be limited to 35 feet, but may exceed a height of 35 feet if the following standards are met:
 - a. The increased height provides greater protection to ecological functions;
 - b. A visual impact analysis demonstrates that the increased height does not obscure the view of the water body on another property by more than 33 percent of the predevelopment view from that property; and
 - c. Overriding consideration of the public interest will be served.

18S.30.070 Shoreline Stabilization.

The intent of the Shoreline Stabilization policies and regulations is to allow shoreline stabilization structures or measures where no alternatives are feasible to accommodate development along the shorelines, while preserving and improving ecological functions of the shoreline and while protecting the shoreline environment from impacts caused by development within and adjacent to geologically hazardous areas.

A. **Applicability.** The policies and regulations of this Section apply to all uses and development on shorelines within all shoreline environment designations.

B. **Policies.**

1. Allow structural shoreline stabilization only where it is demonstrated to be necessary to support or protect an existing primary structure that is in danger of loss or substantial damage, or are necessary for reconfiguration of the shoreline for mitigation or enhancement.
2. Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
3. Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
4. Protect shoreline ecological functions and mitigate the direct, indirect, and cumulative impacts of shoreline development where development is proposed.
5. Avoid new development, including the creation of new lots, that would cause foreseeable risk from geological conditions to people or improvements during the life of the development.
6. Avoid new development that would require structural shoreline stabilization over the life of the development.
7. Maintain existing bank stabilization conditions to reduce the occurrence or severity of landslides.
8. Provide adequate storm drainage controls to prevent runoff from increasing the occurrence or severity of landslides.
9. Allow stabilization structures or measures where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible.
10. Nonstructural methods are preferred over structural methods.
11. Repair and maintenance of existing structural stabilization measures, which are substantially degraded, should be considered new development.

C. **Regulations.**

1. New shoreline stabilization measures or structures shall be allowed only where they are demonstrated to be necessary to support or protect an existing primary structure that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.



2. Repair and maintenance of existing structural shoreline measures shall: use the same or similar materials as the existing structure; encompass less than 60 percent of the structure over a ten year period; and not expand the area to be protected.
3. Shoreline stabilization shall not create dry land.
4. Measures to protect development in or near an active shoreline erosion hazard area include, in order of priority: (1) locating development so it does not require shoreline stabilization, (2) soft stabilization methods, and then (3) hard stabilization methods. See Chapter 18E.110 PCC for Erosion Hazard Area regulations.
5. Shoreline stabilization measures are allowed only after the applicant has demonstrated that locating development a sufficient distance from the shoreline, including a location outside shorelines, to prevent shoreline erosion impacts to the development is not feasible.
6. If relocation of development is not feasible, the use of soft armoring techniques is the preferred method for shoreline protection.
7. Hard armoring shoreline erosion control measures are allowed only when the need to protect primary structures from damage due to erosion is demonstrated through a geological assessment-shoreline erosion geotechnical report, as set forth in PCC 18E.110.030 B. The report shall indicate the following:
 - a. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
 - b. The use of beach nourishment alone or in combination with soft armoring techniques is not adequate to protect the property from shoreline erosion processes;
 - c. The property contains an existing structure(s) that will be threatened within the next 10 years; and
 - d. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage. Erosion is caused by natural processes, such as tidal action, currents, and waves.
8. Hard armoring shoreline protection measures shall not be allowed for protection of a proposed structure when it is determined that the proposed structure can be located landward of the 120-year regression area.
9. Stabilization measures shall not exceed the minimum actions necessary to address the erosion impacts.
10. Shoreline stabilization is prohibited to protect new structures from future channel migration except when such is achieved through relocation of development, bioengineering, soft armoring techniques, or public flood control projects.
11. Stabilization measures shall not alter the hydraulic energy along the shoreline such that nearby properties may require added shoreline stabilization in the future to protect against increased erosion.
12. The use of the shoreline erosion protection measure shall not cause a significant adverse impact on adjacent properties (i.e., increase erosion on adjacent properties).
13. Stabilization measures shall not include jetties and breakwaters except as an integral component of a professionally designed harbor, marina, or port.
14. Stabilization structures shall not be located waterward of the ordinary high water mark (OHWM) or any existing shoreline stabilization structure unless there are overriding safety, structural, or environmental concerns, and except for structures



that are intrinsically required to be below the OHWM. In such cases, the replacement shall abut existing shoreline stabilization structure. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the OHWM.

15. Breakwater structures shall be floating, portable, or submerged, unless it is demonstrated that such structures are not feasible, or that a different design structure will have less environmental impact.

16. Erosion Hazard Area regulations are found in [Title 18E PCC](#), Development Regulations – Critical Areas, Chapter 18E.110 PCC, Erosion Hazard Areas.

18S.30.080 Shoreline Modifications.

The intent of the Shoreline Modification policies and regulations is to limit those actions that modify the physical configuration or qualities of the shoreline area. Shoreline modifications are 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. They can include other actions, such as clearing, grading, or application of chemicals.

A. **Applicability.** The policies and regulations of this Section shall apply to all uses and development within all shoreline environment designations.

B. **Policies.**

1. Allow structural shoreline modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
2. Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
3. Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
4. Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.
5. Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
6. Avoid and reduce significant ecological impacts according to the mitigation sequence in Table 18S.30.030-1, Mitigation Sequencing.

C. **Regulations.**

1. New in-stream structures shall be designed to avoid modifying flows and water quality in ways that may adversely affect critical fish species.
2. In-stream structures shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.
3. The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental



concerns, with special emphasis on protecting and restoring priority habitats and species.

4. Regulations for shoreline stabilization, to include breakwaters, jetties, groins, and weirs, are found in PCC 18S.30.070, Shoreline Stabilization, and in Chapter 18E.110 PCC, Erosion Hazard Areas.
5. Regulations for piers and docks are found in PCC 18S.40.140, Water Access Facilities.
6. Regulations related to filling, dredging and dredge material disposal are found in PCC 18S.30.040, Excavation, Dredging, Filling, and Grading.
7. Regulations for shoreline habitat and natural systems enhancement are found in PCC 18S.40.110, Restoration and Enhancement.

18S.30.090 Water Oriented Development.

The intent of the Water Oriented Development policies and regulations is to ensure that water-dependent, water-related, or water-enjoyment, or a combination of such uses, is preferred in shorelines.

A. **Applicability.** The policies and regulations of this Section shall apply to all uses and development, within all shoreline environment designations.

B. **Policies.**

1. Reserve shorelines, to the maximum extent possible, for water-oriented uses, including water-dependent, water-related and water-enjoyment uses.
2. Allow water-related and water-enjoyment uses as part of mixed use development on over-water structures where they are clearly auxiliary to, and in support of, water-dependent uses.
3. Allow mixed use commercial and industrial development, including non water-dependent uses, only when they include and support water-dependent uses.
4. Give priority to water-oriented uses over non water-oriented uses, with highest priority given to water-dependent uses.

C. **Regulations.**

1. Parking areas associated with a principal use shall be located outside shorelines unless no feasible alternative location exists. Parking as a principal use is prohibited.
2. Except for single-family residences, non water-oriented uses or portions of a use that are non-water-oriented shall demonstrate why the use must be located in shorelines.
3. Water dependent uses and public access to shorelines are preferred use in all shoreline environments.
4. In the Natural SED, commercial, industrial, multi-family residential, and non water-oriented recreation uses are prohibited.
5. In the Conservancy SED, water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time including, but not limited to boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, may be allowed if adverse impacts to the shoreline are mitigated. Commercial development should be limited to where those uses have been located in the past or to unique sites that possess shoreline conditions and services necessary to support the commercial development.



6. In the Residential SED:
 - a. Residential and water-oriented commercial development is allowed where such development can be accommodated with no net loss of shoreline ecological functions.
 - b. Public or private recreation facilities are allowed if compatible with surrounding development. Preferred recreational uses include water-dependent and water-enjoyment recreation facilities that provide opportunities for substantial numbers of people to access and enjoy the shoreline.
 - c. New commercial development should be limited to water-oriented uses. Expansion of existing non water-oriented commercial uses may be permitted, provided that such uses should create a substantial benefit with respect to the goals and policies of Title 18S PCC, such as providing improved public access or restoring degraded shorelines.
7. In the High Intensity SED, non water-oriented uses are not allowed unless they provide a significant public benefit, such as ecological restoration and public access, and:
 - a. They are within a legally established building or are located within an existing mixed-use development;
 - b. They do not conflict with or limit opportunities for water-oriented uses; or
 - c. They are located on sites where there is no direct access to the water's edge.
8. A change from an existing non water-oriented use to another non water-oriented use is permitted, without a Conditional Use Permit, subject to the general policies and regulations of this Title.
9. Expansion of an existing non water-oriented use is subject to a Conditional Use Permit.
10. A change in use from an existing water-oriented use to a non water-oriented use is not permitted.

18S.30.100 Water Quality, Stormwater, and Nonpoint Pollution.

The intent of the Water Quality, Stormwater, and Nonpoint Pollution policies and regulations is to protect against adverse impacts to water quality and quantity.

A. **Applicability.** The policies and regulations of this Section shall apply to all uses and development, within all shoreline environment designations.

B. **Policies.**

1. Locate, construct, and operate development in a manner that maintains or enhances the quantity and quality of surface and ground water over the long term.
2. Prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions.
3. Prevent contamination of surface and ground water and soils.
4. Minimize the need for chemical fertilizers, pesticides, or other similar chemical treatments.
5. Encourage the use of low impact development (LID) techniques.
6. Minimize the use of impervious surfaces.
7. Protect commercial shellfish areas and legally established aquaculture enterprises from damaging sources of pollution.



1 **C. Regulations.**

- 2 1. See Title 17A PCC, Construction and Infrastructure Regulations – Site Development
3 and Stormwater Drainage. Pierce County Stormwater Management and Site
4 Development Manual regulations are applicable and binding.
- 5 2. In addition to water quality regulations found in Title 17A PCC, water quality
6 impacts shall be avoided as follows:
- 7 a. Operations involving substances harmful to water quality and aquatic life shall
8 demonstrate how spills and leaks will be prevented, and how they will be
9 responded to in the event there is a spill or leak.
- 10 b. Erosion, turbidity, stormwater and pollution control measures shall be provided
11 both during and after construction, where appropriate.
- 12 c. After construction, the work site shall be restored to pre-project conditions to the
13 maximum extent feasible. Any mitigation required within shorelines shall be
14 maintained for the life of the project.
- 15 d. Development and structures shall be constructed with materials that do not leach
16 toxic substances.
- 17



Chapter 18S.40

USE AND DEVELOPMENT POLICIES AND REGULATIONS

Sections:

- 18S.40.010 Purpose.**
- 18S.40.030 Agriculture.**
- 18S.40.040 Aquaculture.**
- 18S.40.050 Commercial, Civic and Industrial.**
- 18S.40.060 Flood Hazard Management.**
- 18S.40.070 Forest Practices.**
- 18S.40.080 Mining.**
- 18S.40.090 Recreation.**
- 18S.40.100 Residential.**
- 18S.40.110 Restoration and Enhancement.**
- 18S.40.120 Transportation.**
- 18S.40.130 Utilities.**
- 18S.40.140 Water Access Facilities.**

18S.40.010 Purpose.

To implement Title 18S PCC, various types of uses and development anticipated to be carried out on, or occupy, shorelines have been grouped into categories. The categories are the mechanism for applying appropriate policies and regulations to different types of uses and development. This Chapter lists the categories and the corresponding policies and regulations. This Chapter supplements, and does not replace, the Use Category standards of Title 18A PCC, Development Regulations – Zoning.

18S.40.030 Agriculture.

The intent of the Agriculture policies and regulations is to maintain the economic viability of agriculture and to protect ongoing agricultural activities and agricultural lands from conflicting development, such as intensive or unrelated residential, industrial, or commercial uses. Common activities associated with agriculture include the construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures. For agricultural sales and services, see PCC 18S.40.050, Commercial, Civic and Industrial.

A. Applicability. This Section applies to the following agricultural activities:

1. New agricultural activities on those specific land areas not previously used for agricultural purposes as of the effective date of Title 18S PCC;
2. Land converted to agricultural use; and
3. Replacement agricultural facilities located closer to the water's edge than the original facility.
4. This Section shall not apply to:
 - a. Agricultural uses and practices conducted as of the effective date of Title 18S PCC, as evidenced by aerial photography or other documentation. Agricultural uses and practices include, but are 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 on agricultural lands which are those specific land areas on which agriculture activities are conducted.

- b. Forest practice activities regulated under Chapter 76.09 RCW and WAC Title 222.

B. Policies.

1. Give priority to agricultural activities that present a lower risk of environmental impacts than those that present a higher risk of environmental impacts.
2. Encourage the preservation of existing and potential agricultural and open space land through comprehensive land use planning.
3. Prohibit agricultural practices that would result in violations of State water quality standards.
4. Utilize best management practices and coordinate with the Pierce Conservation District, Natural Resources Conservation Service, or other agency acceptable to the County.
5. Encourage the establishment and protection of vegetated buffers for existing agricultural activities.
6. Encourage cooperative arrangements between agricultural operators and public recreation agencies to develop opportunities for public use of shorelines.
7. Ensure that ongoing agricultural activities occurring on agricultural lands are not limited or impacted by new development.

C. Regulations.

1. Conversion of agricultural lands to other uses shall be subject to the applicable development regulations of the proposed use and consistent with the Shoreline Environment Designation (SED).
2. Outdoor areas where livestock are primarily sustained by imported feed shall not be allowed within shorelines.
3. Livestock flood sanctuary areas may be allowed subject to the provisions of PCC 18E.70.040, Flood Hazard Area Standards.
4. Manure stockpiling and the storage of agricultural chemicals, fertilizers, pesticides, and similar hazardous materials may be permitted where it can be demonstrated that no other on-site storage alternative outside the shoreline exists and the applicant demonstrates that on-site storage procedures will prevent the release of such materials.
5. Intentional discharge of any manure storage facility into ground or surface water is prohibited.
6. Stock watering facilities shall be provided so that livestock do not need to access streams or lakes for drinking water.
7. A farm management plan shall be provided for agricultural activities that include any one of the following, pursuant to Chapter 18S.70 PCC – Appendix B:



- a. Agriculture proposed within a habitat area, species point location, or any associated buffer identified pursuant to Title 18E PCC;
- b. Crop production using chemical weed and pest control, high-yield single crop species, annual tilling, regular soil fertilization rotation, conservation tillage, and drip irrigation;
- c. Alteration of the contour of the shorelands by leveling or filling other than that which results from normal crop cultivation; or
- d. Livestock rearing greater than 1,000 pounds of animal per acre of managed pasture, feedlots of any size, and processing plants.

18S.40.040 Aquaculture.

The intent of the Aquaculture policies and regulations is to manage the culture and farming of fish, shellfish, or other aquatic plants and animals. Aquaculture is a water-dependent use. Local government shall consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions. When properly managed, aquaculture can result in a long-term over short-term benefit and can protect the resources and ecology of the shoreline.

A. **Applicability.** This Section applies to the culture or farming of fish, shellfish, or other aquatic plants and animals. This Section does not apply to the harvest of wildstock geoduck associated with state managed wildstock geoduck fishery.

B. **Policies.**

1. Consider both the potential beneficial impacts and the potential adverse impacts that aquaculture might have on the physical environment, other existing and approved land and water uses, and on the aesthetic qualities of a project area.
2. Give preference to aquaculture projects that do not involve the placement of tubes, structures, or alterations to the shoreline.
3. Give preference to projects that involve minimal or no supplemental food sources, pesticides, herbicides, or antibiotic applications.
4. Design, locate, and operate aquaculture activities in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes. Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for Federal and State listed species and species of local importance including eelgrass, kelp, and other macroalgae; adversely impact other habitat conservation areas or connectivity between such areas; or significantly interfere with navigation or other water-dependent uses.
5. Individual aquaculture uses and developments shall be separated by a sufficient distance to ensure that significant adverse cumulative effects do not occur.
6. Design and locate aquaculture facilities so as not to spread disease to native aquatic life, establish new non-native species which cause significant ecological impacts, nor significantly impact the aesthetic qualities of the shoreline.
7. Monitor and identify aquaculture project environmental impacts. Monitoring protocols should be consistent with the recommendations of local, State, and Federal agencies with expertise. The results of monitoring shall be used to identify necessary changes to project-specific aquaculture operations and to aquaculture permitting requirements.



8. Give flexibility to aquaculture practices, provided that the overarching concern shall be avoidance or minimization of negative impacts as set forth in Title 18S PCC. The County shall establish monitoring procedures to ensure that aquaculture operations are in compliance with permit conditions.
9. Limit the scale and period of operation of aquaculture practices that are unproven or that involve impacts of an indeterminate nature.
10. Encourage aquaculture activities proposed solely for purposes of shoreline restoration and enhancement.
11. The County shall require an analysis of the cumulative impacts of aquaculture activities for more complex projects including, but not limited to farms on shorelines of statewide significance; multi-species farms; farms proposed within enclosed waters; farms proposed in locations where similar farms exist or are proposed; or farms that would be the first of their kind in the area.

C. Regulations – General.

1. Applications for aquaculture shall be subject to the Aquaculture Application Requirements of Chapter 18S.70 PCC – Appendix C.
2. Aquaculture operations are subject to all applicable State approved management guidelines. Where such guidelines are less restrictive than the County requirements, the County's requirements shall apply.
3. The proposed project location shall be suitable for aquaculture with little or no modification to the shoreline environment. Mechanized grading shall not be permitted.
4. Aquaculture activities shall be set back a minimum of 10 feet from adjacent parcels not associated with the aquaculture activity. The 10-foot setback requirement shall be increased when the shoreline contains multiple individual aquaculture activity areas and it is demonstrated that a greater distance is needed between areas or adjacent parcels to ensure maintenance of other shoreline uses, such as recreation or public access, or to ensure protection of shoreline functions and processes. The expanded setback required shall be based upon water body and shoreline characteristics and an analysis of legally established shoreline development.
5. Aquaculture activity boundaries shall be illustrated on a site plan that includes a depiction of the real property boundaries consistent with the legal description of the property. Aquaculture activity boundaries and property corners shall be staked according to Chapter 58.17 RCW and Chapter 332-130 WAC.
6. Aquaculture activity area boundaries shall be identified through the life of the aquaculture operation. Markers are to be visible when the tidelands are exposed. Projects that utilize submerged structures and/or tubes, stakes, racks, or bags, shall also provide floating markers to identify the boundary at higher tides. All markers shall provide the applicant's contact information and a description of aquaculture activities and any associated navigation hazards. Markers in navigable waters shall conform to any applicable U.S. Coast Guard requirements. Floating markers may be removed when the submerged structures and equipment are removed.
7. Shellfish aquaculture projects shall not involve the use of supplemental feed, pesticides, herbicides, antibiotic, vaccines, growth stimulants, antifouling agents, or other chemicals. When such products are used for finfish aquaculture, usage data shall be maintained by the applicant/operator and shall be provided to the County upon request.



- 1 8. Finfish aquaculture that uses or releases herbicides, pesticides, fertilizers,
2 pharmaceuticals, non-indigenous species, parasites, viruses, genetically modified
3 organisms, feed, or other materials known to be harmful into surrounding waters shall
4 not be allowed unless significant impacts to surrounding habitat and conflicts with
5 adjacent uses are effectively mitigated.
- 6 9. Aquaculture activities shall not substantially and materially conflict with areas
7 devoted to legally established water-dependent uses of the aquatic environment.
8 Such uses include, but are not limited to navigation, moorage, recreation, sport or
9 commercial fishing, underwater utilities, and scientific research.
- 10 10. The operator of any aquaculture activity shall provide contact information to
11 abutting waterfront property owners and shall, in a timely manner, respond to and
12 rectify any complaint relating to materials, equipment, or operation activities.
- 13 11. Predator control shall not involve deliberate killing or harassment of birds,
14 invertebrates, or mammals. Approved controls include, but are not limited to plastic
15 tubes or netting. Predator control equipment shall be removed as defined within the
16 approved schedule, but no longer than two years after installation.
- 17 12. Rebar shall be bent so exposed ends are no longer upright.
- 18 13. The duration and frequency of aquaculture monitoring shall be unique to each farm.
19 A monitoring plan shall be submitted consistent with Chapter 18S.70 PCC –
20 Appendix C, Aquaculture Application Requirements. A monitoring schedule shall
21 be established as a condition of each permit approval. At a minimum, monitoring
22 shall occur prior to bed preparation and prior to subsequent cycles of planting and
23 harvest. More frequent monitoring may be required based on the complexity or
24 intensity of the proposal.
- 25 14. Introduction of a new shellfish species, changing the shellfish species cultivated,
26 expansion of the physical area cultivated or relocation of the aquaculture operation is
27 considered a new use/development, and shall require a new permit and compliance
28 with this SMP.
- 29 15. Introduction of a new finfish species, changing the finfish species cultivated,
30 expansion of the physical area cultivated or relocation of the finfish aquaculture
31 operation is considered a new use/development, and shall require a new permit and
32 compliance with this SMP.
- 33 16. Aquaculture activities allowed pursuant to an approved Shoreline Conditional Use
34 Permit shall not be subject to review of a new Shoreline Conditional Use Permit for
35 subsequent cycles of planting and harvest unless specified in the original Shoreline
36 Conditional Use Permit.
- 37 17. With the exception of Olympia Oyster propagation which is a conditional use, new
38 commercial shellfish aquaculture operations are prohibited within the Nisqually
39 Reach Aquatic Reserve.
- 40 18. Aquaculture is prohibited in Estuaries within 300 feet of the mouth of freshwater
41 streams (as measured at extreme low tide).
- 42 19. Aquaculture is prohibited adjacent to residential neighborhoods in Horsehead Bay,
43 Wollochet Bay, Lay Inlet and adjacent to Raft Island due to water quality and visual
44 impacts.
- 45 20. Aquaculture proposals that could result in significant adverse environmental impacts
46 as demonstrated through a scientific analysis shall be prohibited.
- 47



1 **D. Regulations – Impact Avoidance.**

- 2 1. Proposals shall minimize adverse impacts from noise, light, and glare on nearby
- 3 properties to the extent feasible.
- 4 2. To the degree practicable, materials and colors that blend into their surroundings
- 5 shall be utilized.
- 6 3. Permanent lighting shall not be permitted except as required for navigation.
- 7 4. Tools shall be put away when the aquaculture activity area is not being actively
- 8 worked.
- 9 5. All equipment and structures and/or tubes, nets, and bands, shall be marked to
- 10 identify ownership, and shall be removed as defined by a County approved schedule.
- 11 6. Proposals shall demonstrate methods to be used to secure tubes, nets, bands and
- 12 other equipment and structures so that they will not escape from the site during the
- 13 life of the operation.
- 14 7. Operators shall regularly patrol for aquaculture-related materials and debris. The
- 15 distance to be patrolled will be based on site attributes, such as drift cell (a particular
- 16 reach of marine shore in which littoral drift may occur without significant
- 17 interruption and which contains any natural sources of such drift and also accretion
- 18 shore forms created by such drift) patterns and degree of enclosure, adjacent land use
- 19 patterns, and ability to legally access adjacent properties.

20 **E. Regulations – Harvest and Processing.**

- 21 1. Commercial aquaculture operators have a right to harvest from a farm once planted.
- 22 Harvesting during low tides may occur at night or on weekends only if low tide
- 23 harvesting is necessary.
- 24 2. Harvest activities shall be conducted in a manner that minimizes turbidity and the
- 25 risk of impacts to aquatic vegetation and the intertidal bed. Where water pumps are
- 26 used, they should be placed on floating rafts or boats which shall not come in direct
- 27 contact with the substrate. Pump intakes shall be screened to minimize the capture
- 28 of marine organisms. Harvest activities within fine-grained beaches that are
- 29 susceptible to sediment transport may be required to utilize sediment containment
- 30 methods, such as sediment control fencing, hose line, or cloth tubes.
- 31 3. Processing of aquaculture products, except for the sorting or culling of the cultured
- 32 organism and the washing or removal of surface materials or organisms after harvest,
- 33 should not occur in or over the water.
- 34 4. Processing and processing facilities should be located on land and shall be subject to
- 35 PCC 18S.40.050, Commercial and Industrial Policies and Regulations, and Tacoma-
- 36 Pierce County Health Department – Environmental Health Division Regulations, and
- 37 applicable County Codes, in addition to the policies and regulations in this Section.
- 38 5. No garbage, waste, or debris shall be allowed to accumulate at the site of any
- 39 aquaculture operation.
- 40 6. If significant mortality of species under cultivation occurs, the aquaculture operator
- 41 shall immediately report the event to the State and local Health Departments, and
- 42 then the County.

43 **F. Regulations – Structures.**

- 44 1. The installation of structures and/or equipment shall demonstrate the following:
- 45 a. The structures and/or equipment proposed are the minimum necessary for
- 46 feasible aquaculture operations;



- b. The design and location of such structures and/or equipment does not effectively preclude surface navigation, recreational boating, and other public use of shoreline waters; and
 - c. Safe and unobstructed passage is provided for fish and wildlife.
2. Over-water structures and/or equipment, and any items stored upon such structures such as materials, garbage, tools, apparatus, shall be designed and maintained to minimize visual impacts. The maximum height above water for permanent structures shall be limited to three feet unless shoreline conditions serve to minimize visual impacts (for example: high bank environments, shorelines without residential development). Height limitations do not apply to materials and apparatus removed from the site on a daily basis.

G. Regulations – Species.

1. Aquaculture activities shall not be located within tidal channel portions of streams and rivers with direct utilization by anadromous species.
2. New aquatic species that have not been previously cultivated in Washington State shall not be introduced into the County without prior written approval of the Director of the Washington Department of Fish and Wildlife and the Director of the Washington Department of Health.
3. New finfish aquaculture involving net pens for anadromous species, shall be prohibited throughout Pierce County marine waters located south and west of the Tacoma Narrows Bridge.
4. Finfish aquaculture involving net pens for anadromous species are prohibited in all marine waters of Pierce County where there are aquatic reserve areas in place.

18S.40.050 Commercial, Civic and Industrial.

The intent of the Commercial, Civic and Industrial policies and regulations is to manage commercial, civic, and industrial development on shorelines.

A. Applicability. This Section applies to commercial, civic and industrial uses and development including centers that provide services and facilities for the transfer of commodities (water, air, or land) of commerce to and from vehicles, and may provide the means for their protection, storage, maintenance, and operation.

B. Policies.

1. Encourage restoration of impaired shoreline ecological functions and processes as part of commercial, civic and industrial development.
2. Allow mixed use development, including non water-dependent uses, only when they include and support water-dependent uses, unless the site does not abut the water's edge.
3. Encourage multiple-use concepts such as including open space and recreation in commercial, civic and industrial development.
4. Maximize use of existing ports and other industrial areas prior to expansion or development of new industrial sites.
5. Consider regional industrial needs in reviewing new proposals and allocating shorelines for industrial development. Such reviews or allocations should be coordinated with port districts, adjacent counties and cities, and the State.

C. Regulations.

1. Structures waterward of the OHWM shall be on piling or other open-work, and shall be limited to those that require over-water facilities.



2. In addition to standard submittal standards, see Chapter 18S.70 PCC – Appendix D, Commercial, Civic, and Industrial Application Requirement.
3. Non water-oriented commercial uses, or portions of a use that are non-water oriented, are prohibited in shorelines unless they meet one of the following criteria:
 - a. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; and
 - b. Navigability is severely limited at the proposed site; and the commercial, civic or industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
 - c. The use is physically separated from the water's edge by another legally established property in separate ownership or existing permanent substantial improvement, such as a paved area, dike, levee, or other permanent structure which serves to eliminate or greatly reduce the impact of the proposed use and development upon the shoreline.
4. Non water-dependent commercial, civic and industrial uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.
5. Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with any relevant State and Federal law.
6. A change from an existing non water-oriented commercial, civic or industrial use to another non water-oriented commercial, civic or industrial use is permitted without a Conditional Use Permit, subject to the general policies and regulations of this Title.
7. When commercial redevelopment involves relocating or expanding the existing structure, shoreline restoration or mitigation shall be a condition of approval. Restoration may include, but is not limited to:
 - a. Moving the structure away from the shoreline;
 - b. Removing any shoreline armoring or replacing hard with soft armoring;
 - c. Riparian vegetation restoration, including removing invasive and planting natives; or
 - d. Stormwater retrofits to implement Low Impact Development.
8. When commercial redevelopment involves relocating or expanding the structure, public access shall be a condition of approval, unless infeasible due to health or safety issues. Public access may include, but is not limited to:
 - a. Establish shoreline access or maintain existing public access;
 - b. Connecting a trail to existing public access on adjacent property; or
 - c. Providing for visual access to the shoreline.

18S.40.060 Flood Hazard Management.

The intent of the Flood Hazard Management policies and regulations is to minimize public and private losses due to flood conditions in flood hazard areas.

- A. **Applicability.** This Section applies to actions taken to reduce flood damage or hazard. Flood hazard reduction measures subject to the requirements of this Section may consist of nonstructural measures such as setbacks, wetland restoration, levee or revetment removal, use relocation and bioengineered measures, gravel removal (scalping or



dredging), and of structural measures such as levees, revetments, setback levees and setback revetments, floodwalls, channel realignment, and elevation of structures.

1. These regulations are in addition to those in Chapter 18E.70 PCC, Flood Hazard Areas.

2. This Section does not apply to mining; instead refer to PCC 18S.40.080, Mining.

B. Policies.

1. Demonstrate avoidance of adverse impacts to shoreline uses, resources, and values, including shoreline geomorphic processes, water quality, fish and wildlife habitat, commercial aquaculture, scenic resources, and bank erosion.

2. Give preference to flood hazard reduction measures that consist of nonstructural measures such as setbacks, land use controls, wetland restoration, dike removal, impervious surface reduction, use relocation, vegetation retention, biotechnical measures, and stormwater management programs.

3. Flood hazard reduction measures may include structural measures such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures.

4. Limit development, flood control structures, and other shoreline modifications that may adversely impact property or public improvements, or result in a net loss of ecological functions associated with rivers and streams, by interfering with channel migration processes.

5. Return river and stream corridors to more natural hydrological conditions, recognizing that seasonal flooding is an essential natural process.

6. Consider the removal or relocation of structures in flood hazard areas when evaluating alternate flood control measures.

7. Allow flood hazard management structures only when the following can be demonstrated:

a. They are necessary to protect development;

b. Nonstructural measures are not feasible; and

c. Appropriate vegetation conservation actions are undertaken.

8. Give preference to placing new flood hazard reduction structures landward of wetlands and associated buffers.

C. Regulations – General.

1. Proposals for flood hazard management measures shall demonstrate, by engineering and scientific evaluation, the following:

a. Measures are necessary to protect health, safety, or existing legally established development;

b. Measures are consistent with an adopted flood hazard management plan that evaluates cumulative impacts to the watershed system; and

c. Benefits of the flood hazard project outweigh the anticipated environmental impacts.

2. Removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and shall be allowed only after a biological study and geomorphologic study show that extraction has a benefit to flood hazard management, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

3. Removing material from rivers and streams for the sole purpose of flood control may be permitted under the following conditions:



- a. The location and quantities of sand and gravel or other materials to be removed are specified;
 - b. Extraction amounts, rates, timing and locations are based on a scientifically determined sediment budget adjusted periodically according to data provided by a regular monitoring plan;
 - c. The development will not adversely affect the natural processes of gravel transportation for the river or stream system as a whole. Specific studies prepared by a hydrogeologist and included with the application shall demonstrate that any adverse flood, erosion, or other environmental impacts occurring either upstream or downstream of extraction sites are mitigated; and
 - d. The development shall be limited to work that occurs out of the water unless the project is adopted by a governmental agency or approved comprehensive flood hazard management plan.
4. Accessory aggregate processing (crushing, washing, screening, stockpiling, and staging areas) may occur on site on a temporary basis after review of potential impacts.
 5. Riprapping and other bank stabilization measures shall be located, designed and constructed to protect the natural character of the waterway.
 6. Levees, revetments, berms and similar flood control structures shall be shaped and planted with vegetation suitable for wildlife habitat when feasible.
 7. Regulated Channel Migration Zones (CMZ) are identified in PCC 18E.10.140 H.4.a. For regulated CMZs that have not yet had a study adopted by Pierce County, the default CMZ shall be the regulated FEMA floodway area. For more information regarding Channel Migration Zones, please refer to Chapter 18E.70 PCC, Flood Hazard Areas.
- D. Regulations – Structural Flood Hazard Reduction Measures.**
1. New structural flood hazard reduction measures shall be:
 - a. Permitted only in those circumstances in which nonstructural flood hazard reduction measures will not achieve the intended flood hazard reduction; and
 - b. Constructed and maintained in a manner that does not degrade water quality.
 2. Groundwater movement and surface water runoff shall be considered in the design and operation of new structural flood hazard reduction measures.

18S.40.070 Forest Practices.

The intent of the Forest Practices policies and regulations is to provide guidance for Forest Practice activities on shorelines.

A. Applicability. This Section applies to Forest Practices as defined in the Washington State Forest Practices Act, Chapter 76.09 RCW, and the State Forest Practice Rules, WAC 222, as follows:

1. Class I, II, and III Forest Practices located within 200 feet of the OHWM on Shorelines of Statewide Significance.
2. Class IV-General Forest Practices where shorelines are being converted to non-forest uses are not subject to this chapter. Class IV-General Forest Practices are subject to the requirements of the other Chapters of Title 18S PCC, Development Policies and Regulations – Shorelines, as applicable, and to Title 18H PCC, Development Regulations – Forest Practices.



1 **B. Policies.**

- 2 1. Allow only selective harvest methods of merchantable timber in accordance with
3 RCW 90.58.150 on Shorelines of Statewide Significance.
4 2. Accomplish reforestation in shorelines as quickly as possible. Replanting should be
5 done with native species common to the area.
6 3. Forest lands should be reserved for long term forest management and other uses
7 compatible with the forestry use.

8 **C. Regulation.** Forest Practice regulations are found in Title 18H PCC, Development
9 Regulations – Forest Practices.

10
11 **18S.40.080 Mining.**

12 The intent of the Mining policies and regulations is to accommodate mining practices while
13 achieving compatibility with other shoreline uses.

14 **A. Applicability.** This Section applies to removal of naturally occurring materials from the
15 earth. Associated activities such as processing and transportation shall be subject to the
16 requirements in this Section and PCC 18S.40.050, Commercial, Civic, and Industrial.
17 This Section does not apply where the primary use involves Flood Hazard Management
18 (see PCC 18S.40.060). See Restoration and Enhancement, PCC 18S.40.110, for
19 restoration and enhancement activities.

20 **B. Policies.**

- 21 1. Locate, design, and manage mining operations so that other legally established uses
22 and development are not subjected to unnecessary adverse impacts such as
23 diminished water quality, flooding, and bank erosion.
24 2. Avoid adverse impacts to shoreline geomorphic processes, ecological functions,
25 water quality, fish and wildlife habitat, scenic resources.
26 3. Require mining operations to accomplish the timely restoration of disturbed areas to
27 a biologically productive, semi-natural, or other useful condition through a
28 reclamation process.
29 4. Provide adequate protection against sediment and silt production when mining
30 operations remove rock, sand, gravel, and minerals from shoreline areas.
31 5. Ensure that mining does not preclude public recreation of the public shoreline.

32 **C. Regulations.**

- 33 1. Applications shall be accompanied by operation plans and analysis of environmental
34 impacts.
35 2. Mining is prohibited waterward of the OHWM and within wetlands.
36 3. Exploration for, and subsequent mining or extraction of, natural gas or petroleum is
37 prohibited within shorelines.
38 4. Mining operations shall implement measures such as buffers, limited hours, or other
39 mitigating measures, for the purpose of minimizing adverse proximity impacts.
40 5. The applicant shall provide documentation prepared by a professional engineer
41 registered in the State of Washington demonstrating that all of the following criteria
42 are met:
43 a. All pits of each operation shall be located and excavated to a depth so as to
44 function as a self-flushing chain of lakes whenever the pits are overtopped by
45 floods in order to prevent eutrophication and fish entrapment;



- b. The entire operation shall be sized and designed so that neither additional bank erosion, catastrophic changes in channel location, nor adverse impact to fish resources or water quality will likely result in the long term;
- c. The scale and mode of operation will not have adverse impacts on fish resources, water quality, and recreation resources, nor adversely impact a stream's natural capacity to erode, shift, accrete, and flood;
- d. All equipment, works, and structures shall be designed to withstand flooding without becoming a hazard in themselves nor causing adverse effects on the shoreline, without the necessity for shoreline stabilization structures; and
- e. Impacts to wetlands or intertidal areas are entirely avoided.

18S.40.090 Recreation.

The intent of the Recreation policies and regulations is to accommodate civic and commercial recreational opportunities while achieving compatibility with other shoreline uses and development and ensuring no net loss of ecological function.

- A. **Applicability.** This Section applies to public and private civic and commercial proposals intended for recreational use, except that for recreational uses where the principal use is to serve watercraft, PCC 18S.40.140, Water Access Facilities, shall apply.
- B. **Policies.**
 1. Give preference to developments that facilitate the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the State, and to view the water and the shoreline.
 2. Provide ample, varied, and balanced recreational experiences in appropriate shoreline locations.
 3. Design facilities to accommodate expected capacity and to prevent overuse.
 4. Locate recreational developments so that use and intensity are consistent with the characteristics of the shoreline in which they are located.
 5. Discourage recreational development that requires extensive structures, utilities, roads, or substantial modifications of topography or vegetation removal.
 6. Incorporate public education regarding shoreline ecological functions and processes, the role of human actions on the environment, and the importance of public involvement in shoreline management.
 7. Encourage linkage of shoreline parks, upland recreation opportunities and water-oriented opportunities.
 8. Encourage the acquisition of public shoreline recreational lands through a variety of means including fee purchase, acquisition of easements, options, development rights, and implementation of the Conservation Futures Act.
 9. Encourage coordination between public agencies and private developers in their plans and activities to provide a wide variety of recreational opportunities.
 10. Discourage vehicular traffic on beaches and the water's edge.
- C. **Regulations.**
 1. Locations and designs requiring flood protection or shoreline stabilization should be avoided.
 2. Impacts to abutting uses shall be addressed. Where issues of incompatibility arise such as security, noise, and view, impacts shall be reasonably mitigated. However, priority shall be given to providing recreation that benefits the general public.



3. When multiple recreational facilities are proposed, cumulative impacts shall be addressed.
4. Recreational water activities shall not impede the ability of watercraft to navigate past the site.
5. Swimming areas, underwater parks, and similar uses shall include safety provisions to warn boating traffic of their location.
6. Structures waterward of the ordinary high water mark (OHWM) shall be floating or on piling or other open-work and shall be limited to those uses that require over-water facilities.
7. When allowed, vehicle use of beaches, streams, wetlands, and buffers shall be specifically designated and posted for such use.
8. Restrooms, refuse disposal, parking, maintenance, and similar facilities shall be provided consistent with the expected demand. Designs shall consider ways to limit attendance to prevent overuse of the site.
9. Over-water recreational structures that extend waterward from the water's edge shall not exceed 15 percent of the fetch.

18S.40.100 Residential.

The intent of the Residential policies and regulations is to accommodate residential development and appurtenances. Single-family residences are a preferred use within the Conservancy and Residential Shoreline Environment Designations (SEDs) when consistent with control of pollution and prevention of damage to the natural environment. The Residential policies and regulations encourage sustainable residential development through restrictions on the scale of development, preservation of vegetation and topography, and minimization of impacts to fish and wildlife habitat.

A. **Applicability.** This Section applies to residential developments, structures and uses together with associated accessory structures and uses that do not fall into another category within Title 18S PCC. This Section also applies to the creation of residential lots.

B. **Policies.**

1. Set structures back from required shoreline buffers to ensure compatibility between uses and protection of buffer areas from residential activities.
2. Ensure compliance with allowable density of new residential development in applicable comprehensive plan goals and policies, zoning restrictions, and shoreline environment designation standards.
3. Prohibit the use of bonus density provisions, of the underlying zone classification, for lots created in shoreline environment designations containing sensitive ecological functions.
4. When on-site sewage systems are required for residential development, those systems and their associated drainfields should be installed outside of shorelines.
5. Locate new development a sufficient distance from steep slopes or bluffs to ensure that stabilization measures are unlikely to be necessary during the life of the development.
6. Accessory uses should preserve open space, be visually and physically compatible with surrounding development, and be reasonable in size and purpose.
7. Prohibit new over-water residences, including floating homes.



8. Encourage development that includes common open space and recreation facilities adjacent to the water's edge.
9. Residential development should preserve existing vegetation, open space, habitat, and critical areas.
10. Encourage the use of low impact development (LID) techniques.
11. New residential structures should be located with respect to views and should not exceed a height of 35 feet.

C. Regulations – General.

1. Existing legally established residential structures and appurtenant structures located in a Shoreline Environment Designation (SED) which permits the residential development, but that do not meet standards for setbacks, buffers, yards, area, bulk, height, or density, shall be considered conforming for purposes of administering Title 18S PCC. See also PCC 18S.10.055, Recognition of Legally Established Development.
2. Table 18S.30.030-1, Standard Shoreline Buffers and Setbacks, indicates the required buffer for each SED. Table 18E.40.060-1, Fish and Wildlife Habitat Conservation Area Buffer Requirements, indicates the required fish and wildlife habitat area buffer or setback width for each shoreline water type. Chapter 18E.40 PCC includes the provisions by which fish and wildlife habitat area buffers and setbacks may be modified.
3. Residential development shall comply with bulk standards (such as, but not limited to: setbacks, buffers, height, and density) of Title 18A PCC.
4. New over-water residences and expansion of existing over-water residences, including floating homes, are prohibited.
5. Residential development on a lot shall comply with Chapter 18E.110 PCC, Erosion Hazard Areas.
6. Residential structures shall not exceed a height of 35 feet pursuant to PCC 18S.30.060 D., Scenic Protection and Compatibility.
7. Not more than one third of the parcel within shoreline jurisdiction and landward of the ordinary high water mark shall be covered by impervious areas, except that new lots in a Natural or Conservancy SED shall be limited to 10 percent effective impervious surfaces, including parking areas but excluding a 12-foot wide driveway. This restriction applies to both principal and accessory uses and structures.
8. New waterfront developments of two or more dwelling units within shoreline jurisdiction shall provide for joint use water access, unless determined during the review of the project that such joint use water access is infeasible due to topographic constraints.
9. Septic tanks and drain fields for new sewage disposal systems shall be located outside of shoreline setbacks and buffers.

D. Regulations – Land Divisions and Boundary Changes.

1. Lots created through subdivision of land shall be situated so that development on the created lots will not require soft or hard shoreline stabilization methods. A geological analysis may be required to demonstrate that these methods will not be needed pursuant to Chapter 18E.110 PCC. See also PCC 18S.30.070, Shoreline Stabilization policies and regulations.



2. Minimum lot width, measured at the ordinary high water mark (OHWM), shall be as follows for newly-created or adjusted lots, unless a greater dimension is required pursuant to Title 18A PCC, Development Regulations – Zoning:
 - a. Natural SED = 100 feet,
 - b. Conservancy SED = 75 feet, and
 - c. Residential SED = 50 feet.
3. Natural Shoreline Environment Designation (SED).
 - a. New land divisions are prohibited from exceeding base density as determined by Title 18A PCC.
 - b. The bonus density provisions of Title 18A PCC shall not be allowed.
 - c. New land divisions and subsequent development shall comply with low impact development (LID) regulations of the Pierce County Stormwater Management and Site Development Manual, Volume VI, or as amended within shorelines.
4. New divisions of land, and subsequent development, that exceed the base densities as determined by Title 18A PCC shall comply with LID regulations of the Pierce County Stormwater Management and Site Development Manual, Volume VI, within shorelines.
5. Residential developments containing five or more dwelling units shall provide and maintain a commonly owned tract between the water's edge and the first tier of lots closest to the water's edge for the benefit of all lots within said subdivision. The purpose of the tract is to maintain the natural visual appearance and ecological functions of the waterfront and to provide shoreline access.
6. Critical areas and associated buffers, open space, access areas, shoreline recreational space, or other common area shall be protected in a tract, or alternative protective mechanism such as a protective easement, public, or private land trust dedication, or similarly protective mechanism prior to final approval of any division of land. Approval of an alternative protective mechanism will be subject to a determination by the Director or Hearing Examiner that such alternative mechanism provides the same level of permanent protection as designation of a tract. Each lot owner within the land division shall have an individual taxable interest in the tract(s) or protective mechanism, unless otherwise approved by the Director or Hearing Examiner.
7. New waterfront land divisions containing two or more dwelling units within shoreline jurisdiction shall provide for joint use water access, unless determined during the review of the project that such joint use water access is infeasible due to topographic constraints. Recorded documents for the land division shall note the provision for joint use water access if such access is required.

18S.40.110 Restoration and Enhancement.

The intent of the Restoration and Enhancement policies and regulations is to manage the reestablishment or upgrades to impaired ecological shoreline processes or functions.

A. Applicability.

1. This Section applies to restoration and enhancement actions aimed at improving shoreline ecological functions and processes.
2. Restoration is the process of reestablishing impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment



of toxic materials. Restoration does not necessitate the return of the shoreline area to emulate conditions that existed prior to human contact.

3. Enhancement is the process of altering physical, chemical, or biological characteristics of shoreline features in order to improve specific functions. Enhancement is often undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydro periods, or some combination of these.

B. Policies.

1. Give priority to restoration actions identified in the Shoreline Restoration Plan or other restoration plans that address regional environmental needs.
2. Encourage restoration actions that enhance aquatic and upland ecological functions, processes, and physical features (such as native vegetation) and that address the needs of regulated fish and wildlife species.
3. Encourage and support cooperative restoration efforts between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to improve shorelines with impaired ecological functions and/or processes.
4. Incorporate public education regarding shoreline ecological functions and processes, the role of human actions on the environment, and the importance of public involvement in shorelines management in restoration and enhancement plans.

C. Regulations.

1. Restoration and enhancement projects shall achieve goals and objectives of the Pierce County Shoreline Restoration Plan or in other recovery plans for listed species and/or populations, provided such other plans are consistent with achieving goals and objectives in the Pierce County Shoreline Restoration Plan.
2. Restoration and enhancement completed in advance of shoreline development may be used for future development-related mitigation purposes when:
 - a. The restoration and enhancement is either:
 - (1) Demonstrably related to the impacts of the proposed development (i.e., in-kind); or
 - (2) Not demonstrably related to the impacts of the proposed development (i.e., out-of-kind), provided the restoration and enhancement will result in greater levels of ecological shoreline processes or functions than would in-kind restoration and enhancement; and
 - b. Initiated after March 1, 2005, the implementation date of the Critical Area regulations update;
 - c. Pre-restoration and pre-enhancement ecological shoreline processes or functions can be conclusively demonstrated; and
 - d. Protective measures are applied to the restored and enhanced area in the form of a tract, conservation easement, or similar preservation mechanism approved by the County.
3. Shoreline restoration projects that meet RCW 90.58.580 may be granted relief from Master Program development standards and use regulations within urban growth areas.
4. Restoration and enhancement designed to improve fish habitat, and meeting the requirements of RCW 77.55.181, may qualify for an expedited review process with



no local government fees. To see if your project meets this expedited process, you must provide a complete application package to the Department and to Washington Department of Fish and Wildlife (WDFW).

18S.40.120 Transportation.

The intent of the Transportation policies and regulations is to accommodate safe and adequate circulation systems to, from, and over shorelines when necessary, and to achieve consistency with other shoreline development.

A. **Applicability.** This Section applies to transportation development including, but not limited to roads, commercial parking, buses, ferries, railroads and aviation.

B. **Policies.**

1. Include systems for pedestrians, bicycle, and public transportation where appropriate in circulation system planning.
2. Plan, locate, and design transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological function or adversely impact existing or planned water-dependent uses. Where other options are available and feasible, new roads, or road expansions should not be built within shorelines.
3. Discourage parking facilities in shorelines. Such facilities should be allowed only as necessary to support an authorized use.

C. **Regulations.**

1. Appropriate measures shall be employed to protect public safety and prevent adverse impacts on navigation, public access, recreation, and other approved shoreline uses.
2. Parks and scenic views, as well as historic, archaeological, and cultural resources shall be avoided for new transportation corridors or sites unless no feasible alternative exists.
3. New uses and development shall co-locate with existing facilities when feasible.
4. Development of rights-of-way and associated transportation structures, such as railroad trestles, may be permitted for purposes of facilitating the development of public trails and/or public shoreline access; provided that such redevelopment shall be otherwise consistent with the provisions of Title 18S PCC.
5. Parking areas associated with a principal use shall be located outside shorelines unless no feasible alternative location exists. Parking as a principal use is prohibited.

18S.40.130 Utilities.

The intent of the Utilities policies and regulations is to provide for present and future services and facilities that produce, convey, store, or process power, fuel, wastewater, communications, solid waste, and the like while minimizing conflicts with other permitted shoreline uses and development.

A. **Applicability.** This Section shall apply to utilities as a principal use that produce, convey, store and/or process water, electricity, gas, wastewater, solid waste, communications, and other utilities.

B. **Policies.**

1. Locate new public and private utilities inland from the land/water interface, preferably out of shorelines.
2. Consolidate utility facilities within existing rights-of-way wherever possible.



3. Allow non water-oriented utility production and processing facilities, or parts of those facilities within shorelines, only when there is no other feasible option.
4. Prohibit new solid waste disposal facilities or transfer facilities in shoreline areas except water-dependent solid waste transfer facilities which may be allowed in port or industrial areas.
5. Coordinate utility right-of-way acquisition and construction with transportation and recreation planning and also with other local government agencies and utility providers.

C. Regulations.

1. New solid waste disposal facilities or transfer facilities are prohibited in shoreline areas, except water-dependent solid waste transfer facilities may be allowed in port or industrial areas if they include a modern transfer system where all waste is either delivered to the site already containerized or waste is transferred to containers inside of an enclosed building.
2. Utilities should be underground, including underneath water bodies, unless such location would cause greater degradation to ecological functions or be technically prohibitive.
3. Appropriate measures shall be employed to protect public safety and prevent adverse impacts on navigation, public access, recreation and other approved shoreline development.
4. Parks, scenic views, and historic, archaeological and cultural resources shall be avoided unless no feasible alternative exists.
5. After construction, the work site shall be restored to the maximum extent possible.
6. Any mitigation required shall be maintained for the life of the project.
7. All normal utilities associated with a principal use shall be reviewed as part of the principal use.
8. Applicants shall demonstrate the need for a shoreline location, and if the utility is proposed outside of an existing right-of-way, why collocation within existing right-of-way is not feasible.

18S.40.140 Water Access Facilities.

The Water Access Facilities policies and regulations are intended to manage development of facilities that support water dependent uses such as mooring buoy, mooring piling, float, lift, railway, launching ramp, dock (pier, ramp, and/or float), marina, and water access stairs.

A. Applicability. This Section applies to water dependent facilities such as mooring buoy, mooring piling, float, lift, railway, launching ramp, dock (pier, ramp, and/or float), boathouse, and marina.

B. Policies.

1. Locate, design, and operate facilities so that other water-dependent and preferred uses are not adversely affected.
2. Discourage facilities that serve only one residence, and encourage facilities serving more than one residence.
3. Discourage railways, docks and launching ramps on shallow, gradually-sloping beaches that result in excessively long facilities, or normal length facilities that are nonfunctional (e.g., high and dry) a majority of the time.
4. Size facilities in small water bodies, such as coves, bays, and inlets to accommodate maneuverability and existing legally established uses.



5. Give preference to facilities:
 - a. That provide public access and recreational opportunities;
 - b. That are landward of the ordinary high water mark (OHWM) such as upland dry storage marinas;
 - c. That are waterward of the OHWM that can be removed seasonally rather than permanent facilities; or
 - d. That minimize the amount of shoreline modification (e.g., buoys rather than docks).
6. Encourage the removal of unutilized or derelict facilities.
7. Restrict liveaboards from extended mooring except when located at a marina.
8. Limit proposals located in a constricted body of water to ensure the site is not overrun with facilities, and has the flushing capacity necessary to maintain water quality.

C. Regulations – General.

1. New piers and docks shall be allowed only for water-dependent uses or public access and shall be the minimum size necessary to meet the needs of the proposed use. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft or the water.
2. Floating facilities (including anchor lines) and vessels moored to all facilities shall not ground or beach on the substrate. Flotation material shall be fully enclosed and contained.
3. Facilities shall be stable against the elements and maintained in safe and sound condition.
4. Facilities waterward of the OHWM in marine waters shall consist of an open framework (e.g., pilings, grated surfaces, cable railings, floating facilities held in place with anchors) as opposed to solid surfaces with no openings, to the maximum extent feasible.
5. In- and over-water facilities shall be visible under normal day and nighttime conditions. Visual aids may include reflectors and warning lights.
6. Accessory uses shall be:
 - a. Limited to water-dependent recreation (such as fishing and swimming) and may involve the addition of swim ladders, diving boards, slides, trampolines, etc. where allowed; or
 - b. Related to boating, necessary for operation of the facility and/or provide water access.
7. Lighting (except for warning lights) shall be the minimum voltage and height necessary for safe use of the facility and shielded to prevent glare.
8. Utilities should be placed on or under, and not overhead, of the facility.
9. Off-shore facilities shall be:
 - a. Clearly marked with the owner's name, contact information and, if on State land, Washington State Department of Natural Resources (DNR) registration number; and
 - b. Located so that they balance the goals of avoiding nearshore habitat, minimizing obstructions to navigation, and minimizing impacts to legally established facilities and moored vessels.



- c. Extended moorage on waters of the State shall be consistent with State regulations.
 10. Limited fill or excavation may be allowed landward of the OHWM to match the upland with the elevation of the over-water structure.
 11. Fueling facilities are prohibited, unless located at a marina.
 12. Height of a facility should be the minimum necessary for safe operations.
 13. In a constricted body of water, docks, except for residential docks, shall be allowed only where there is one surface acre of water within the constricted body, measured at mean low water, for each boat moorage (including buoys) within said constricted body.
 14. Maximum intrusion into the water shall be only so long as to obtain a depth of 8-feet of water as measured at mean lower low water (MLLW) on saltwater shorelines, or as measured at ordinary high water in freshwater shorelines, except that the intrusion into the water of any pier or dock shall not exceed the lesser of 15 percent of the fetch or the maximum allowed length.
 15. New waterfront developments of two or more dwelling units and land divisions containing two or more dwelling units within shoreline jurisdiction shall provide for joint use water access, unless determined during the review of the project that such joint use water access is infeasible due to topographic constraints.
 16. Water access facilities are subject to Chapter 18E.110 PCC, Erosion Hazard Areas.
 17. This Section shall not be circumvented by installing a motor, motor mount, oars, etc. on a facility and registering it as a vessel.
- D. **Regulations – Residential.** The following regulations apply to residential water access facilities serving four or fewer parcels:
1. Facilities may be allowed if a residential parcel meets the following criteria:
 - a. The parcel abuts either the water's edge or is separated from the water's edge by an existing road that abuts the water's edge;
 - b. The parcel is vacant or developed with a maximum of two dwellings (not including legally established accessory uses); and
 - c. The parcel is not within a residential development having a previous land use decision that prohibits establishment of the facility.
 2. Residential properties may be served by one dock (including a pier, ramp and/or float). For purposes of this subsection, a residential dock may accommodate temporary floats and boat lifts. The following additional criteria shall apply to the number of water access facilities allowed:
 - a. A parcel may have no more than one railway;
 - b. A parcel may have no more than one mooring buoy or mooring piling except a second mooring buoy may be authorized to secure moorage when authorized by the Washington State Department of Natural Resources;
 - c. Facilities attached to another facility (such as boat and jet ski lifts attached to docks) shall be considered permitted accessory uses.
 3. If a principal residence occupies more than one parcel, then the project site shall be considered one parcel for purposes of this Section.
 4. Use of residential water access facilities shall be limited to property owners, residents, and guests for recreational noncommercial purposes, except for those associated with a legally established home occupation or cottage industry.
 5. Docks and railways serving one parcel shall be subject to the following:



- a. Applicants shall contact abutting shoreline owners and inquire about sharing any existing legal facilities they may have or, if none exist, their interest in participating in a new one;
 - b. Applicants shall demonstrate how they considered the use of existing facilities and joint use of a new facility, and why these alternatives are not feasible; and
 - c. Docks may consist of shapes other than a straight line, such as a "U," "T," or "L," as determined by the appropriate reviewing authority.
6. Facilities serving more than one parcel, under the same or different ownership, shall be subject to the following:
- a. Applications shall include documentation of all parcel property owners that would share the facility. Prior to construction or installation, the owners shall record with the County Auditor a joint-use agreement that will appear on the title of all parcels sharing the facility. The agreement should address apportionment of responsibilities/expenses, easements, liabilities, and use restrictions;
 - b. Shoreline permits shall not be required for conversion of an existing, legal single-use facility to joint-use facility unless modifications are proposed. However, a joint-use agreement shall be recorded with the County Auditor and a copy provided to Planning and Land Services; and
 - c. Docks may consist of shapes other than a straight line, such as a "U," "T," or "L," as determined by the appropriate reviewing authority.
7. Water service and sewage pump-out facilities are allowed.
8. A facility or combination of facilities shall not enclose surface waters on all sides for personal use (such as a swimming enclosure).
9. Boathouses.
- a. Boathouses shall be constructed landward of the OHWM;
 - b. Boathouses may be served by utilities, but otherwise shall not be utilized for purposes other than boat storage;
 - c. A boathouse may include a sink and toilet but shall not include other bathroom facilities or other human habitation accommodations;
 - d. A boathouse shall be limited to a maximum of 300 square feet and shall not exceed a building height of 12 feet; and
 - e. A boathouse may have a zero setback from the OHWM, but allowance of the boathouse shall not justify the need for shoreline armoring.
10. Launching ramps, and covered moorage that is not light penetrable, are prohibited waterward of the OHWM.
11. Water access stairs shall not be constructed waterward of the OHWM. Landings within the stairway shall be limited to the minimum size necessary to meet applicable building codes.
- E. **Regulations – Recreational and Marina.** The following regulations apply to facilities serving more than four parcels, private and public recreational facilities, and marinas:
1. Number of moorage facilities permitted:
 - a. **Community recreational:** Maximum one moorage for each 20 feet of frontage, up to 200 feet, plus one moorage for each additional 10 feet of frontage (e.g., a 20-boat facility would require 300 feet of frontage). In no case shall there be more than one moorage space for each parcel.



- b. **Private recreational:** Maximum one moorage for each 30 feet of frontage up to 210 feet of frontage plus one moorage for each additional 15 feet of frontage (e.g., a 20-boat facility would require 450 feet of frontage).
 - c. **Public recreational:** Maximum one moorage for each 10 feet of frontage up to 200 feet of frontage plus one moorage for each additional 5 feet of frontage (e.g., a 50-boat facility would require 350 feet of frontage).
 2. Non-waterfront residents shall be restricted to use of buoys or community recreational, private recreational, public recreational, and marina facilities.
 3. Accessory uses consisting of buildings and non water-dependent uses shall be located landward of the OHWM, and shall meet applicable buffers and setbacks, unless authorized by another Section of Title 18S PCC.
 4. Design facilities to accommodate, at a minimum, capacity normal to a non-holiday summer weekend including, but not limited to adequate off-street parking, restrooms, waste facilities, life saving equipment, spill control and cleanup equipment, and facilities for collection and dumping of sewage and solid waste.
 5. Signage providing usage rules shall be provided and shall be located in a conspicuous manner.
 6. Liveaboard vessels may occupy up to 10 percent of the total slips at a marina, subject to the following:
 - a. They are only for single-family use; and
 - b. Vessels are connected to utilities that provide potable water and sewage/ wastewater disposal to an approved disposal facility.
 7. Covered moorage that is not light penetrable are prohibited waterward of the OHWM.
 8. The applicant shall demonstrate that a specific need exists to support the intended water-dependent use and that shared use of existing facilities in the vicinity, including marinas, are not adequate or feasible.
- F. **Regulations – Non-Recreational.** The following regulations apply to civic, utility, resource, commercial, and/or industrial facilities:
 1. Number of facilities permitted will be determined by the appropriate reviewing authority.
 2. Facilities shall only be allowed for water-dependent uses. Water-related and water-enjoyment uses may be allowed as part of a mixed-use development on over-water structures where they are clearly auxiliary to, and in support of, water-dependent uses.
 3. The applicant shall demonstrate that a specific need exists to support the intended water-dependent use and that shared use of existing facilities in the vicinity, including marinas, are not adequate or feasible.
 4. Non water-dependent accessory uses shall not be allowed waterward of the OHWM except in limited instances where they are necessary to support a water-dependent use.
 5. Covered facilities waterward of the OHWM shall only be allowed where demonstrated to be necessary, such as covered walkways for a ferry terminal or shipyard.
 6. The maximum intrusion into the water shall be no more than that required for the draft of vessels expected to moor at the facility.



- 1 G. **Regulations – Dimension Tables.** Tables 18S.40.140-1 and 18S.40.140-2 contain
2 dimension standards for boating facilities addressed in this Section. The following
3 information pertains to the interpretation of the Table.
- 4 1. Facilities attached to another facility, such as a pier and ramp attached to a dock,
5 shall be considered separately for the purpose of dimensional measuring.
- 6 2. Piling detached from, but utilized for, mooring/berthing to a dock, such as dolphin
7 structures, shall not be considered part of the pier/dock dimension but shall be
8 considered a separate facility.
- 9 H. **Regulations – Dimensions.** Refer to Tables 18S.40.140-1 and 18S.40.140-2 for
10 dimension standards.
- 11 1. Water Depth at Terminus means the vertical distance from the bottom of the water
12 body to the water's surface at the end of the facility.
- 13 a. On saltwater, the measurement is based upon mean lower low water (MLLW).
- 14 b. On freshwater, the measurement is based upon the OHWM.
- 15 c. For both salt and fresh water, depth shall be measured at the furthest point from
16 the OHWM.
- 17 2. Fetch means the distance across a water body measured in a straight line from where
18 a facility connects to the OHWM to the closest point on the opposite shore.
- 19 a. Fetch shall only apply to facilities that connect to the OHWM.
- 20 b. Fetch shall be determined as follows:
- 21 (1) Identify the location where the facility will connect with the OHWM.
- 22 (2) Identify which direction the long axis of the facility will extend in/over the
23 water.
- 24 (3) From where the facility will connect with the OHWM, draw a line along the
25 long axis.
- 26 (4) Beginning at the point where the facility connects with the OHWM, draw
27 two 45 degree angles extending waterward, one on each side of the line
28 drawn along the long axis.
- 29 (5) The fetch is the distance from where the facility connects to the OHWM to
30 the closest point of OHWM on any shoreline that lies within either of the
31 two 45 degree angles and is not located on the subject parcel.
- 32 3. Length means the linear distance of a facility measured from the OHWM, except
33 that for Lake Tapps, the linear distance of a facility shall be measured from the 543-
34 foot elevation of the Lake. See Figure 18S.40.140-1, Length of Dock Measurement.
- 35 4. Width means the distance of the facility measured from side to side.
- 36 5. Setbacks waterward of the OHWM.
- 37 a. For water access facilities located in bedlands or tidelands owned by the upland
38 property owner, a minimum separation of 10 feet shall be maintained from the
39 side property lines. For water access facilities located on bedlands or tidelands,
40 not owned by the upland property owner (such as state-owned tidelands), a
41 minimum separation of 10 feet should be maintained between the structure and
42 the side property lines extended as per Appendix I, Waterfront Titles in the State
43 of Washington. The placement of over- or in-water structures shall not
44 substantially interfere with the use and enjoyment of the water or the over- or in-
45 water structures on the neighboring property.
- 46 b. For parcels that share a water access facility, setbacks shall not be required from
47 their mutual property line.



- c. Facilities authorized pursuant to PCC 18S.40.140 shall not extend over, or swing across, side property lines (of those not sharing the facility) without prior written authorization from the affected property owner(s).

FIGURE 18S.40.140-1 -- Length of Facility Measurement



FIGURE 18S.40.140-2 -- Pier, Ramp, Dock

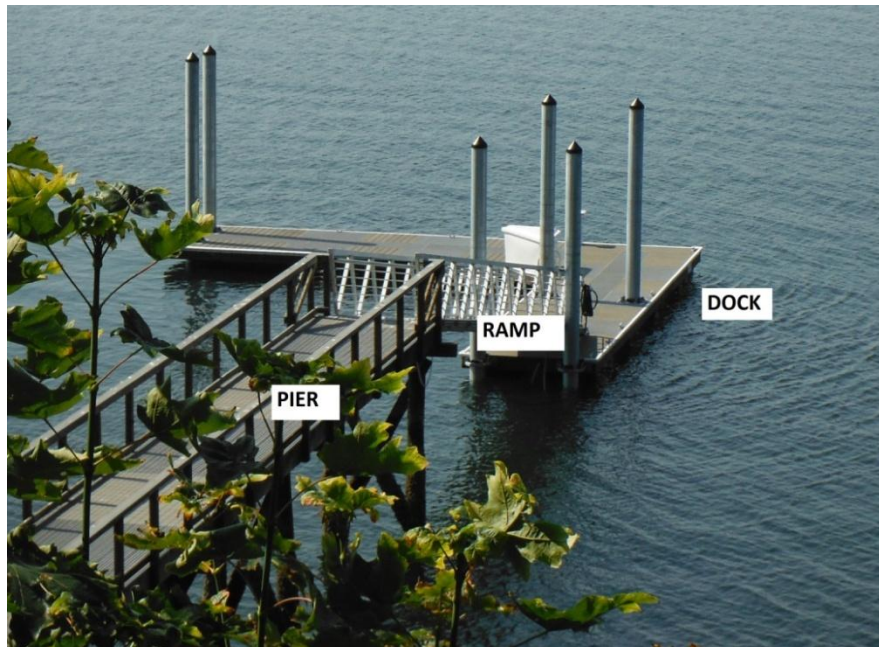


Table 18S.40.140-1. Residential Water Access Facility Dimensions			
Water Depth at Terminus	Dock or Railway		Minimum: 0 feet Maximum: 8 feet
Fetch	Dock or Railway		Maximum: 15 percent
Length of Facility	Dock, Ramp, Pier	Saltwater	Maximum: 150 feet, when serving one or two parcels. 175 feet, when serving three parcels. 200 feet, when serving four or more parcels.
		Freshwater	Maximum: 60 feet
	Railway		Maximum: 60 feet
Width	Pier Ramp		Maximum: 6 feet
	Dock Railway		Maximum: 8 feet
Area	Dock, Ramp, Pier	Saltwater	Maximum: 900 square feet when serving one or two parcels. 1,200 square feet when serving three or more parcels.
		Freshwater	Maximum: 360 square feet when serving one parcel. 480 square feet when serving two or more parcels.
	Float (not attached to land or a dock)		Maximum: 100 square feet, when serving one parcel. 200 square feet, when serving two to four parcels.

Table 18S.40.140-2. Recreational, Marina and Non-Recreational Water Access Facility Dimensions			
Water Depth at Terminus	Recreational, Marina	Dock, Railway, Launching Ramp	Minimum: 0-feet Maximum: 8-feet
	Non-Recreational	As determined by the appropriate reviewing authority	
Fetch	Recreational, Marina	Dock, Railway, Launching Ramp	Maximum: 15%
	Non-Recreational	As determined by the appropriate reviewing authority	
Length	Recreational, Marina, Non-Recreational	As determined by the appropriate reviewing authority	
Width and Area	Recreational, Marina, Non-Recreational	As determined by the appropriate reviewing authority	



Chapter 18S.60

PERMITS AND APPROVALS

Sections:

- 18S.60.010 Purpose.**
- 18S.60.015 Prohibited Uses and Development.**
- 18S.60.020 Shoreline Substantial Development (SD) Permit Exemptions.**
- 18S.60.030 Shoreline Permit Table.**
- 18S.60.040 Shoreline Substantial Development Permit.**
- 18S.60.050 Shoreline Administrative Conditional Use Permit.**
- 18S.60.060 Shoreline Conditional Use Permit.**
- 18S.60.070 Shoreline Variance.**
- 18S.60.080 Revision to Shoreline Permit.**

18S.60.010 Purpose.

The purpose of this Chapter is to identify procedures to obtain development permits and approvals required pursuant to Title 18S PCC including their purpose, applicability and decision criteria.

18S.60.015 Prohibited Uses and Development.

In addition to the blank cells on Table 18S.60.030-1, Shoreline Permit Table, and the Table notes (1)-(7), the following development is prohibited:

- A. Development on spits in all Shoreline Environment Designations (SEDs).
- B. Extraction of petroleum or gas products in all SEDs.
- C. Liveaboards, except at marinas, in all SEDs.
- D. Use of residential or recreational water access facilities for helicopters in all SEDs.
- E. Residences in Aquatic SEDs.
- F. Residential and recreational boathouses in Aquatic SEDs.
- G. Residential launching ramps in all SEDs.
- H. Parking as a principal use in all SEDs.

18S.60.020 Shoreline Substantial Development (SD) Permit Exemptions.

- A. **Purpose.** The Shoreline Management Act (Act), WAC 173-27-040, makes an allowance for specific development which may be allowed without processing a Shoreline Substantial Development Permit (SD).
- B. **Applicability.** This Section applies to shoreline development and uses within shorelines that do not require a Substantial Development Permit, as listed in PCC 18S.60.020 C. If any part of a proposal is not an SD Exemption, then an SD shall be required for the entire proposal.
- C. **SD Exemptions.** SD Exemptions are described as follows, pursuant to WAC 173-27-040.
 - 1. **Fair Market Value.** Development of which the total cost or fair market value, whichever is higher, does not exceed \$6,416.00 if such development does not materially interfere with the normal public use of the water or Shorelines of the State.



- a. The dollar threshold established in this subsection must be adjusted for inflation by the State Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the Consumer Price Index during that time period.
 - b. For purposes of determining whether or not a permit is required, the total cost or Fair Market Value shall be based on the value of development that is occurring within those areas regulated pursuant to Title 18S PCC.
 - c. The total cost or fair market value of the development shall include the Fair Market Value of any donated, contributed or found labor, equipment, or materials.
2. **Normal Maintenance and Repair.** Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.
- a. Normal Maintenance includes those usual acts to prevent a decline, lapse, or cessation from a legally established condition.
 - b. Normal Repair means to restore a development to a state comparable to its original condition including, but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment.
 - c. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development, and the replacement structure or development is comparable to the original structure or development including, but not limited to its size, shape, configuration, location and external appearance, and the replacement does not cause substantial adverse effects to shoreline resources or environment.
3. **Bulkhead.** Construction of the normal protective bulkhead common to single-family residences.
- a. A normal protective bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.
 - b. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land.
 - c. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill.
 - d. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings.
 - e. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by WDFW.
4. **Emergency Construction.** Emergency construction necessary to protect property from damage by the elements.



- 1 a. An emergency is an unanticipated and imminent threat to public health, safety, or
2 the environment which requires immediate action within a time too short to
3 allow full compliance with the Master Program.
- 4 b. Emergency construction does not include development of new permanent
5 protective structures where none previously existed. Where new protective
6 structures are deemed by the County to be an appropriate means to address the
7 emergency situation, upon abatement of the emergency situation the new
8 structure shall be removed, or any permit which would have been required absent
9 an emergency, shall be obtained.
- 10 c. As a general matter, flooding or other seasonal events that can be anticipated and
11 may occur but that are not imminent are not an emergency.
- 12 5. Construction and practices normal or necessary for farming, irrigation, and ranching
13 activities, including agricultural service roads and utilities on shorelands,
14 construction of a barn or similar agricultural structure, and the construction and
15 maintenance of irrigation structures including, but not limited to head gates,
16 pumping facilities, and irrigation channels: Provided, that a feedlot of any size, all
17 processing plants, other activities of a commercial nature, alteration of the contour of
18 the shorelands by leveling or filling other than that which results from normal
19 cultivation, shall not be considered normal or necessary farming or ranching
20 activities. A feedlot shall be an enclosure or facility used or capable of being used
21 for feeding livestock hay, grain, silage, or other livestock feed, but shall not include
22 land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it
23 include normal livestock wintering operations.
- 24 6. **Navigational Aid.** Construction or modification of navigational aids such as
25 channel markers and anchor buoys.
- 26 7. **Single-Family Residence.** Construction on shorelands by an owner, lessee or
27 contract purchaser of a single-family residence for their own use or for the use of
28 their family, which residence does not exceed a height of 35 feet above average
29 grade level and which meets all requirements of the state agency or local government
30 having jurisdiction thereof, other than requirements imposed pursuant to Chapter
31 90.58 RCW.
- 32 a. Single-family residence means a detached dwelling designed for and occupied by
33 one family including those structures and developments within a contiguous
34 ownership which are a normal appurtenance. Normal appurtenance means a
35 feature which is necessarily connected to the use and enjoyment of a single-
36 family residence and which is located landward of the OHWM of a shoreline or
37 boundary of a wetland.
- 38 b. Appurtenances normal to a single-family residence are allowed accessory to a
39 single-family residence, provided that the normal appurtenances are not
40 prohibited from locating in the shoreline environment designation (SED) or the
41 underlying zone classification, and further provided that they have met all
42 applicable development regulations including, but not limited to shoreline
43 buffers, critical area regulations and impervious surface limits.
- 44 c. Additional dwellings, such as accessory dwelling units and temporary dwelling
45 units, shall not be considered a normal appurtenance.
- 46 d. Construction authorized under this exemption shall be located landward of the
47 ordinary high water mark and the perimeter of wetlands.



- 1 8. **Dock.** Construction of a dock, including a community dock, designed for pleasure
2 craft only, for the private noncommercial use of the owner, lessee, or contract
3 purchaser of single-family and multiple-family residences.
- 4 a. A dock is a landing and moorage facility for watercraft and does not include
5 recreational decks, storage facilities or other appurtenances. This exception
6 applies if:
- 7 (1) In salt waters, the fair market value of the dock does not exceed \$2,500; or
8 (2) In fresh waters, the fair market value of a new dock does not exceed 10,000;
9 or
10 (3) In fresh waters the fair market value does not exceed \$20,000 for
11 replacement of existing docks that are of equal or lesser square footage than
12 the dock being replaced.
- 13 (4) If subsequent construction of any dock constructed or expanded pursuant to
14 this subsection occurs within five years of completion of the prior
15 construction, and the combined fair market value of the dock construction
16 exceeds the amount specified in either PCC 18S.60.020 C.8.a.(1)-(3), the
17 subsequent construction shall be considered a substantial development.
- 18 (5) All dollar thresholds described in this Section must be adjusted for inflation
19 by the office of financial management every five years, beginning July 1,
20 2018, based on changes in the consumer price index during that time period.
- 21 b. For purposes of this Section, salt water shall include the tidally influenced
22 marine and estuarine water areas of the state including the Pacific Ocean, Strait
23 of Juan de Fuca, Strait of Georgia and Puget Sound, and all bays and inlets
24 associated with any of the above;
- 25 9. **Irrigation System.** Operation, maintenance, or construction of canals, waterways,
26 drains, reservoirs, or other facilities that now exist, or are hereafter created or
27 developed, as a part of an irrigation system for the primary purpose of making use of
28 system waters, including return flow and artificially stored groundwater from the
29 irrigation of lands.
- 30 10. **Property Line Marking.** The marking of property lines or corners on State-owned
31 lands, when such marking does not significantly interfere with normal public use of
32 the surface of the water.
- 33 11. **Drainage and Diking.** Operation and maintenance of any system of dikes, ditches,
34 drains, or other facilities existing on September 8, 1975, which were created,
35 developed, or utilized primarily as a part of an agricultural drainage or diking
36 system.
- 37 12. **Governor-Certified Project.** Any project with a certification from the Governor
38 pursuant to Chapter 80.50 RCW.
- 39 13. **Site Exploration and Investigation Activity.** Site exploration and investigation
40 activities that are prerequisite to preparation of an application for development
41 authorization under Title 18S PCC if:
- 42 a. The activity does not interfere with the normal public use of the surface waters;
43 b. The activity will have no significant adverse impact on the environment
44 including, but not limited to fish or wildlife species habitat, water quality, and
45 aesthetic values;



- 1 c. The activity does not involve the installation of any structure, and upon
2 completion of the activity, the vegetation and land configuration of the site are
3 restored to conditions existing before the activity;
- 4 d. A private entity seeking development authorization under this Section first posts
5 a performance bond or provides other evidence of financial responsibility to the
6 local jurisdiction to ensure that the site is restored to pre-existing conditions; and
7 e. The activity is not subject to the permit requirements of RCW 90.58.550.
- 8 14. **Aquatic Noxious Weed Removal.** The process of removing or controlling aquatic
9 noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or
10 other treatment methods applicable to weed control that are recommended by a final
11 environmental impact statement published by the Washington State Department of
12 Agriculture or Ecology jointly with other State agencies under Chapter 43.21C
13 RCW.
- 14 15. **Watershed Restoration Project.** A watershed restoration plan is a public or private
15 project authorized by the sponsor of a watershed restoration plan that implements the
16 plan, or a part of the plan and consists of one or more of the following activities:
- 17 a. A project that involves less than ten miles of stream reach, in which less than 25
18 cubic yards of sand, gravel, or soil is removed, imported, disturbed or
19 discharged, and in which no existing vegetation is removed except as minimally
20 necessary to facilitate additional plantings;
- 21 b. A project for the restoration of an eroded or unstable stream bank that employs
22 the principles of bioengineering, including limited use of rock as a stabilization
23 only at the toe of the bank, and with primary emphasis on using native vegetation
24 to control the erosive forces of flowing water; or
- 25 c. A project primarily designed to improve fish and wildlife habitat, remove or
26 reduce impediments to migration of fish, or enhance the fishery resource
27 available for use by all of the citizens of the state, provided that any structure,
28 other than a bridge or culvert or in-stream habitat enhancement structure
29 associated with the project, is less than 200 square feet in floor area and is
30 located above the ordinary high water mark of the stream. See WAC 173-27-040
31 for additional review criteria.
- 32 16. **Fish and Wildlife Habitat or Fish Passage.** A public or private project that is
33 designed to improve fish or wildlife habitat or fish passage (with criteria) WAC
34 173-27-040(2)(p); (RCW 90.58.147)
- 35 17. **Hazardous Substance Remediation.** Pursuant to RCW 90.58.355 regarding
36 hazardous substance remedial actions, the procedural requirements of the Shoreline
37 Management Act shall not apply to any person conducting a remedial action at a
38 facility pursuant to a consent decree, order, or agreed order issued pursuant to
39 Chapter 70.105D RCW, or to the Department of Ecology when it conducts a
40 remedial action under Chapter 70.105D RCW. The Department of Ecology shall
41 ensure compliance with the substantive requirements of Chapter 90.58 RCW,
42 Chapter 173-26 WAC and the Master Program through the consent decree, order, or
43 agreed order issued pursuant to Chapter 70.105D RCW, or during the department-
44 conducted remedial action, through the procedures developed by Ecology pursuant
45 to RCW 70.105D.090.
- 46 D. **Review Process.** An administrative review process is required for an SD Exemption to
47 ensure that the development or use, if established, will be in full compliance with



applicable regulations and that such uses are compatible with Title 18S PCC, Comprehensive Plan, applicable community plan, adjacent development, planned development, and the character of the surrounding area.

1. The burden of proof that a development or use is exempt from the SD process is on the applicant.
2. Activities that are exempt from the requirements to obtain an SD may still require a Shoreline Variance or Shoreline Conditional Use Permit.
3. Under State rules, "only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process." [WAC 173-27-040 (1)(a)]. If there is doubt whether a project meets the precise terms of a listed exemption, then a Shoreline Substantial Development Permit will be required.
4. A decision on an exempt activity may include conditions or modifications to a proposal.
5. If any part of a proposal requires an SD, an SD is required for the entire project.
6. Activities exempt from SD permit requirements may need other permits. One cannot legally begin to build a structure that is exempted under the Act until all other local, state and federal permits have been obtained.
7. SD Exempt activities may be granted only after review under the State Environmental Policy Act (SEPA), unless the proposed project is categorically exempt under SEPA.
8. Incremental SD Exemptions for activities that cumulatively would require a permit, such as clearing, grading, and preloading that typically precede development, must be included in the shoreline permit review for a development proposal, even if the individual activities are under the dollar threshold or would otherwise be exempt. The future intended use, and associated design of a site, must be authorized by a shoreline permit prior to any grading, filling, dredging, or other shoreline modification.
9. Local governments are required to send SD Exemption letters to Ecology if federal actions are required to approve the project.

E. **Decision Criteria.** The Director shall review SD Exemptions with the following specific criteria.

1. The proposal meets one or more of the SD Exemptions listed in PCC 18S.60.020 C.1.-17. Each SD Exemption shall be narrowly construed and the precise requirements shall be met.
2. The proposal is consistent with the policies and procedures of the Act.
3. The proposal is consistent with the Title 18S PCC policies and regulations including, at a minimum, the following:
 - a. Policies and regulations of the Shoreline Environment Designation (SED) in which the proposal is located;
 - b. Policies and regulations for Shorelines of Statewide Significance, if the proposal is within such area;
 - c. Policies and regulations within the applicable General Development Policies and Regulations found in Chapter 18S.30 PCC; and
 - d. Policies and regulations within the applicable Development Policies and Regulations found in Chapter 18S.40 PCC.
4. The proposal is consistent with the applicable provisions of Title 18E PCC.



- 1 5. The proposal is consistent with the applicable policies of the Comprehensive Plan
2 and any applicable Community Plan.
3 6. The proposal is consistent with all applicable development regulations.
4 F. **Burden of Proof.** The applicant has the burden of proving that a proposal meets all
5 applicable criteria for an SD Exemption.
6 G. **Approval.** The Director shall review an SD Exemption and issue a written decision
7 which may include conditions or modifications necessary to comply with applicable
8 regulations.
9

10 **18S.60.030 Shoreline Permit Table.**

- 11 A. The following symbols are employed in Table 18S.60.030-1, the Shoreline Permit
12 Table:
13 1. Table header symbols indicate the following Shoreline Environment Designations:
14 "N" = Natural, "C" = Conservancy, "R" = Residential, "H" = High Intensity, "AF" =
15 Aquatic Freshwater, "AM" = Aquatic Marine.
16 2. A shaded cell on the table indicates that the use, modification or development is
17 allowed subject to the Shoreline Substantial Development Permit provisions
18 specified in PCC 18S.60.040 or the criteria for an SD Exemption pursuant to PCC
19 18S.60.020.
20 3. An "AC" in a cell on the table indicates that the use, modification or development is
21 allowed subject to the Shoreline Administrative Conditional Use Permit provisions
22 specified in PCC 18S.60.050. Such uses must obtain an Administrative Conditional
23 Use Permit even if the development does not require a Substantial Development
24 Permit.
25 4. A "C" in a cell on the table indicates that the use, modification or development is
26 allowed subject to the Shoreline Conditional Use Permit provisions specified in PCC
27 18S.60.060. Such uses must obtain a Conditional Use Permit even if the
28 development does not require a Substantial Development Permit.
29 5. A blank cell on the table indicates that the use, modification, or development is
30 prohibited in the SED listed at the top of the column, or that the cell is not
31 applicable. Prohibited development may also be called out in notes (1)-(8).
32 B. In the event there is a conflict between the Shoreline Permit Table and the written
33 provisions in Title 18S PCC, the written provisions shall apply.
34 C. Where there is a question regarding the inclusion or exclusion of development within a
35 particular category, the Director shall have the authority to make the final determination.
36



Table 18S.60.030-1. Shoreline Permit Table						
Uses, Modifications and Development	Shoreline Environment Designation (SED)					
	N	C	R	H	AF	AM
N=Natural, C=Conservancy, R=Residential, H=High Intensity, AF=Aquatic Freshwater, AM=Aquatic Marine						
Agriculture (See PCC 18S.40.030 for Agriculture Policies and Regulations)						
Low Intensity Agriculture						
All other Agriculture						
Aquaculture (See PCC 18S.40.040 for Aquaculture Policies and Regulations)						
All Aquaculture		C (1)	C (1)	C (1)	C (1,2)	C (1,2)
Commercial/Civic (See PCC 18S.40.050 for Commercial/Civic Policies and Regulations)						
Water-Oriented			(4)		(5)	C (5)
Non Water-Oriented			(4)	C (3,4)		
Mixed-use Development (commercial/residential)			(4)	C (3,4)		
Excavation, Dredging, Filling and/or Grading (See PCC 18S.30.040 for Policies and Regulations)						
Excavation Landward of OHWM	As authorized per the underlying use.					
Dredging Waterward of OHWM					C (6)	C (6)
Filling Landward of OHWM	As authorized per the underlying use.					
Filling Waterward of the OHWM					C (6)	C (6)
Grading	As authorized per the underlying use					
State Dredge Material Disposal						C
Flood Hazard Management (See PCC 18S.40.060 for Flood Hazard Management Policies and Regulations)						
Flood Hazard Management						C
Forest Practices (See PCC 18S.40.070 for Forest Practice Policies and PCC Title 18H for Regulations)						
Commercial Forestry	C					
In Stream Structures (See PCC 18S.30.080 for Shoreline Modification Policies and Regulations)						
In Stream Structures						
Industrial (See PCC 18S.40.050 for Industrial Policies and Regulations)						
Water-Oriented Industrial development			C	AC	C (7)	C (7)
Non Water-Oriented industrial development				C (7)	C (7)	C (7)
Mining (See PCC 18S.40.080 for Mining Policies and Regulations)						
Mining outside a Channel Migration Zone						
Mining in a Channel Migration Zone		C	C	C		
Recreation (See 18S.40.090 for Recreation Policies and Regulations)						
Water-Oriented trail, boardwalk, viewpoint, walk/boat-in primitive campsite						
All other Water-Oriented Recreational Development						C
All other Non Water-Oriented Recreational Development				(4)		
Residential and Land Divisions (See PCC 18S.40.100 for Residential Policies and Regulations)						
Single-Family and accessory uses/structures	AC					
Other Housing Types and accessory uses/structures						
Land Divisions for Detached Single-Family with infrastructure	AC					
All other Land Divisions with infrastructure						



Table 18S.60.030-1. Shoreline Permit Table						
Uses, Modifications and Development	Shoreline Environment Designation (SED)					
	N	C	R	H	AF	AM
N=Natural, C=Conservancy, R=Residential, H=High Intensity, AF=Aquatic Freshwater, AM=Aquatic Marine						
Restoration and Enhancement (See PCC 18S.40.110 for Restoration and Enhancement Policies and Regulations)						
All Restoration/Enhancement						AC
Shoreline Stabilization (See PCC 18S.30.070 for Shoreline Stabilization Policies and Regulations)						
Jetties, Groin, Breakwater					C (6)	C (6)
Soft Shoreline Stabilization						AC
Hard Shoreline Stabilization						C
Transportation (See PCC 18S.40.120 for Transportation Policies and Regulations)						
Public Linear Transportation Facility						AC
Water-Oriented Transportation						C
Non Water-Oriented Transportation				(4)		
Utilities (See PCC 18S.40.130 for Utilities Policies and Regulations)						
Public Linear Utility Facility				(4)		AC
Other Utility Development				(4)		C
Water Access Facilities (See PCC 18S.40.140 for Water Access Facilities Policies and Regulations)						
Residential Water Access Facility (serves 4 or fewer parcels)					(8)	AC (8)
Other Water Access Facilities					(8)	C (8)
Use of Water Access Facility for Home Occupation/Cottage Industry					(8)	C (8)
Notes: <ol style="list-style-type: none"> (1) Geoduck aquaculture requires an SD for planting, growing and harvesting of farm raised geoducks only when the project or practice causes substantial interference with normal public use of the surface waters. (2) Aquaculture is prohibited in Aquatic SEDs abutting Natural SEDs. (3) Non water-oriented commercial uses are subject to PCC 18S.40.050 C.3. Criteria. See also PCC 18S.30.090. A change from an existing non water-oriented use to another non water-oriented use is permitted, without a Conditional Use Permit. (4) New non water-oriented uses are prohibited except in situations where the use doesn't conflict with or limit opportunities for water-oriented uses or when there is no direct access to the water's edge. See PCC 18S.30.090. (5) Commercial/Civic development is prohibited in Aquatic SEDs abutting the Natural SED. (6) Environmental restoration, mitigation and/or enhancement projects do not require a Conditional Use Permit. (7) Industrial development is prohibited in Aquatic SEDs abutting the Natural SED and Conservancy SED. Non water-oriented industrial development is prohibited in Aquatic SEDs abutting all SEDs except for High Intensity. (8) In Aquatic SEDs abutting the Natural SED only floats and buoys may be allowed. 						
Interpretation: <ul style="list-style-type: none"> • A shaded cell on the table indicates that the use, modification or development is allowed subject to the Shoreline Substantial Development Permit (SD) provisions specified in PCC 18S.60.040 or the criteria for an SD Exemption, see PCC 18S.60.020. • An "AC" in a cell on the table indicates that the use, modification or development is allowed subject to the Shoreline Administrative Conditional Use Permit provisions specified in PCC 18S.60.050. Uses that are listed as requiring an AC in the table must obtain an Administrative Conditional Use Permit even if the development doesn't require an SD. • A "C" in a cell on the table indicates that the use, modification or development is allowed subject to the Shoreline Conditional Use Permit provisions specified in PCC 18S.60.060. Uses that are listed as requiring a C in the table must obtain a Conditional Use Permit even if the development does not require a Substantial Development Permit. • A blank cell on the table indicates that the use, modification, or development is prohibited in the SED listed at the top of the column, or that the cell is not applicable. Prohibited development may also be called out in notes (1)-(7). 						



1 **18S.60.040 Shoreline Substantial Development Permit.**

- 2 A. **Purpose.** The Shoreline Substantial Development Permit (SD) process provides a
3 comprehensive review of development on shorelines to ensure compliance with the
4 Shoreline Management Act (Act), Title 18S PCC, and any other applicable development
5 regulations.
- 6 B. **Applicability.** This Section applies to development allowed on shorelines that do not
7 meet the SD Exemption criteria.
- 8 C. **Review Process.** Shoreline Substantial Development Permits shall be reviewed
9 administratively and shall include public notice and comment. This review process is
10 required to ensure that the development, if established, will be in full compliance with
11 applicable development regulations, the County Comprehensive Plan, applicable
12 community plans, adjacent development, planned uses, and the character of the
13 surrounding area.
- 14 D. **Decision Criteria.** The Director shall review applications for Shoreline Substantial
15 Development in accordance with the following decision criteria:
16 1. The proposal is consistent with the policies and procedures of the Act.
17 2. The proposal is consistent with the Title 18S PCC policies and regulations including,
18 at a minimum, the following:
19 a. Policies and regulations of the shoreline environment designation (SED) in
20 which the proposal is located;
21 b. Policies and regulations for Shorelines of Statewide Significance if the proposal
22 is within such area;
23 c. Policies and regulations within the applicable General Policies and Regulations
24 found in Chapter 18S.30 PCC; and
25 d. Policies and regulations within the applicable Use and Development Policies and
26 Regulations found in Chapter 18S.40 PCC.
27 3. The proposal is consistent with the applicable provisions of Title 18E PCC.
28 4. The proposal is consistent with the applicable policies of the Comprehensive Plan
29 and any applicable Community Plan.
30 5. The proposal is consistent with all applicable development regulations including, but
31 not limited to Title 18A PCC, Development Regulations – Zoning.
- 32 E. **Burden of Proof.** The applicant has the burden of proving that a proposal meets all
33 applicable criteria for a Shoreline Substantial Development Permit.
- 34 F. **Approval.** The Director may approve an application for a Shoreline Substantial
35 Development Permit, approve with additional requirements obtained from other Sections
36 of the County Code above those specified in the Master Program, or require
37 modification of the proposal to comply with specified requirements or local conditions.
- 38 G. **Denial.** The Director may deny an application for a Shoreline Substantial Development
39 Permit if the proposal fails to comply with specific standards found in the Master
40 Program or if any of the decision criteria of PCC 18S.60.020 E.2.-6. are not supported
41 by evidence in the record as determined by the Director.

42
43 **18S.60.050 Shoreline Administrative Conditional Use Permit.**

- 44 A. **Purpose.** The purpose of a Shoreline Administrative Conditional Use Permit is to allow
45 flexibility in the application of development regulations in a manner consistent with the
46 policies of the Shoreline Management Act (Act). Conditions may be attached to the



1 permit to prevent undesirable effects of the proposal or to assure consistency of the
2 project with the Act and the Master Program.

3 B. **Applicability.** This Section applies to uses allowed in Table 18S.60.030-1, Shoreline
4 Permit Table, subject to approval of a Shoreline Administrative Conditional Use Permit
5 (AC). Uses specifically prohibited by Title 18S PCC shall not be authorized pursuant to
6 this Section.

7 C. **Review Process.** An administrative review process, which includes public notice, is
8 required to ensure that the use, if established, will be in full compliance with applicable
9 regulations and that such use is compatible with the Master Program, Comprehensive
10 Plan, applicable community plan, adjacent development, planned uses, and the character
11 of the surrounding area.

12 D. **Decision Criteria.**

- 13 1. The Director shall review the location of the proposal for compatibility with
14 development permitted in the surrounding areas; and make further stipulations and
15 conditions to reasonably assure that the basic intent of the Master Program will be
16 served.
- 17 2. An Administrative Conditional Use Permit may be granted provided that the
18 applicant demonstrates all of the following:
 - 19 a. That the proposed use is consistent with the policies of the Act and the Master
20 Program;
 - 21 b. That the proposed use will not interfere with the normal public use of public
22 shorelines, nor use of waters under the Public Trust Doctrine;
 - 23 c. That the proposed use of the site and design of the project is compatible with
24 other authorized uses within the area and with uses planned for the area under the
25 Comprehensive Plan and Master Program;
 - 26 d. That the proposed use will cause no significant adverse effects to the shoreline
27 environment in which it is to be located;
 - 28 e. That the public interest suffers no substantial detrimental effect; and
 - 29 f. The proposed use is consistent with all applicable development regulations.
- 30 3. In the granting of all Shoreline Administrative Conditional Use Permits,
31 consideration shall be given to the cumulative impact of additional requests for like
32 actions in the area. For example, if Shoreline Administrative Conditional Use
33 Permits were granted for other developments in the area where similar circumstances
34 exist, the total of the conditional uses shall also remain consistent with the policies of
35 RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline
36 environment.

37 E. **Burden of Proof.** The applicant has the burden of proving that a proposal meets all
38 applicable criteria for a Shoreline Administrative Conditional Use Permit.

39 F. **Approval.** The Director may approve an application for a Shoreline Administrative
40 Conditional Use Permit, approve with conditions, or require modification of the
41 proposal to comply with specified requirements or local conditions.

42 G. **Denial.** The Director may deny an application for a Shoreline Administrative
43 Conditional Use Permit if the proposal fails to comply with specific standards found in
44 Title 18S PCC, or if any of the decision criteria of PCC 18S.60.050 D. are not supported
45 by evidence in the record as determined by the Director.
46
47



1 **18S.60.060 Shoreline Conditional Use Permit.**

2 A. **Purpose.** The purpose of a Shoreline Conditional Use Permit is to allow flexibility in
3 the application of development regulations in a manner consistent with the policies of
4 the Shoreline Management Act (Act). Conditions may be attached to the permit to
5 prevent undesirable effects of the proposal to assure consistency of the project with the
6 Act and the Master Program.

7 B. **Applicability.** This Section applies to uses allowed in Table 18S.60.030-1, Shoreline
8 Permit Table, subject to approval of a Shoreline Conditional Use Permit (C). Uses
9 which are specifically prohibited by Title 18S PCC shall not be authorized pursuant to
10 this Section.

11 C. **Review Process.**

12 1. Shoreline conditional uses shall be subject to review by the County Hearing
13 Examiner, which includes public notice, public hearing, and the issuance of a
14 Shoreline Conditional Use Permit.

15 2. Aquaculture.

16 a. A single Shoreline Conditional Use Permit application may be submitted for
17 multiple aquaculture activity sites within an inlet, bay or other defined feature,
18 provided the sites are all under control of the same applicant and are located
19 within the County.

20 b. Aquaculture activities allowed pursuant to an approved Shoreline Conditional
21 Use Permit shall not be subject to review of a new Shoreline Conditional Use
22 Permit for subsequent cycles of planting and harvest unless specified in the
23 original Shoreline Conditional Use Permit approval.

24 D. **Decision Criteria.**

25 1. The Examiner shall review the location of the proposal for compatibility with
26 development permitted in the surrounding areas; and make further stipulations and
27 conditions to reasonably assure that the basic intent of the Master Program will be
28 served.

29 2. A Conditional Use Permit may be authorized provided that the applicant
30 demonstrates all of the following:

31 a. That the proposed use is consistent with the policies of the Act and the Master
32 Program;

33 b. That the proposed use will not interfere with the normal public use of public
34 shorelines, nor use of waters under the Public Trust Doctrine;

35 c. That the proposed use of the site and design of the project is compatible with
36 other authorized uses within the area and with uses planned for the area under the
37 Comprehensive Plan and the Master Program;

38 d. That the proposed use will cause no significant adverse effects to the shoreline
39 environment in which it is to be located;

40 e. That the public interest suffers no substantial detrimental effect; and

41 f. The proposed use is consistent with all applicable development regulations.

42 3. In the granting of all Shoreline Conditional Use Permits, consideration shall be given
43 to the cumulative impact of additional requests for like actions in the area. For
44 example, if Shoreline Conditional Use Permits were granted for other developments
45 in the area where similar circumstances exist, the total of the conditional uses shall
46 also remain consistent with the policies of RCW 90.58.020 and shall not produce
47 substantial adverse effects to the shoreline environment.



- 1 E. **Burden of Proof.** The applicant has the burden of proving that a proposal meets all
2 applicable criteria for a Shoreline Conditional Use Permit.
3 F. **Approval.** The Examiner may approve an application for a Shoreline Conditional Use
4 Permit, approve with conditions or require modification of the proposal to comply with
5 specified requirements or local conditions.
6 G. **Denial.** The Examiner shall deny a Shoreline Conditional Use Permit if the proposal
7 does not meet, or cannot be conditioned or modified to meet, the decision criteria of
8 PCC 18S.60.060 D.
9

10 **18S.60.070 Shoreline Variance.**

- 11 A. **Purpose.** The purpose of a Shoreline Variance is limited to granting relief from
12 dimensional standards found in Title 18S PCC (e.g., buffer, height, or lot coverage
13 requirements) where there are extraordinary circumstances relating to the physical
14 character or configuration of property such that the strict implementation of Title 18S
15 PCC will impose unnecessary hardship on the applicant or thwart the policies found in
16 the Shoreline Management Act (Act).
17 B. **Applicability.** This Section applies to proposals that do not comply with, or where one
18 proposes to deviate from the dimensional standards of Title 18S PCC. In these cases,
19 such proposal can only be authorized by approval of a Shoreline Variance. A Shoreline
20 Variance shall not authorize uses or development which is specifically prohibited by the
21 Master Program.
22 C. **Review Process.** Shoreline Variances shall be subject to review by the County Hearing
23 Examiner, which includes public notice, public hearing, and the issuance of a written
24 decision.
25 D. **Decision Criteria – General.** A Shoreline Variance shall not be granted unless the
26 applicant demonstrates that denial of the permit would result in a thwarting of the policy
27 enumerated in the Act due to extraordinary circumstances, and the public interest would
28 suffer no substantial detrimental effect.
29 E. **Decision Criteria – Development Landward of Ordinary High Water Mark**
30 **(OHWM).** In addition to the General Decision Criteria in PCC 18S.60.070 D.,
31 Shoreline Variances for development landward of the OHWM or landward of any
32 wetland may be authorized provided the applicant can demonstrate all of the following:
33 1. The strict application of the bulk or dimensional standards precludes or significantly
34 interferes with reasonable use of the property.
35 2. The hardship described in PCC 18S.60.070 E.1. is specifically related to the
36 property, and is the result of unique conditions such as irregular lot shape, size, or
37 natural features and the application of Title 18S PCC and not, for example, from
38 deed restrictions or the applicant's own actions.
39 3. The design of the project is compatible with other authorized development within the
40 area and with development planned for the area under the Comprehensive Plan and
41 Title 18S PCC, and will not cause adverse impacts to the shoreline environment.
42 4. The Shoreline Variance will not constitute a grant of special privilege not enjoyed by
43 the other properties in the area.
44 5. The Shoreline Variance requested is the minimum necessary to afford relief.
45 F. **Decision Criteria – Development Waterward of OHWM.** In addition to the General
46 Decision Criteria in PCC 18S.60.070 D., Shoreline Variances for development that will



be located waterward of the OHWM or within any wetland may be authorized provided the applicant can demonstrate all of the following:

1. That the strict application of the dimensional standards found in Title 18S PCC precludes all reasonable use of the property;
2. That the proposal is consistent with the criteria established under PCC 18S.60.070 E.2.-5.; and
3. That the public rights of navigation and use of the shorelines will not be adversely affected.

G. **Decision Criteria – Wetland Buffer.** Where the Shoreline Variance request includes a reduction to a wetland buffer, the applicant shall demonstrate the following:

1. Approval of the variance results in an overall increase in the function of the wetland.
2. Approval of the variance results in the preservation or enhancement within the project area of other Habitats of Local Importance discussed in PCC 18E.40.020 D.
3. The proposal avoids impacts and provides mitigation, pursuant to PCC 18E.30.050, to the maximum practical extent.

H. **Decision Criteria – Fish and Wildlife Habitat Buffer.** Where the Shoreline Variance request includes a reduction to a fish and wildlife habitat area buffer, the applicant shall demonstrate the following:

1. Approval of the variance will not adversely impact receiving water quality or quantity.
2. Approval of the variance will not adversely impact any functional attribute of the habitat area.
3. Approval of the variance will not jeopardize the continued existence of species listed by the Federal government or the State as endangered, threatened, sensitive, or documented priority species or priority habitats.
4. The proposal avoids impacts and provides mitigation, pursuant to PCC 18E.40.050, to the maximum practical extent.

I. **Decision Criteria – Cumulative Impact.** In the granting of all Shoreline Variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Variances were granted to other development in the area where similar circumstances exist, the total of the Shoreline Variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

J. **Burden of Proof.** The applicant has the burden of proving that a proposal meets all applicable criteria for a Shoreline Variance.

K. **Approval.** The Examiner may approve an application for a Shoreline Variance, approve with conditions, or require modification of the proposal to comply with specified requirements or local conditions.

L. **Denial.** The Examiner shall deny a Shoreline Variance if the proposal does not meet or cannot be conditioned or modified to meet the applicable decision criteria of PCC 18S.60.070 D.-I.

18S.60.080 Revision to Shoreline Permit.

A. **Purpose.** The purpose of this Section is to provide a review process for changes to an already approved Shoreline Permit.



1 **B. Review Process.**

- 2 1. A formal revision is required whenever the applicant proposes substantive changes
- 3 to the design, terms, or conditions of an already approved shoreline permit. Changes
- 4 are substantive if they materially alter the project in a manner that relates to its
- 5 conformance to the terms and conditions of the permit or approval, Shoreline
- 6 Management Act (Act), and Title 18S PCC.
- 7 2. If the County determines that the proposed changes are within the scope and intent
- 8 of the original permit, and are consistent with the Act and Title 18S PCC, the County
- 9 may administratively approve a revision without a public hearing, even if the
- 10 original permit required a public hearing and approval by the Hearing Examiner.
- 11 "Within the scope and intent of the original permit" means all of the following:
- 12 a. No additional development in an Aquatic SED, except that pier, dock, or float
- 13 construction may be increased by 500 square feet, or 10 percent from the
- 14 provisions of the original permit, whichever is less, when necessary to meet state
- 15 and federal permit requirements;
- 16 b. Ground area coverage and height may be increased a maximum of 10 percent
- 17 from the provisions of the original permit;
- 18 c. The revised permit does not authorize development to exceed height, lot
- 19 coverage, buffer, or any other requirements of Title 18S PCC except as
- 20 authorized under a Shoreline Variance granted as the original permit or a part
- 21 thereof;
- 22 d. Additional or revised landscaping is consistent with any conditions attached to
- 23 the original permit and with Title 18S PCC;
- 24 e. The development authorized pursuant to the original permit is not changed; and
- 25 f. No adverse environmental impact will be caused by the project action.
- 26 3. If the sum of the revision and any previously approved revisions violate the decision
- 27 criteria of this Section, the County shall require that the applicant apply for a new
- 28 permit.
- 29



Chapter 18S.70

APPENDICES

- A. Definitions, Acronyms and Abbreviations.**
- B. Farm Management Plan Requirements.**
- C. Aquaculture Application Requirements.**
- D. Commercial, Civic and Industrial Application Requirements.**
- E. Pierce County Shoreline Jurisdiction Descriptions.**
- F. Shoreline Environment Designation Maps.**
- G. Parks and Public Access Maps.**
- H. Shoreline Environment Township Atlas.**
- I. Waterfront Titles in the State of Washington.**



Chapter 18S.70 – Appendix A
Definitions, Acronyms and Abbreviations

- A. Appendix A provides definitions for the terms used in Title 18S PCC that are not defined in Chapter 18.25 PCC of the Development Policies and Regulations.
- B. The terms defined in Appendix A apply to all of Title 18S PCC, Development Policies and Regulations – Shorelines. Definitions for terms that appear in both Title 18S PCC and one or more other Titles in the Title 18 series are found in Chapter 18.25 PCC. In instances where a specific term has one definition in Chapter 18.25 PCC and a different definition appears in Appendix A, the definition that appears in Appendix A shall apply throughout Title 18S PCC.

Unless the context clearly indicates otherwise, words in the present tense can include the future tense, and words in the singular can include the plural, or vice versa. Any word or phrase not listed in Appendix A or in Chapter 18.25 PCC shall be defined from of the following sources. Said sources shall be utilized by finding the desired definition from source number one, but if it is not available then source number two may be used, and so on. The sources are as follows:

1. The most applicable RCW;
2. The most applicable WAC;
3. Any term defined by Washington State case law;
4. Other applicable Chapter(s) of the PCC; and
5. Webster's Dictionary, or if the term is technical in nature, other applicable scientific, technical, or professional manuals.

"Adaptive Management" means a process that acknowledges the need to modify current management actions when warranted by new information.

"Agricultural Activities" means 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.

"Agricultural Products" includes, but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within 20 years of planting; and livestock including both the animals themselves and animal products including, but not limited to meat, upland finfish, poultry and poultry products, and dairy products.

"Agricultural Equipment" and "agricultural facilities" includes, but is not limited to: (i) The following used in agricultural operations: equipment; machinery; constructed shelters, buildings,



1 and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and
2 use equipment and facilities including, but not limited to pumps, pipes, tapes, canals, ditches, and
3 drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from,
4 and within agricultural lands; (iii) farm residences and associated equipment, lands, and
5 facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables.

6
7 "Agricultural Land" means those specific land areas on which agriculture activities are
8 conducted.

9
10 "Agriculture – Low Intensity" means: (1) Crop production activities with minimal potential to
11 adversely affect soil productivity and water resources, such as: non-chemical weed and pest
12 control, crop rotation, conservation tillage, and drip irrigation. (2) Livestock rearing at or
13 below 1,000 pounds of animal per acre of managed pasture that adhere to pasture management
14 practices such as: rotational and strip grazing, the use of sacrifice areas, and pasture seeding and
15 fertilization based upon soil.

16
17 "Appurtenance", see "Normal Appurtenance."

18
19 "Aquaculture" means the culture or farming of fish, shellfish, or other aquatic plants and animals.
20 Aquaculture does not include the harvest of wild geoduck associated with the state managed
21 wildstock geoduck fishery.

22
23 "Average grade level" means the average of the natural or existing topography of the portion of
24 the lot, parcel, or tract of real property which will be directly under the proposed building or
25 structure: In the case of structures to be built over water, average grade level shall be the
26 elevation of the ordinary high water mark. Calculation of the average grade level shall be made
27 by averaging the ground elevations at the midpoint of all exterior walls of the proposed building
28 or structure.

29
30 "Boathouse" means any building utilized for the storage of watercraft and related equipment.
31 For purposes of Title 18S PCC, the term boathouse shall not mean a watercraft, vessel, or
32 residence.

33
34 "Buoy" means a floating mooring point or warning marker anchored offshore.

35
36 "Channelization" means the straightening, deepening, or widening of a stream channel.

37
38 "Civic" means use types including educational, recreational, cultural, medical, protective,
39 governmental, and other uses which are strongly vested with public or social importance.

40
41 "Commercial" means developments involved in wholesale and retail trade or business activities.

42
43 "Community Recreational" means water access facilities which are utilized in common by
44 residents of a subdivision.



1 "Constricted Body" means an area of a water body where the width at the entrance is less than
2 half the distance from the entrance to the innermost shore.

3
4 "Covered Moorage" means any covered facility, with or without walls, utilized for the storage of
5 watercraft and located waterward of the ordinary high water mark (OHWM).

6
7 "Development" means a use consisting of the construction or exterior alteration of structures;
8 dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading;
9 driving of piling; placing of obstructions; or any project of a permanent or temporary nature
10 which interferes with the normal public use of the surface of the waters overlying lands subject
11 to the Act at any state of water level. (Note: This definition intentionally differs from the
12 definition for "Development" found in Chapter 18.25 PCC.)

13
14 "Dock" means a floating or non-floating mooring platform that connects with the OHWM.

15
16 "Dredging" means the removal of material from the bottom of a water body.

17
18 "Ecological Function" or "Shoreline Function" means the work performed, or role played by, the
19 physical, chemical, and biological processes that contribute to the maintenance of the aquatic and
20 terrestrial environments that constitute the shoreline's natural ecosystem. See WAC
21 173-26-020(13).

22
23 "Excavated Moorage Slips" means a mooring location that is excavated or dredged from a
24 segment of shoreline and/or substrate.

25
26 "Fair Market Value" means the open market bid price for conducting the work, using the
27 equipment and facilities, and purchase of the goods, services and materials necessary to
28 accomplish the development. This would normally equate to the cost of hiring a contractor to
29 undertake the development from start to finish, including the cost of labor, materials, equipment
30 and facility usage, transportation and contractor overhead and profit. The fair market value of
31 the development shall include the fair market value of any donated, contributed or found labor,
32 equipment or materials.

33
34 "Feasible" means that an action, such as a development project, mitigation, or preservation
35 requirement, meets all of the following conditions: (a) The action can be accomplished with
36 technologies and methods that have been used in the past in similar circumstances, or studies or
37 tests have demonstrated in similar circumstances that such approaches are currently available and
38 likely to achieve the intended results; (b) The action provides a reasonable likelihood of
39 achieving its intended purpose; and (c) The action does not physically preclude achieving the
40 project's primary intended legal use.

41
42 "Fetch" means the distance across a body of water measured in a straight line from the most
43 waterward point along the ordinary high water line or legally established bulkhead on a given
44 stretch of shore to the closest point on the ordinary high water line or legally established
45 bulkhead on a separate stretch of the shore.



1 "Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other
2 material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that
3 raises the elevation or creates dry land.

4
5 "Finfish" means a vertebrate organism of the classes Osteichthyes, Agnatha, or Chondrichthyes
6 possessing a bony and/or cartilaginous inner skeleton, including all stages of development and
7 the bodily parts of the fish (RCW 77.08.22). Examples include, but are not limited to salmon,
8 ling cod, rock fish, halibut, sole, sablefish, perch, Pollock, whiting, tilapia, carp, lamprey,
9 sturgeon, sharks, skates, and rays.

10
11 "Finfish aquaculture" means the farming or culture of vertebrate or cartilaginous food fish for
12 market sale when raised in facilities located in saltwater water bodies, in either open-flow or
13 contained systems. This includes net pens, sea cages, bag cages and similar floating/hanging
14 containment structure and is intended to reflect the definition of 'marine finfish rearing facilities'
15 (RCW 90.48.220), but does not include temporary restoration/enhancement facilities used
16 expressly to improve populations of native stocks and that meet the definition of 'watershed
17 restoration project' per RCW 89.08.460.

18
19 "Float" means a mooring platform on water located off shore and held in place by anchors,
20 buoys, or piling. They are not meant to lift vessels.

21
22 "Floodway" means the area as identified in the Master Program that has been established as
23 floodway in federal emergency management agency flood insurance rate maps adopted by Pierce
24 County. "The floodway shall not include those lands that can reasonably be expected to be
25 protected from flood waters by flood control devices maintained by or maintained under license
26 from the federal government, the state, or a political subdivision of the state." RCW
27 90.58.030(2)(b)

28
29 "Frosting" means the addition of gravel or shell to the substrate to make it more suitable for
30 aquaculture.

31
32 "Hard Shoreline Stabilization" means methods that include, but are not limited to bulkheads,
33 levees, gabions, seawalls, revetments, jetties, groins, weirs, and breakwaters. Hard methods
34 involve the placement of materials that are arranged so as to create hard surfaces that deflect
35 hydraulic energy.

36
37 "Height" of a structure means the distance measured from average grade level to the highest
38 point of a structure: Provided, that television antennas, chimneys, and similar appurtenances
39 shall not be used in calculating height, except where such appurtenances obstruct the view of the
40 shoreline of a substantial number of residences on areas adjoining such shorelines: Provided
41 further that, temporary construction equipment is excluded from this calculation.

42
43 "In-stream structure" means a structure placed by humans within a stream or river waterward of
44 the ordinary high-water mark that either causes or has the potential to cause water impoundment
45 or the diversion, obstruction, or modification of water flow. In-stream structures may include
46 those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility
47 service transmission, fish habitat enhancement, or other purpose.



1
2 "Launching Ramp" means a boating facility utilized for launching and retrieving vessels.
3
4 "Lift" means a facility designed to lift a vessel in and out of the water (such as a davit, floating
5 lift, non-floating lift, drive-on float, or grid). A lift is often attached to something else such as a
6 bulkhead, dock, or buoy.
7
8 "Liveaboard" means a vessel used as a dwelling unit for more than 30 days in any 45-day period
9 or more than 90 days in a year.
10
11 "Low Intensity Agriculture" see the "Agriculture – Low Intensity" definition.
12
13 "Marina" means a commercial boating facility providing wet or dry storage for watercraft, and
14 providing other services to tenants and other boaters. Services may include repair, sales, rentals,
15 tackle shops, fueling, launching, administration facilities, charters, food, and sewage disposal.
16
17 "Marine" means pertaining to tidally-influenced waters of Puget Sound.
18
19 "Mining" means the extraction of sand, gravel, soil, minerals, and other naturally-occurring
20 material with a primary purpose of obtaining the material for commercial and other uses.
21
22 "Mooring Piling" means a non-floating mooring point located off-shore consisting of a pole or
23 group of poles embedded in the bed of the water body and extending above the water's surface.
24
25 "Natural or Existing Topography" means the topography of the lot, parcel, or tract of real
26 property prior to any site preparation or grading, including excavation or filling.
27
28 "No Net Loss" means that the ecological functions of the shoreline will not be reduced as a result
29 of discrete or cumulative development activities.
30
31 "Normal Appurtenance" means a feature, development, activity, or structure necessarily
32 connected to the use and enjoyment of a single-family residence and is located landward of the
33 ordinary high water mark.
34
35 "Pier" means a structure which abuts the OHWM and is built over the water on piling and is used
36 as a landing or moorage place for vessels or for recreational purposes.
37
38 "Port" means a center for providing services and facilities for the transfer of commodities to and
39 from vehicles (water, air, or land) of commerce.
40
41 "Public Recreational" means a publicly or privately owned and maintained water access facility
42 for use by the general public.
43
44 "Railway" means non-floating tracks with a cradle and winch system utilized for launching and
45 retrieving vessels.
46



1 "Ramp" means a non-floating surface, located at or near grade, utilized, for launching/retrieving
2 vessels.

3
4 "Recreation" means the refreshment of body and mind through forms of play, amusement or
5 relaxation, including publicly and privately-owned facilities intended for use either by the public
6 or a private club, group, association, or a facility constructed accessory to a multi-family
7 residential development.

8
9 "Residential Development" means the development of dwelling units, and the creation of new
10 residential lots through the land division process.

11
12 "River Delta" means those lands formed as an aggradational feature by stratified clay, silt, sand,
13 and gravel deposited at the mouths of streams where they enter a quieter body of water. The
14 upstream extent of a river delta is that limit where it no longer forms distributary channels.

15
16 "Road/Roadway" means an open private or public way for the passage of motor vehicles that,
17 where appropriate, may include pedestrian, equestrian, and bicycle facilities. Elements of a
18 road/roadway typically include, but are not limited to traveled way, sidewalks, curbing, paths,
19 walkways, shoulders, ditches, culverts, conveyance piping, retaining walls, and slopes necessary
20 for structural stability.

21
22 "Sacrifice Area" means an enclosure, such as a paddock, corral, or pen, used to confine livestock
23 during the winter and early spring when soils within the pasture are saturated.

24
25 "Shall" means a mandate and the action is required.

26
27 "Shoreline Function" – See "Ecological Function"

28
29 "Shoreline Stabilization" means structural and nonstructural methods to address erosion impacts
30 to property and dwellings, business or structures caused by natural processes such as current,
31 flood, tides, wind or wave action. A shoreline stabilization structure at or near, and parallel to,
32 the ordinary high water mark that comes in contact with water is defined as a bulkhead. A
33 structure located landward of the ordinary high water mark that does not come into contact with
34 the water and is erected between lands of different elevations which is used to resist the lateral
35 displacement of any material is defined as a retaining wall.

36
37 "Shoreline Modifications" are those actions that modify the physical configuration or qualities of
38 the shoreline area, usually through the construction of a physical element such as a dike,
39 breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can
40 include other actions, such as clearing, grading, or application of chemicals.

41
42 "Shorelines" means the total of all "shorelines of the state" as defined in RCW 90.58.030(g) that
43 occur in unincorporated Pierce County. For the purposes of Title 18S PCC, these include all
44 waters and associated lands described in PCC 18S.10.030 A.



1 "Should" means that the particular action is required unless there is a demonstrated, compelling
2 reason, based on a policy of the Shoreline Management Act and Title 18S PCC, for not taking
3 the action.

4
5 "Structure" means a permanent or temporary edifice or building, or any piece of work artificially
6 built or composed of parts joined together in some definite manner, whether installed on, above,
7 or below the surface of the ground or water, except for vessels.

8
9 "Substantial Development" means any development of which the total cost or fair market value
10 exceeds the amount set pursuant to RCW 90.58.030(3)(e), or any development which materially
11 interferes with the normal public use of the water or shorelines of the state.

12
13 "Transportation Facilities of Statewide Significance" means highways of statewide significance
14 as designated by the legislature under RCW Chapter 47.05, the interstate highway system,
15 interregional state principal arterials including ferry connections that serve statewide travel,
16 intercity passenger rail services, intercity high-speed ground transportation, major passenger
17 intermodal terminals excluding all airport facilities and services, the freight railroad system, the
18 Columbia/Snake navigable river system, marine port facilities and services that are related solely
19 to marine activities affecting international and interstate trade, key freight transportation
20 corridors serving these marine port facilities, and high capacity transportation systems serving
21 regions as defined in RCW 81.104.015.

22
23 "Vessel" means ships, boats, barges, or any other floating craft which are designed and used for
24 navigation, and do not interfere with the normal public use of the water.

25
26 "Water-Dependent" means a use or portion of a use which cannot exist in a location that is not
27 adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its
28 operations.

29
30 "Water-Enjoyment" means a recreational use or other use that facilitates public access to the
31 shoreline as a primary characteristic of the use; or a use that provides for recreational use or
32 aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic
33 of the use, and which through location, design, and operation ensures the public's ability to enjoy
34 the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment
35 use, the use must be open to the general public and the shoreline-oriented space within the
36 project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

37
38 "Water-Oriented" means a use that is water-dependent, water-related, or water-enjoyment, or a
39 combination of such uses.

40
41 "Water Quality" means the chemical, physical, hydrological, aesthetic, recreation-related, and
42 biological characteristics of water.

43
44 "Water-Related" means a use or portion of a use which is not intrinsically dependent on a
45 waterfront location but whose economic viability is dependent upon a waterfront location
46 because: (a) The use has a functional requirement for a waterfront location such as the arrival or
47 shipment of materials by water or the need for large quantities of water; or (b) The use provides a



1 necessary service supportive of the water-dependent uses and the proximity of the use to its
2 customers makes its services less expensive and/or more convenient.
3
4



Acronyms and Abbreviations:

WDFW	Washington Department of Fish and Wildlife
Ecology	Washington State Department of Ecology
eFOTG	Electronic Field Office Technical Guide
LID	Low Impact Development
MLLW	Mean Lower Low Water
NRCS	Natural Resources Conservation Service
OHWM	Ordinary High Water Mark
PALS	Planning and Land Services
PCC	Pierce County Code
RCW	Revised Code of Washington
SED	Shoreline Environment Designation
SEPA	State Environmental Policy Act
Act	Shoreline Management Act
Master Program	Pierce County Shoreline Master Program
SSHB	State Shorelines Hearing Board
WAC	Washington Administrative Code



Chapter 18S.70 -- Appendix B
Farm Management Plan Requirements

- A. The Farm Plan shall apply to all portions of the site within which agricultural activities are proposed to occur and shall include the following items:
1. The plan shall be prepared by:
 - a. An individual possessing a Bachelors or advanced degree in Agronomy or Agriculture, by the Pierce Conservation District or Natural Resources Conservation District; or
 - b. An individual certified or approved by either Conservation District entity.
 2. Discussion of agriculture proposed, including but, not limited to: its level of intensity; the type of animals or crops; other uses such as paddocks, barns, and mechanical equipment. If the agriculture proposed is described as Lower Intensity, the plan must justify that description. Include as applicable a discussion of any proposed: clearing, irrigation work, water conveyance and management activities, fencing, conservation cover plans, winter confinement plans, and nutrient management plan. Include a nutrient balance sheet if manure is to be applied to, or allowed to remain within, the project site.
 3. Site map identifying:
 - a. topography (identify steep slopes);
 - b. the location of any critical areas as defined in Title 18E PCC;
 - c. identification of bare ground, pasture (including grass types);
 - d. identification of trees and shrubs (native species, health condition);
 - e. soils mapping;
 - f. grazing area locations;
 - g. pasture and hay planting location; and
 - h. the location of grass buffer strips, field borders, hedgerows, windbreaks, shelterbelts.
 4. Discussion of soils including:
 - a. soil type and condition;
 - b. recommended nutrient management plan; and
 - c. recommended composting area.
 5. Site management recommendations Section shall:
 - a. Address potential impacts to water quality.
 - b. Demonstrate that the number of livestock and small animals proposed can be sustained. This may be shown through such actions as pasture renovation, weed management techniques, creation of sacrifice areas, and cross fencing.
 - c. Discuss any critical area reviews completed or ongoing within the property.
 - d. Be consistent with the requirements of Title 18S PCC and the recommendations provided within the National Resource Conservation Service (NRCS) electronic Field Office Technical Guide (eFOTG) for Pierce County, Section IV, Washington Conservation Practices at: <http://www.wa.nrcs.usda.gov>. Where recommendations of eFOTG conflict with those of Title 18S PCC, the more conservative requirement shall apply.



Chapter 18S.70 – Appendix C
Aquaculture Application Requirements

Applications for aquaculture use or development shall include all information necessary to conduct a thorough evaluation of the proposed aquaculture activity. Information required of all applicants shall include a Site Plan, a Description of the Project, a Baseline Information Study, an Assessment of Impacts, and documentation of property ownership or of owner permission to conduct activities. Applicants proposing more complex projects may be required to provide an expanded list of information. The results of the Baseline Information Study and Assessment of Impacts shall be used to determine monitoring requirements.

A. Site Plan.

1. A site plan including:

- a. A depiction of the boundaries of the farm area, accurate to within three feet. At its discretion, the County may require traditional survey methods or allow GPS methodology;
- b. Existing bathymetry depths based on Mean Lower Low Water (MLLW datum);
- c. A general depiction of adjacent land uses presence of structures, docks, bulkheads, and other modifications. If there are shore stabilization structures, provide the beach elevation at the toe of the structure and the top of the structure (MLLW datum);
- d. Location of any proposed equipment or structures (i.e., buoys, tubes, stakes, racks, protective netting, processing, or storage buildings);
- e. Location of any areas of shoreline modification (i.e., grading, frosting, removal of rocks, and other shoreline elements);
- f. Proposed access locations; and
- g. The location of any easements.

B. Description of Proposal.

1. A detailed narrative description of the project proposal discussing the following:

- a. Species to be reared.
- b. Substrate modification or vegetation removal (also to be shown on the site plan).
- c. Planting, harvest, and processing methods, hours of operation, timing and phasing.
- d. Summary of equipment and structures required.
- e. A proposed schedule for the installation and removal of structures such as tubes and netting.
- f. A description of how tubes, nets, bands and other equipment and structures will be prevented from escaping from the site during the life of the operation.
- g. A description of how adjoining landowners will be informed of the proposed farm activities (site preparation, planting, maintenance, harvest).
- h. A discussion of how aquaculture activities will be compatible with zoning classification, shoreline environment designation, and surrounding uses.
- i. A discussion of any public opportunities for gathering wild stock aquatic resources on public tidelands or bedlands.
- j. A list of any feed, pesticides, herbicides, antibiotics, vaccines, growth stimulants, antifouling agents, or other chemicals, and an assessment of predicted impacts. The applicant is responsible for obtaining all appropriate approvals and shall provide copies to the County upon request.



- k. Number of employees or workers necessary for the project, including average and peak employment.
 - l. Methods of waste disposal and predator control.
- C. **Baseline Information.** A qualified independent third party professional with specific experience in aquaculture or in marine or freshwater studies, as applicable to the specific aquaculture proposal shall be retained to provide a review of baseline ecological conditions. Experience may be demonstrated through professional credentials and/or certification or applicable education from a recognized university.
1. The standard level of baseline information shall include a description of:
 - a. Tidal variations;
 - b. Prevailing wind direction;
 - c. Substrate (pebbles, cobble, sand, mud, clay, e.g.) in order to demonstrate that the site has the necessary substrate for the type(s) of aquaculture proposed; and
 - d. Upland vegetation types, regulated species or habitat conservation areas present.All reviews for eelgrass, macroalgae, and forage fish spawning and holding areas must conform to the most current Washington Department of Fish and Wildlife (WDFW) protocols.
- D. **Cumulative Impact Analysis – Expanded Information Requirements.**
1. Applicants proposing more complex projects, such as multi-species farms; farms on shorelines of statewide significance; farms that have the potential to harm habitat, community recreational use or significant degradation of views and aesthetic values; farms within low-energy shoreline areas including, but not limited to bays, coves, and areas situated adjacent to identified critical areas; farms proposed in areas adjacent to existing aquaculture activities; or when the proposal is the first of its kind in the area shall be required to provide additional baseline information, which may include:
 - a. Aquatic and benthic organism diversity and abundance;
 - b. Sediment compaction;
 - c. Littoral drift estimates;
 - d. Current flow data;
 - e. Water quality; and
 - f. An analysis of flushing rates may be required of projects within enclosed water bodies;
 - g. An analysis of the impacts of farms within enclosed waterbodies or within the vicinity of the proposal; and
 - h. An analysis of visual and aesthetic impacts of farms proposed adjacent to Residential SEDs.
- E. **Performance Standards and Monitoring.**
1. Project-specific performance standards shall be created that are specific to the aquaculture proposal and the results of the baseline review of the proposed farm site.
 2. Monitoring shall be provided by a qualified independent third party professional to determine compliance with the established performance standards or conditions of any land use approval.
 - a. Compliance with performance standards will generally be met by demonstrating no statistically significant changes to baseline conditions as a result of individual harvest activities or by demonstrating that no consistent adverse changes occur over the course of multiple harvest activities. The results of the operational



1 monitoring may trigger a range of actions, including, but not limited to, changes
2 to:

- 3 (1) The allowable size of the operation;
4 (2) The planting or harvest schedule; and
5 (3) The width of required buffers or setbacks.

- 6 b. The duration and frequency of monitoring shall be unique to each proposal;
7 however, in general, monitoring shall occur in conjunction with bed preparation,
8 staging, seeding, and harvest activities and for a period of time sufficient to
9 verify compliance with performance standards. Duration and frequency shall be
10 reduced when the applicant demonstrates that, relative to their proposal, these
11 activities, whether singly or in combination, do not serve as a potential stressor to
12 the following functional attributes of the intertidal zone: reduction in forage fish
13 habitat, alteration to benthic community structure, reduction in forage availability
14 and migration habitat, or reduction in water quality.
15 c. Monitoring frequency should be increased commensurate with the complexity
16 and intensity of the aquaculture method(s) utilized and the sensitivity of the
17 shoreline.
18 d. The results of the monitoring program may affect the scale or frequency of
19 harvest activities. Monitoring may result in a reduction to harvest activities or it
20 may allow an expansion within the limits of the approved permit, depending
21 upon the Performance Standards established.

22 F. **Assessment of Impacts.** This Section shall be based upon the results of the baseline
23 conditions study. This shall be accompanied by a discussion of avoidance,
24 minimization, and mitigation actions proposed. Potential impacts that shall be discussed
25 include: impacts to regulated critical areas and species, loss of benthic biotic diversity,
26 increase in pollutant loading, alteration to nearshore sediment composition or transport
27 processes, decrease in water quality. This shall be accompanied by a discussion of
28 avoidance, minimization and mitigation actions proposed.

29 G. **Financial Guarantee.** The applicant/property owner must obtain a bond or financial
30 guarantee in the amount of \$1.00 per tube placed. This is to ensure that all aquaculture
31 equipment, specifically the tubes, netting and net securing devices, will be completely
32 removed from the site in accordance with the timelines found within the tube placement
33 and removal schedule.
34



Chapter 18S.70 – Appendix D
Commercial, Civic and Industrial Application Requirements

- A. A Commercial, Civic and Industrial Master Plan is required for all commercial and industrial use applications. The Master Plan shall include the following information:
1. Identification of a range of uses that will be or may be located in the master plan area.
 2. Identification of specific standards including, but not limited to setbacks, buffers, and building height.
 3. Infrastructure and services plan including, but not limited to waterward navigation, landward access, utilities, emergency services and storm drainage.
 4. Parking areas are located outside of shorelines when feasible; or, when a location outside of shorelines is not feasible, they are in one central area shared by the entire industrial or port development, or are designed in a manner that avoids or minimizes additional impervious surfaces and other deleterious effects on the shorelines.
 5. Number of employees proposed to be employed within the master plan area.
 6. Hours of operation for the master plan area, including identification of those uses that will operate between 9 p.m. and 6 a.m., and the noise, light, and other impacts of those specific facilities during those hours.
 7. Identification of areas for any future expansion both landward and waterward of the ordinary high water mark (OHWM).
 8. A phasing plan and expected build-out period for the project and its phases.
 9. Landscape buffering plans adjacent to surrounding uses and the shore.
 10. Mitigation and restoration plans for all identified impacts to the shoreline, which may include off-site restoration or mitigation.
 11. Plans for the containment and handling of all hazardous materials, including:
 - a. Identification of all hazardous materials to be stored at, imported to, exported from, used or generated on the site; and
 - b. Emergency containment and clean-up plan prepared by a qualified professional.
 12. Additional studies to address other impacts as appropriate.



Chapter 18S.70 – Appendix E
Pierce County Shoreline Jurisdiction Descriptions

WRIA 10 (Puyallup/White Rivers)

Marine

1. Browns Point/Dash Point
 - a. All Marine Waters from King County south to the City of Tacoma.

Freshwater (Rivers and Creeks described from downstream to upstream terminus)

1. Bear Creek
 - a. South of Voight Creek until approximately rivermile 0.64.
2. Canyon Creek Two
 - a. South of White River until approximately rivermile 0.37.
3. Carbon River
 - a. South of the Puyallup River until the city of Orting at approximately rivermile 0.74.
 - b. Continuing south on only the east bank until the City of Orting at approximately rivermile 2.
 - c. Continuing south of the City of Orting on both banks at approximately rivermile 2.2 until the City of Orting at approximately milepost 2.32.
 - d. Continuing on only the north bank until rivermile 3.4.
 - e. Continuing on both banks until the confluence of South Prairie Creek at rivermile 5.8.
 - f. Continuing east and south until Mount Rainier National Park at approximately rivermile 23.72.
 - g. Continuing north and east of Mount Rainier National Park at approximately rivermile 24.32 until Mount Rainier National Park at approximately milepost 27.28.
4. Cayada Creek
 - a. North and east of Carbon River until approximately rivermile 1.76.
5. Chenuis Creek
 - a. North and east from Carbon River within Mount Rainier National Park. Begins North of Mount Rainier National park at approximately rivermile 0.44 until it ends at Mount Rainier National Park at approximately rivermile 5.
6. Clarks Creek
 - a. South of Puyallup River (RM 5.8) until the City of Puyallup at approximately rivermile 2.03.
 - b. Continuing on only the north bank until the City of Puyallup at approximately rivermile 2.3.
7. Clearwater River
 - a. South of the White River (RM 35.3) until approximately rivermile 9.48.
8. Deer Creek
 - a. South of the Puyallup River (RM 45.7) until approximately rivermile 4.23.
9. East Fork South Prairie Creek
 - a. East at the confluence of South Prairie Creek and South Fork South Prairie Creek until approximately rivermile 3.46.
10. Eleanor Creek
 - a. West and south of Huckleberry Creek (RM 3.2) until approximately rivermile 0.75.



11. Evans Creek
 - a. South of the Carbon River (RM 18.4) until approximately rivermile 5.73.
12. Fennel Creek
 - a. South and east of Puyallup River (RM 15.5) until approximately rivermile 2.57.
13. Gale Creek
 - a. South of Wilkeson Creek until approximately rivermile 4.88.
14. George Creek
 - a. South of Greenwater River until approximately rivermile 1.4.
15. Goat Creek
 - a. East of Silver Creek until approximately rivermile 5.62.
16. Greenwater River
 - a. South and east of White River (RM 46) on south and west bank only until the confluence with Meadow Creek at approximately rivermile 14.53.
 - b. Continuing south on both banks until Hidden Lake at approximately rivermile 21.54.
17. Huckleberry Creek
 - a. South of White River (RM 53.1) until Mount Rainier National Park at approximately rivermile 7.3.
18. Hylebos Creek
 - a. South and east of the City of Fife on only the east bank at approximately rivermile 0.54 until the City of Fife at approximately milepost 0.63.
 - b. Continuing south of the City of Fife at approximately rivermile 0.93 until the City of Fife at approximately rivermile 1.09.
 - c. Continuing south of the City of Fife at approximately rivermile 1.19 until the City of Milton at approximately rivermile 1.75.
 - d. Continuing north on only the east bank until approximately rivermile 1.93 until the City of Milton at approximately rivermile 2.08.
19. Kapowsin Creek
 - a. North of Kapowsin Lake to Puyallup River (RM 26).
20. Kings Creek
 - a. Northeast of Puyallup River until approximately rivermile 0.42.
21. Lost Creek – Greenwater
 - a. South of Greenwater River until Lost Lake at approximately rivermile 2.63.
22. Lost Creek – Huckleberry
 - a. East of Huckleberry Creek until approximately rivermile 0.49.
23. Maggie Creek
 - a. Northeast of Greenwater River until approximately rivermile 0.52.
24. Meadow Creek
 - a. East of the Mowich River until Mount Rainier National Park at approximately rivermile 1.2.
25. Milky Creek
 - a. Southeast of Clearwater River until approximately rivermile 1.61.
26. Mowich River
 - a. East and north of Puyallup River until Mount Rainier National Park at approximately rivermile 6.7.
27. Neisson Creek
 - a. South of Puyallup River until approximately rivermile 2.0.



28. North Puyallup River
 - a. From the confluence of the Puyallup River and South Puyallup River until Mount Rainier National Park at approximately rivermile 0.20.
29. Ohop Creek – Kapowsin
 - a. South and east of Kapowsin Lake until approximately rivermile 3.76.
30. Page Creek
 - a. North and east of South Prairie Creek until approximately rivermile 0.80.
31. Pinochle Creek
 - a. From West Fork White River to the confluence of Viola Creek at approximately rivermile 1.1.
32. Puyallup River
 - a. Starting East of City of Tacoma and south of the City of Fife at rivermile 2.6. Continuing on only the south bank to the City of Puyallup and the City of Fife at approximately rivermile 6.78.
 - b. North bank only east of the City of Fife at approximately rivermile 6.85. Continuing on the north shore until the boundary of the City of Puyallup at approximately rivermile 7.13.
 - c. North bank only east of the city of Puyallup at approximately rivermile 8.4. Continuing east and south only on the north bank until confluence with the White River at approximately rivermile 10.2.
 - d. Continuing south between the Cities of Puyallup and Sumner until approximately milepost 10.73.
 - e. Continuing southeast of rivermile 10.73 on the south bank only until the city of Sumner at approximately rivermile 11.
 - f. Continuing southeast of the City of Sumner on the south bank only at approximately milepost 11.06. Continuing south and east on the south bank only until approximately rivermile 12.03.
 - g. Continuing on both banks until the confluence of the Carbon River at rivermile 17.4.
 - h. Continuing on both banks until the City of Orting at approximately rivermile 19.45.
 - i. Continuing on the south and west banks only until the City of Orting at approximately rivermile 21.3.
 - j. South from the City of Orting at rivermile 22.5 on both banks until the fork of the North and South Puyallup Rivers at approximately rivermile 46.1.
33. Rushing Water Creek
 - a. East of Mowich River until approximately rivermile 3.37.
34. Saint Andrews Creek
 - a. Southeast of South Puyallup River to Mount Rainier National Park at approximately rivermile 0.26.
35. Silver Creek
 - a. East and south of White River until approximately rivermile 5.58.
36. South Fork South Prairie Creek
 - a. Southeast of the confluence of the South Prairie Creek and East Fork South Prairie Creek until approximately rivermile 2.69.
37. South Prairie Creek
 - a. Northeast of Carbon River (RM 5.8) until the Town of South Prairie at approximately rivermile 5.61.



- 1 b. Continuing east on only the north bank until the Town of South Prairie until
2 approximately rivermile 5.93.
- 3 c. Continuing east of the Town of South Prairie at approximately rivermile 6.38 until
4 the fork of South Fork South Prairie Creek and East Fork South Prairie Creek at
5 approximately rivermile 17.92.
- 6 38. South Puyallup River
- 7 a. From the confluence of the Puyallup River and North Puyallup River until Mount
8 Rainier National Park at approximately rivermile 3.62.
- 9 39. Tolmie Creek
- 10 a. South of Carbon River until approximately rivermile 1.75.
- 11 40. Twenty-Eight Mile Creek
- 12 a. South of White River until approximately rivermile 2.98.
- 13 41. Unnamed Tributary of Puyallup River
- 14 a. South of Puyallup River until approximately rivermile 0.42.
- 15 42. Unnamed Tributary of South Puyallup River
- 16 a. Southwest of South Puyallup River until approximately rivermile 1.04.
- 17 43. Viola Creek
- 18 a. South and west of Pinochle Creek until approximately rivermile 1.73.
- 19 44. Voight Creek
- 20 a. Southeast of Carbon River until approximately rivermile 15.95.
- 21 45. West Fork White River
- 22 a. Southwest of White River until Mount Rainier National Park at approximately
23 rivermile 11.43.
- 24 46. White River
- 25 a. Starting at the confluence of the Puyallup River on the north bank only until the City
26 of Sumner at approximately rivermile 0.42.
- 27 b. Continuing north of the City of Sumner and east of the City of Pacific at
28 approximately rivermile 4.88 until King County at rivermile 5.5.
- 29 c. Continuing south of King County on the south and west bank only at approximately
30 rivermile 12.08 until the City of Buckley at approximately rivermile 20.93.
- 31 d. Continuing south and east from the City of Buckley only on the south bank at
32 approximately rivermile 23.62 until the City of Enumclaw at approximately
33 rivermile 24.65.
- 34 e. Continuing southeast from the City of Enumclaw only on the south bank at
35 approximately rivermile milepost 24.89 until Mud Mountain Lake at approximately
36 rivermile 28.22.
- 37 f. Continuing east of Mud Mountain Lake on the south bank only at approximately
38 rivermile 32.8 until the confluence of the Greenwater River at approximately
39 rivermile 44.91.
- 40 g. Continuing on both banks south until the Confluence of the West Fork White River
41 at approximately rivermile 48.41.
- 42 h. Continuing south until Mount Rainier National Park at approximately rivermile
43 61.08.
- 44 47. Wilkeson Creek
- 45 a. South of South Prairie Creek (RM 6.8) until the Town of Wilkeson at approximately
46 rivermile 4.22.



- b. Continuing east only on the north bank at approximately rivermile 4.28 until the Town of Wilkeson at approximately milepost 4.53.
- c. Continuing east only on the south bank at approximately rivermile 5.28 until approximately milepost 5.61.
- d. Continuing east and south until approximately rivermile 8.69.

Lakes

1. Echo Lake
 - a. Entire lake located along the Greenwater River.
2. Kapowsin Lake
 - a. Entire lake.
3. Lake Tapps
 - a. All lake shores outside the City of Bonney Lake.
4. Leaky Lake
 - a. Entire Lake also known as Hidden Lake.
5. Morgan Lake
 - a. Entire lake.
6. Mud Mountain Lake
 - a. South shore of lake within Pierce County.
7. Rhode Lake
 - a. Entire lake.

WRIA 11 (Nisqually River)

Marine

1. Nisqually Delta
 - a. Marine waters in Pierce County and outside the City of Dupont.
 - b. South to Interstate 5 and Joint Base Lewis-McChord.

Freshwater (Rivers and Creeks described from downstream to upstream terminus)

1. Beaver Creek
 - a. South and east of Mashel River (RM 9.3) until approximately rivermile 5.89.
2. Busy Wild Creek
 - a. South of Mashel River until approximately rivermile 7.56.
3. Copper Creek
 - a. North of Nisqually River until approximately rivermile 0.85.
4. Horn Creek
 - a. East and north of Nisqually River until approximately rivermile 2.04.
5. Little Mashel River
 - a. South of Mashel River (RM 4.4) until the confluence of South Fork Little Mashel River at approximately rivermile 3.99.
6. South Fork Little Mashel River
 - a. South of Little Mashel River until approximately rivermile 0.42.
7. Lynch Creek
 - a. East of the Ohop Creek on only the north bank until approximately rivermile 0.28.
 - b. Continues east on both banks until the Town of Eatonville at approximately rivermile 1.19.
 - c. Continues east of the Town of Eatonville on both banks at approximately rivermile 1.64 until approximately rivermile 4.54.



8. Mashel River
 - a. North and east of the Nisqually River (RM 39.6) until the Town of Eatonville at approximately rivermile 4.66.
 - b. Continues east of Town of Eatonville at approximately rivermile 4.73 until the Town of Eatonville approximately rivermile 5.16.
 - c. Continues north on only the west bank until the Town of Eatonville at approximately rivermile 5.31.
 - d. Continues east on only the south bank at approximately rivermile 5.92 until the end of the Town of Eatonville at approximately rivermile 6.71.
 - e. Continues east until approximately rivermile 18.94.
9. Unnamed Tributary, Mashel River
 - a. East of Mashel River until approximately rivermile 3.0.
10. Midway Creek
 - a. South of Little Mashel River until approximately rivermile 0.80.
11. Muck Creek
 - a. East of Joint Base Lewis-McChord at approximately rivermile 15.03 until approximately rivermile 17.63.
 - b. Does not include downstream portion through the Town of Roy.
12. Nisqually River (Includes only the north shore)
 - a. East and south of Joint Base Lewis-McChord at approximately milepost 15.67 until Alder Lake (Alder Dam) at approximately rivermile 39.42.
 - b. Continuing east of Alder Lake at approximately rivermile 46.98 until Mount Rainier National Park at approximately milepost 61.56.
 - c. Includes three forks just west of Mount Rainier National Park.
13. Ohop Creek – Nisqually
 - a. Northeast of Nisqually River (RM 37.3) until the Town of Eatonville at approximately rivermile 6.58.
 - b. Continues north on only the east bank until the Town of Eatonville at approximately rivermile 6.79.
 - c. Continues north on only the east bank at approximately rivermile 7.02 until the end of the Town of Eatonville at approximately rivermile 7.2.
 - d. Continues north on both banks until Kapowsin Lake.
14. South Creek
 - a. East of Joint Base Lewis-McChord at approximately rivermile 1.45 until approximately rivermile 9.67.
15. Tanwax Creek
 - a. Northeast of Nisqually River (RM 30.8) until approximately rivermile 8.16.
16. Twenty-five Mile Creek
 - a. East of Ohop Creek (RM 9.9) until approximately rivermile 1.77.

Lakes

1. Alder Lake
 - a. From Alder Dam on Nisqually River at RM 39.42. On north shore only (within Pierce County).
 - b. Continues upstream until approximately rivermile 46.98.
2. Clear Lake
 - a. Entire lake.



3. Cranberry Lake
 - a. Entire lake.
4. Harts Lake
 - a. Entire lake. Adjacent to Little Lake.
5. Kreger Lake
 - a. Entire lake.
6. Little Lake
 - a. Entire lake. Adjacent to Harts Lake.
7. Muck Lake
 - a. Includes portions of lake outside Joint Base Lewis-McChord and the City of Roy. Muck Creek flows in and out of Muck Lake.
8. Mud Lake
 - a. Entire lake.
9. Ohop Lake
 - a. Entire lake.
10. Rapjohn Lake
 - a. Entire lake.
11. Silver Lake
 - a. Entire lake.
12. Tanwax Lake
 - a. Entire lake.
13. Tule Lake
 - a. Entire lake.
14. Twenty-seven Lake
 - a. Entire lake.
15. Twin Lake
 - a. Entire lake. Adjacent to Whitman Lake (south) and Benbow Lake (north, not in jurisdiction).
16. Whitman Lake
 - a. Entire lake. Adjacent to Twin Lake (north).
17. La Grande Reservoir
 - a. Includes only the east shore within Pierce County.

WRIA 12 (Chambers/Clover Creeks)

Freshwater (Rivers and Creeks described from downstream to upstream terminus)

1. Chambers Creek
 - a. Begins in Chambers Bay from approximately rivermile 0.0 and continues north along the south bank until University Place and Lakewood at approximately rivermile 0.45.
2. Clover Creek
 - a. North and east from Joint Base Lewis-McChord at approximately rivermile 4.08.
 - b. Continues east and south past the North Fork Clover Creek including all branches until approximately rivermile 7.2.
3. Spanaway Creek
 - a. East and south of Clover Creek (RM 4.1) until Spanaway Lake at approximately rivermile 2.5.



1 *Lakes*

- 2 1. American Lake
- 3 a. Includes only that portion of lakeshore with Camp Murray National Guard Base.
- 4 2. Spanaway Lake
- 5 a. Entire lake.
- 6 b. Includes wetlands south of Spanaway Loop Road S.

7
8 **WRIA 15 (Kitsap Peninsula)**

9 ***Marine***

- 10 1. Colvos Passage – Tacoma Narrows
- 11 a. Includes the shoreline on the eastern side of Gig Harbor Peninsula.
- 12 b. Extends from the northern Pierce County border in Colvos Passage, south to Fosdick
- 13 Point, located at the northeast entrance to Hale Passage.
- 14 c. Excludes the area on the south and northwest shore that is within the City of Gig
- 15 Harbor.
- 16 2. Hale Passage – Wollochet Bay
- 17 a. Includes the shorelines of the Gig Harbor Peninsula from Point Fosdick to western
- 18 Shaw Bay.
- 19 b. Includes all of Wollochet Bay, and the north side of Fox Island (from Nearn's Point
- 20 to Toy Point).
- 21 3. Carr Inlet – Henderson Bay
- 22 a. Encompasses the south shore of Fox Island and all of Henderson Bay.
- 23 b. Includes the west shores of Gig Harbor and the northeastern shores of Key
- 24 Peninsula.
- 25 c. Includes Raft and Cutts Islands.
- 26 4. South Key Peninsula and Islands
- 27 a. Encompasses the shores of six islands (McNeil, Anderson, Ketron, Eagle, Pitt and
- 28 Gertrude).
- 29 b. Also include the southeastern shores of the Key Peninsula from Southhead to Devil's
- 30 Head.
- 31 5. Case Inlet
- 32 a. Includes the west shore of the Key Peninsula from Devil's Head to the Pierce County
- 33 border and Rocky Bay.

34 ***Freshwater (Rivers described from downstream to upstream terminus)***

35 ***Rivers and Creeks***

- 36 1. Minter Creek
- 37 a. North from Minter Bay until the confluence of Huge Creek at approximately
- 38 rivermile 1.56.
- 39 2. Rocky Creek
- 40 a. North from Rocky Bay until rivermile 0.1.

41 ***Lakes***

- 42 1. Bay Lake
- 43 a. Entire lake located on Key Peninsula.
- 44 2. Butterworth Reservoir
- 45 a. Entire reservoir located on McNeil Island.
- 46 3. Carney Lake
- 47 a. Southern portion of the lake located within Pierce County.



- 1 4. Florence Lake
- 2 a. Entire lake located on Anderson Island.
- 3 5. Jackson Lake
- 4 a. Entire lake located on Key Peninsula.
- 5 6. Josephine Lake
- 6 a. Entire lake located on Anderson Island.
- 7 7. Lake Minterwood
- 8 a. Entire lake located on Key Peninsula.
- 9 8. Stansberry Lake
- 10 a. Entire lake located on Key Peninsula.
- 11



Chapter 18S.70 – Appendix F
Shoreline Environment Designation Maps

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**Chapter 18S.70 – Appendix G
Parks and Public Access Maps**



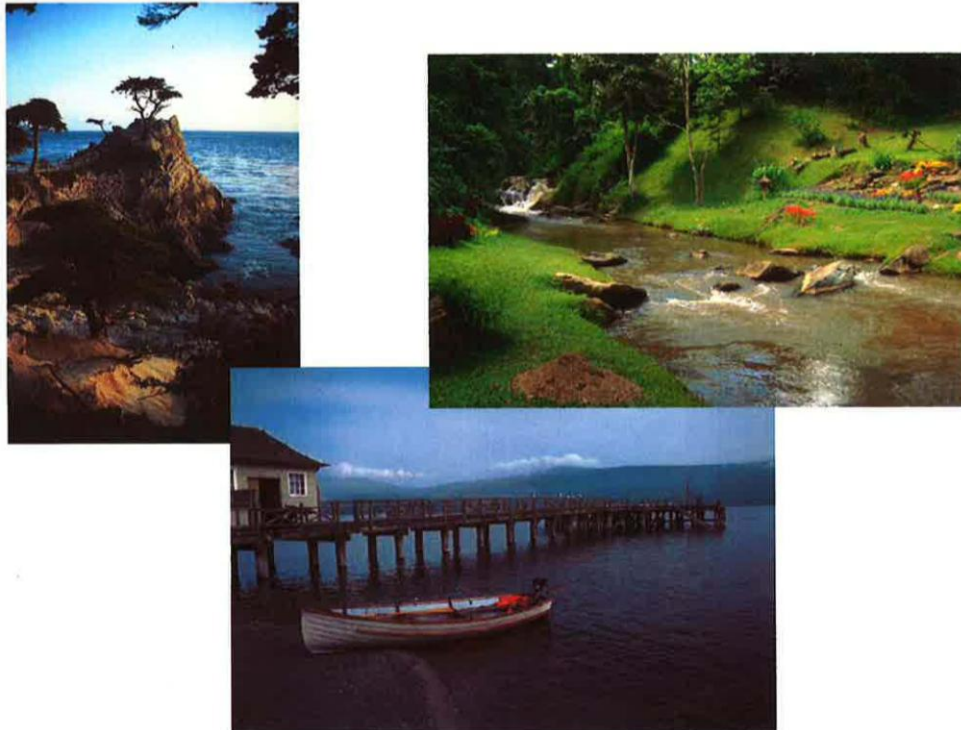
Chapter 18S.70 – Appendix H
Shoreline Environment Township Atlas

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Chapter 18S.70 – Appendix I
Waterfront Titles in the State of Washington



**Waterfront Titles in
The State of Washington**

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Chicago Title Insurance Company

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LATERAL LINES

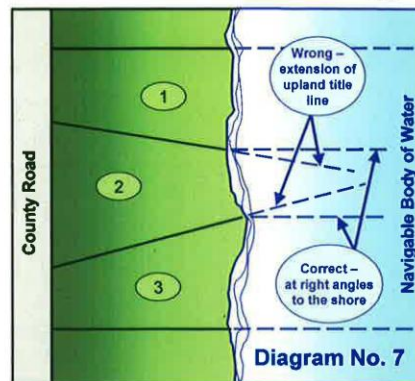
Another area where misconceptions abound is in the question of how property lines extend out into the *tidelands* or *shorelands*, assuming they have been conveyed by the State. These boundary lines are commonly termed “*lateral lines*.”

Note that tidelands or shorelands are usually conveyed to the abutting *upland* owner, and the lateral lines in such cases would normally extend out over the submerged lands from a point on the shoreline where the upland boundary intersected. However, such submerged lands can be owned by someone other than the abutting upland owner, and the lateral lines between adjoining owners of such *submerged lands* may have no relationship to the boundaries of the upland parcel.

A waterfront owner is not allowed to unilaterally project the upland boundaries out into the tidelands or shorelands. To do so might deprive either that owner or a neighbor of tidelands or shorelands to which one would be entitled under our Supreme Court decisions.⁴³

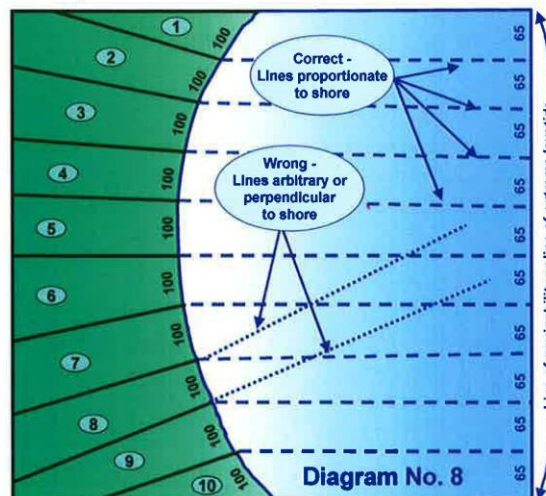
There are no statutes defining the direction of these lateral lines through tidelands or shorelands. Neither is there any helpful language in the original deeds of these lands from the State of Washington. The deeds simply convey all tidelands or shorelands, for example: “...all tidelands of the second class lying in front of and abutting Government Lot 3, Section [], Township [] North, Range [] East, W.M.”

To find what rules might apply, we turn to decisions by our State Supreme Court for interpretation of the word “abutting.” The basic rule, where the beach is a relatively

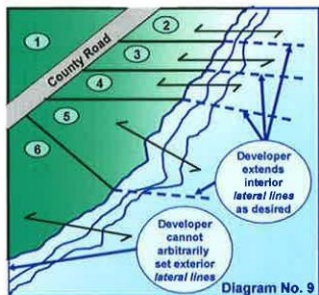


straight line, would be that the lateral lines are projected into the water at right angles to the line of *ordinary high tide* (in the case of tidelands) or to the line of *ordinary high water* (in the case of shorelands). See DIAGRAM NO. 7.

The Supreme Court has applied a different rule where the properties are on a cove. In such a situation, the right angle rule does not usually provide an equitable division of the submerged lands to the abutting waterfront owners. In one case⁴⁴ the court set out a method for projecting the lateral lines on a cove which makes a much fairer distribution of submerged lands. The technique involves connecting the property line at the shore line to proportionate lengths of frontage at the line of extreme



low tide (for tidelands conveyed after 1911; mean low tide for tidelands conveyed earlier) or the line of *navigability* (for shorelands). See DIAGRAM NO. 8.



Of course, an owner of upland property which includes the abutting submerged lands and which is large enough to be divided into smaller parcels is free to subdi-

vide the property, including submerged lands, and delineate the specific locations of the interior lateral lines. In DIAGRAM NO. 9 a developer has laid out such a waterfront plat, in which the direction of the lateral lines of the interior lots have been fixed without applying the usual rules from our court decisions. Note, however, that the exterior boundary lines (that is, on either end of the entire submerged lands parcel) cannot be fixed without agreement and conveyance with the adjoining submerged land owners.

A title insurer generally cannot insure an owner of any waterfront property, no matter what the configuration of the shoreline, as to the location of the lateral lines unless

1. there has been a court decree establishing the location of such lines (which decree would also presumably confirm the title of each owner in the respective portions on either side of the lines), or
2. a plat created by a common owner, or
3. an agreement has been entered into by the adjoining owners establishing the mutual lateral boundaries.

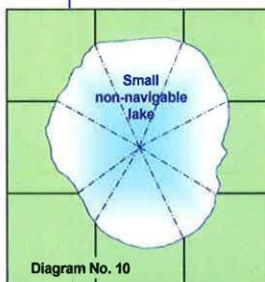
Such an agreement must also, of course, include mutual conveyance between the owners to actually confirm title according to the agreed upon boundaries.

NON-NAVIGABLE LAKES

All bodies of water are assumed to be *navigable* unless a court has determined otherwise. This would be true even if the water was not shown on the Government Survey and/or no *meander lines* were shown on that survey, and/or the adjoining *uplands* are not described as *government lots*.

With respect to the beds of known non-navigable lakes, they are *submerged lands* but are not *shorelands*, and the State of Washington has no interest in them. Such beds are owned by the adjoining property owners.

Where all of the land surrounding a small, non-navigable lake is owned by one person, that person also owns the bed of the lake. However, when



there are multiple owners around the lake, the rules for *lateral lines* are not as clearly drawn by court decisions as they have been for tidelands and shorelands. Property owners on such lakes may agree to each own an undivided interest in the entire lake. In some cases they have divided the bed of

round lakes by making pie-shaped connections to the center of the lake. Each owner, then, would have fee title to the pie-shaped parcel of the bed of the lake that adjoined the upland parcel. See DIAGRAM NO. 10.

On non-navigable lakes that are not round, abutting waterfront owners have generally developed common sense allocations of the beds using center lines along the long lengths of the lake. See DIAGRAM NO. 11.

