



**PIERCE COUNTY
DETERMINATION OF NONSIGNIFICANCE**

ACTION: Adopt Title 18S Development Regulations – Shorelines, and Repeal Title 20 – Shoreline Management Regulations and Resolution 16990 Pierce County Shoreline Master Program policies.

There will also be amendments to:
Chapter 1.22.080 – Hearing Examiner Code;
Title 18 – General Provisions;
Title 18A – Zoning;
Title 18E – Critical Areas;
Title 18H – Forest Practices; and
Title 18J – Design Standards and Guidelines.

Location of Adopted and Amended Documents:

The noted documents are available for inspection at the Pierce County Planning and Land Services Department, 2401 South 35th Street, Room 175, Tacoma, WA 98409. They may also be reviewed on the Shoreline Master Program Update page of the Pierce County website: <http://www.piercecountywa.org/shoreline>

PROPOSAL: This non-project proposal repeals Title 20 - Pierce County Shoreline Management Regulations and Resolution 16990 - Pierce County Shoreline Master Program (SMP) policy document. A new shoreline master program will be adopted, Title 18S, Development Regulations - Shorelines, and amendments will be made to Chapter 1.22.080 – Hearing Examiner Code, and the following Development Regulations: Title 18 – General Provisions, Title 18A – Zoning, Title 18E – Critical Areas, Title 18H – Forest Practices, Title 18J – Design Standards and Guidelines.

The general purpose of this proposal is to implement the: Washington State Shoreline Management Act (SMA) (Chapter 90.58 RCW) which governs the development of Washington’s shorelines; and Washington State Department of Ecology (Ecology) Rules (Chapters 173-26 and 27 WAC) that guide, along with the SMA, the required contents of the SMP.

The specific purpose of this proposal is to:

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

This proposal originated with the State requirement that all jurisdictions review and adjust their shoreline master programs based on new guidelines and laws which recognize the significant changes that have taken place in land use regulation and planning since the early 1970s. Such changes include the State Growth Management Act that required comprehensive land use plans, updates to zoning, environmental regulations, and development requirements. With a few minor exceptions, the County shoreline regulations have remained unchanged since their adoption in 1975.

To begin the update, Pierce County completed an assessment of existing development and environmental conditions of the shorelines. The basis of that assessment is a document called an Inventory and Characterization Report. That Report serves as the baseline for determining changes to the shoreline. If a development is proposed that has the potential for a negative environmental impact, that impact must be addressed and mitigated. This requirement is called “no net loss” and it is intended to ensure no further loss of ecological functions and processes in shorelines. Shoreline ecological functions to be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance.

Shoreline processes to be protected include, but are not limited to, water flow; littoral drift; erosion and accretion; infiltration; groundwater recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel migration.

The revised shoreline regulations will integrate existing regulations that have been adopted as part of the State Growth Management Act, such as those addressing critical areas, erosion, flood hazard, landslide hazard, wetlands, and fish and wildlife. Staff relied on these existing regulations to meet the State Legislature requirements wherever possible. One of the fundamental principals in addressing the new requirements was to examine the existing County Code Titles and determine if there was an adopted regulation already in place that satisfied the State guidelines. Title 18S would include those items not addressed in other existing Titles. Unlike other County development regulations, Title 18S would include the shoreline policies as well as the regulations because the policies clarify the intent of the SMP. This draft proposal also includes changes to existing Titles which were necessary to accommodate the SMP update.

Pursuant to State law (RCW 90.58.080), Pierce County is required to conduct a comprehensive review of its shoreline regulations at least every seven years after adoption of the current proposal.

LOCATION: Countywide – in all shorelines within unincorporated Pierce County. For purposes of this proposal, “shorelines” consist of:

1. All marine waters; rivers and streams downstream from a point where the mean annual flow is 20 cubic feet per second; and lakes which are 20 acres in size or larger;
2. The lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM) of those water bodies;
3. Associated wetlands;
4. River deltas;
5. Floodways and contiguous floodplain areas landward two hundred feet from such floodways; and
6. The air above and the land below the shoreline area;

PROPONENT: Pierce County Planning and Land Services

The Responsible Official of Pierce County hereby makes the following Findings and Conclusions based upon a review of the environmental checklist and attachments, other information on file with Pierce County, and the policies, plans, and regulations designated by Pierce County as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act (SEPA) pursuant to RCW 43.21C.060.

FINDINGS OF FACT:

Pierce County incorporates by reference the following documents, consistent with WAC 197-11-635:

*“(1) Agencies should use existing studies and incorporate material by reference whenever appropriate.
(2) Material incorporated by reference (a) shall be cited, its location identified, and its relevant content briefly described; and (b) shall be made available for public review during applicable comment periods.”*

1. Final Environmental Impact Statement (FEIS), July 19, 2004, and Draft Environmental Impact Statement (DEIS), December 10, 2003.
This EIS evaluated the environmental impacts associated with the updates to the Critical Area Regulations known as DIRECTIONS for Protecting and Restoring Habitat, within Pierce County, Washington.

These documents can be found at the Pierce County Planning and Land Services office, 2401 South 35th Street, Room 175, Tacoma WA 98409.

2. Pierce County Shoreline Master Program, Draft Inventory and Characterization Report, October 2007.
This study provided a baseline inventory and characterization of Pierce County’s shoreline resources, at both a watershed and landscape scale.

*This document can be found on the Shoreline Update section of the Pierce County website:
<http://www.piercecountywa.org/shoreline>*

3. Puget Sound Nearshore Ecosystem Restoration Project, Historic Change and Impairment of Puget Sound Shorelines, September 2011.
This report integrates change analysis and estimated process degradation to arrive at a framework for the management of Puget Sound nearshore ecosystems.

*This document can be found on the Puget Sound Nearshore Ecosystem Restoration Project website:
http://www.pugetsoundnearshore.org/technical_reports.htm*

4. Key Peninsula, Gig Harbor, and Islands Watershed Nearshore Salmon Habitat Assessment Final report, July 2003.
This nearshore assessment study evaluated shoreline conditions and habitat quality and function for juvenile salmonids. It also evaluated and prioritized restoration opportunities.

This document can be found on the Pierce County website: <http://www.co.pierce.wa.us/xml/services/home/environ/water/ps/KGIHabitatAssess.pdf>

5. Strategic Priorities for Salmon Conservation and Recovery Actions in WRIAs 10 and 12. 2003. Mobernd Biometrics, Inc.
This document evaluates habitat requirements for the different salmon life stages using Ecosystem Diagnosis and Treatments Methodology (EDT) - a salmon-focused biological model that uses empirical habitat data and expert opinions provided by local experts.

*This document can be found at the Pierce County website:
<http://www.co.pierce.wa.us/xml/services/home/environ/water/ps/leadentity/12-11-2003strategicprioritiesphase2finaldraft.pdf>*

6. Pierce County Rivers Flood Hazard Management Plan - Public Review Draft and Environmental Impact Statement, February 2012.

The Flood Hazard Management Plan recommends regional policies, programs, and projects to reduce risks to public health and safety; reduce public infrastructure and private property damage; reduce maintenance costs; and, improve habitat conditions, while protecting and maintaining the regional economy.

This document can be found at the Pierce County website:

<https://www.co.pierce.wa.us/pc/services/home/environ/water/wqws/floodhazmgmtplan8.htm>

7. Final Supplemental Environmental Impact Statement (FSEIS) for the State of Washington Commercial Geoduck Fishery. May 23, 2001
This FSEIS evaluates the physical and biological impacts associated with geoduck harvest using water-jet harvest methods.

This document can be found at the Washington Department of Natural Resources website:
http://www.dnr.wa.gov/Publications/aqr_geo_lowres2001_final_seis.pdf

8. Protecting Nearshore Habitat and Functions in Puget Sound. An Interim Guide, October, 2007. EnviroVision, Herrera Environmental and Aquatic Habitat Guidelines Working Group.
This guidance document provides recommendations and approaches for avoiding, minimizing, and mitigating to offset, impacts of shoreline development.

This document may be obtained at the Washington Department of Fish and Wildlife's publication section: <http://wdfw.wa.gov/publications>

CONCLUSIONS OF RESPONSIBLE OFFICIAL:

The Responsible Official concludes, based on a review of application materials and a review of County regulations governing the project, that there will be no probable significant adverse environmental impacts as a result of this project.

This Determination of Nonsignificance (DNS) is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days from the date of issue. Comments must be submitted by close of business on the comment deadline date. The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the DNS. If the DNS is retained, it will be final after the expiration of the comment deadline. No permits may be issued, and the applicant shall not begin work, until the comment deadline has expired and any other necessary permits are issued.

RESPONSIBLE OFFICIAL: Dennis Hanberg
POSITION/TITLE: Director
ADDRESS: 2401 S. 35th St., Suite 2, Tacoma, WA 98409

STAFF CONTACTS: Debora Hyde, Special Projects Coordinator Phone (253) 798- 7110
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DATE OF ISSUE: September 17, 2012

COMMENT DEADLINE: October 1, 2012

APPEAL DEADLINE: October 15, 2012


Responsible Official

NOTE: Pursuant to RCW 43.21C.075, Section 18D.10.080 of Title 18D, Pierce County Development Regulations-Environmental and Chapter 1.22 of Title 1, General Provisions, decisions of the Responsible Official may be appealed. Appeals are filed with appropriate fees (\$2,600.00) and Notice of Appeal at the Planning and Land Services Department, located at the Development Center in the Public Services Building, 2401 S. 35th St., Suite 2, Tacoma, WA 98409. You should be prepared to make specific factual objections. Appeals must be filed within 14 days of the expiration of the comment deadline.

NOTE: The issuance of this Determination of Nonsignificance does not constitute project approval. The applicant must comply with all other applicable requirements of Pierce County, federal, and state agencies, and/or the Hearing Examiner prior to receiving construction permits.

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