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4 *Only those portions of Title 18 that are proposed to be amended are shown. Remainder of text,*  
5 *maps, tables, and/or figures is unchanged.*  
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7 ***Title 18***

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9 ***DEVELOPMENT REGULATIONS – GENERAL PROVISIONS***

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11 ***Chapter 18.20***

12 ***INTRODUCTION***

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16 **18.20.020 Applicability.**

17 Unless otherwise provided, the regulations identified in this Title apply to Pierce County  
18 Codes including, but not limited to: Title 17A, Construction and Infrastructure Regulations –  
19 Site Development and Stormwater Manual; Title 17B, Construction and Infrastructure  
20 Regulations – Roads and Bridges; Title 17C, Construction and Infrastructure Regulations –  
21 Building and Fire Codes; Title 18A, Development Regulations – Zoning; Title 18B,  
22 Development Regulations – Signs; Title 18D, Development Regulations – Environmental; Title  
23 18E, Development Regulations – Critical Areas; Title 18F, Development Regulations – Land  
24 Divisions and Boundary Changes; Title 18H, Development Regulations – Forest Practices and  
25 Tree Conservation; Title 18I, Development Regulations – Natural Resource Lands; Title 18J,  
26 Development Regulations – Design Standards and Guidelines; and ~~Title 20, Shoreline~~  
27 ~~Management Use Regulations~~ Title 18S, Development Policies and Regulations – Shorelines.  
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1 *Chapter 18.25*

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3 **DEFINITIONS**

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5 **18.25.030 Definitions.**

6  
7 "Development Regulations," also referred to as "Land Use Controls," means the following  
8 controls placed on development or land use activities by the County, including but not limited to,  
9 comprehensive plan policies, zoning regulations, subdivision land division regulations, shoreline  
10 management regulations, road design standards, site development regulations, stormwater  
11 standards and erosion/sediment control requirements, forest practice regulations, sign  
12 regulations, critical areas and resource lands regulations, and Hearing Examiner conditions and  
13 all development regulations and land use controls that must be satisfied as a prerequisite to  
14 obtaining approval. For purposes of the Title 18 series, construction and utility regulations such  
15 as building standards, fire standards, sewer utility standards, and Health Department standards  
16 are not considered development regulations or land use controls.

17  
18 "Discretionary land use action review and approval" involves judgment or discretion in  
19 determining compliance with the approval requirements. The review and approval is  
20 discretionary because not all of the approval requirements are objective, i.e., not easily  
21 transferable from situation to situation and determined on a case-by-case basis within certain  
22 parameters. Land use actions subject to discretionary land use review and approval are:  
23 Administrative Site Plan Reviews, Binding Site Plans, Conditional Uses, Nonconforming Uses,  
24 Planned Development Districts, Shoreline Administrative Conditional Uses, Shoreline  
25 Conditional Uses, Shoreline Substantial Developments, ~~Shoreline Nonconforming Uses,~~  
26 Shoreline Variances, Site Plan Reviews, Unclassified Uses, Variances, concomitant agreements,  
27 and other actions determined by the Director of Planning and Land Services. Preliminary Plats  
28 utilizing PDDs to develop a cluster layout, short plats subject to ASPRs or preliminary plats  
29 subject to SPRs, are specifically vested for policies and regulations at the time of application per  
30 State law and thus are not covered under this definition.

31  
32 "Feeder bluffs" mean areas of sediment input to the beach system.

33  
34 "Kelp" means those species in the order Laminariales. This includes, but is not limited to:  
35 *Macrocystis*, *Nereocystis*, *Laminarians*, *Costaria*, *Alaria*, *Egregia*, and *Hedophyllum*.

36  
37 "Ordinary high water mark" means, on all lakes, streams, and tidal water, that mark that will be  
38 found by examining the bed and banks and ascertaining where the presence and action of waters  
39 are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a  
40 character distinct from that of the abutting upland, in respect to vegetation as that condition  
41 exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in  
42 accordance with permits issued by a local government or the department: Provided, That in any  
43 area where the ordinary high water mark cannot be found, the ordinary high water mark  
44 adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark  
45 adjoining freshwater shall be the line of mean high water.

46  
47 "Out of kind mitigation" means providing mitigation in a location removed from the source of



1 the actual impact, or of a kind that does not replicate the functions and values of the feature lost  
2 as a result of development.

3  
4 "Shoreline functions" means the work performed or role played by the physical, chemical, and  
5 biological processes that contribute to the maintenance of the aquatic and terrestrial  
6 environments that constitute the shoreline's natural ecosystem. Examples of shoreline functions  
7 that result from shoreline processes include the creation of habitat, maintenance of water  
8 temperature, removal of nutrients, and stabilization of banks and shorelines.

9  
10 "Shoreline processes" means the suite of naturally occurring physical and geologic processes of  
11 erosion, transport, and deposition; and specific chemical processes that shape landforms within a  
12 specific shoreline ecosystem and determine both the types of habitat and the associated  
13 ecological functions.

14  
15 "Utilities" means enterprises or facilities serving the public by means of an integrated system of  
16 collection, transmission, distribution, and processing facilities through more or less permanent  
17 physical connections between the plant of the serving entity and the premises of the customer.  
18 Included are systems for the delivery conveyance of natural gas, electricity, telecommunications  
19 services, and water and for the disposal of sewage.

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21 **18.25.040 Acronyms.**

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23 "WDFW" means Washington State Department of Fish and Wildlife.  
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Chapter 18.40

APPLICATION PROCESSING

18.40.040 Modification of Applications.

Proposed modifications to a pending application which has been deemed to be complete by the Department shall be treated as follows:

- A. Any modification to an application may require revised public notice and/or additional review fees.
- B. Modifications which meet or exceed any of the following criteria, as determined by the Department, shall require a new application:
  - 1. **General Modification Criteria:**
    - a. The perimeter boundary of the project site is expanded by more than 5 percent;
    - b. Structure gross square footage is expanded by more than 25 percent;
    - c. Impervious surface is increased by more than 25 percent;
    - d. Residential density is increased by more than 20 percent or exceeds the maximum allowable density for the zone classification in which the project is located;
    - e. Designated open space is reduced by more than 10 percent;
    - f. Points of access are substantially relocated, except where such relocation is supported by a revised traffic analysis;
    - g. The original application's primary use category is changed to a new primary use category of greater intensity, as determined by the new use's impacts, including but not limited to traffic, impervious surface, noise, glare, dust, and hours of operation; or
    - h. There is a substantial change in the project's impacts and/or use.
  - 2. ~~Shoreline Modification Criteria. In addition to the General Modification Criteria set forth in PCC 18.40.040 B.1., shoreline permit applications which meet or exceed the following criteria, as determined by the Department, shall require a new application:~~
    - ~~a. Additional over water construction is proposed, except that pier, dock, or float construction may be increased by up to 500 square feet or 10 percent, whichever is less, before triggering a new application;~~
    - ~~b. Ground area coverage and height are increased by more than 10 percent; or~~
    - ~~e. Adverse environmental impacts will be caused by the project revision.~~
- C. Modifications that do not meet or exceed the criteria for a new application as set forth in PCC 18.40.040 B. shall not require a new application and shall be required to comply with the development regulations in effect on the date of the original complete application.
- D. If the modification of an application meets or exceeds any one or more of the General Modification Criteria ~~or Shoreline Modification Criteria~~, a new application shall be required. The new application shall be subject to the development regulations and fees which are in effect at the time the new application is submitted.



Chapter 18.80

NOTICE

18.80.020 Public Notice Matrix.

	Notice of Application	Notice of Threshold Determination	Notice of Public Hearing	Notice of Final Decision
Categories:	Day 0-14	Day 30-79	Day 30-90	Day 30-120
Administrative Permits: Admin. Nonconforming Use Permits, Admin. Use Permits, Minor Amendments, Class IV-General Forest Practice Permits, Plat Alterations (1), Shoreline Substantial Development Permits, Shoreline Administrative Conditional Use Permits (SEPA, no public hearing)	<ul style="list-style-type: none"> <li>Departmental Posting</li> <li>Send SEPA Checklist to Reviewing Agencies</li> <li>Mail to Adjacent Property Owners</li> <li>Post Property</li> </ul>	<ul style="list-style-type: none"> <li>Publish in Newspaper</li> <li>Mail to Applicant</li> <li>Mail to Reviewing Agencies</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Mail to Applicant, and Parties of Record, and to Ecology for shoreline permits</li> </ul>
Site Plan Review (no SEPA, public meeting required)	<ul style="list-style-type: none"> <li>Departmental Posting</li> <li>Mail to Adjacent Property Owners</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Post Property</li> <li>Publish in Newspaper</li> <li>Mail to Applicant</li> </ul>	<ul style="list-style-type: none"> <li>Mail to Applicant and Parties of Record</li> </ul>
Administrative Permits: Admin. Nonconforming Use Permits, Admin. Use Permits, Minor Amendments, Plat Alterations (1), Binding Site Plans Shoreline Substantial Development Permits, Shoreline Administrative Conditional Use Permits (no SEPA, no public hearing)	<ul style="list-style-type: none"> <li>Departmental Posting</li> <li>Send Application to Reviewing Agencies</li> <li>Mail to Adjacent Property Owners</li> <li>Post Property</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Mail to Applicant, and Parties of Record, and to Ecology for shoreline permits</li> </ul>
Conditional Use Permits, PDDs, PUDs, Nonconforming Use Permits, Public Facility Permits, Shoreline Substantial Development Permits, Shoreline Nonconforming Use Permits, Shoreline Conditional Use Permits, Rezones, Plat Alterations (1) (SEPA, public hearing required)	<ul style="list-style-type: none"> <li>Departmental Posting</li> <li>Send SEPA Checklist to Reviewing Agencies</li> <li>Mail to Adjacent Property Owners</li> <li>Post Property</li> </ul>	<ul style="list-style-type: none"> <li>Publish in Newspaper</li> <li>Mail to Applicant</li> <li>Mail to Reviewing Agencies</li> </ul>	<ul style="list-style-type: none"> <li>Mail to Adjacent Property Owners</li> <li>Publish in Newspaper</li> <li>Mail to Applicant</li> </ul>	<ul style="list-style-type: none"> <li>Mail to Applicant, and Parties of Record, and to Ecology for shoreline permits</li> </ul>

		Notice of Application	Notice of Threshold Determination	Notice of Public Hearing	Notice of Final Decision
	Categories:	Day 0-14	Day 30-79	Day 30-90	Day 30-120
	Zoning Variances, Shoreline Variances, Wetland Variances, Fish and Wildlife Habitat Stream Buffer Variances, Reasonable Use Exceptions, Forest Practice Request for Removal of Development Moratorium, Plat Alterations (1) (no SEPA, public hearing required)	<ul style="list-style-type: none"> <li>• Departmental Posting</li> <li>• Send Application to Reviewing Agencies</li> <li>• Mail to Adjacent Property Owners</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Post Property</li> <li>• Publish in Newspaper</li> <li>• Mail to Applicant</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant, and Parties of Record, and Ecology for shoreline variances</li> </ul>

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**18.80.030 Notice Types.**

**A. Notice of Application.**

4. **Comment Period.** The public and agencies with jurisdiction shall have up to 28 days from the acceptance of a complete application to provide the Department with written comments, except applications for Shoreline Substantial Development Permits, Shoreline Administrative Conditional Use Permits, Shoreline Conditional Use Permits, and Shoreline Variances, and Shoreline Nonconforming Use Permits which shall be 30 days from the date of the notice of application.



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*Chapter 18.100*

***TIME PERIOD FOR FINAL DECISION***

**Sections:**

- 18.100.010 Notice of Final Decision.**
- 18.100.020 Exclusion to Time Periods.**
- 18.100.025 Shoreline Decisions.**
- 18.100.030 Failure to Meet Time Periods.**
- 18.100.040 Time Computations.**

**18.100.025 Shoreline Decisions.**

The County is required to send Shoreline decisions/approvals to the Department of Ecology (Ecology) as indicated in Table 18.100.025-1. For complete requirements, see Chapter 173-27 Washington Administrative Code (WAC).

**A. Notice of Shoreline Decision.** Notice of shoreline decisions shall be provided as follows:

1. Upon issuance, a copy of the decision shall be sent to:
  - a. The applicant;
  - b. Ecology, after the reconsideration and/or appeal periods have expired;
  - c. Parties of record; and
  - d. The Hearing Examiner, for shoreline revisions where the Examiner issued the original permit.
2. The permit is effective immediately. However, it is subject to appeal pursuant to Chapter 1.22 PCC. Any use or development that commences prior to conclusion of the appeal period is at the applicant's own risk.



<b>NEW Table 18.100.025-1. Shoreline Decisions</b>			
<b>Permit/Approval Type</b>	<b>County Submittal to Ecology</b>	<b>Department of Ecology (Ecology) Action</b>	<b>State Shorelines Hearings Board (SHB) Appeals</b>
<b>Shoreline Minor Development Approval</b>	<ul style="list-style-type: none"> <li>• Submittal to Ecology is optional except when Corps Section 404 and/or 10 permits are required</li> <li>• Submittal to Ecology shall occur at the end of County appeal period/process</li> <li>• <b>Decision is final at the end of the County appeal process</b> (see Chapter 1.22 PCC for appeals)</li> </ul>	<ul style="list-style-type: none"> <li>• Reviews decisions</li> <li>• Does not approve/deny</li> <li>• Cannot overrule County</li> <li>• County decision cannot be appealed to SHB (see WAC 461-08 for SHB process)</li> </ul>	
<b>Shoreline Substantial Development Permit</b>	<ul style="list-style-type: none"> <li>• Submittal to Ecology shall occur at the end of County appeal process</li> </ul>	<ul style="list-style-type: none"> <li>• Reviews decision</li> <li>• Does not approve/deny</li> <li>• Cannot overrule County</li> <li>• County decision can be appealed to SHB</li> </ul>	<ul style="list-style-type: none"> <li>• 21 day appeal period begins when Ecology receives County submittal</li> <li>• <b>Decision is final at the end of the SHB appeal period</b></li> </ul>
<b>Permit Revision for Shoreline Substantial Development Permit</b>	<ul style="list-style-type: none"> <li>• Submittal to Ecology may occur prior to the end of the County appeal process</li> </ul>	<ul style="list-style-type: none"> <li>• Reviews decision</li> <li>• Does not approve/deny</li> <li>• Cannot overrule County</li> <li>• County decision can be appealed to SHB</li> </ul>	<ul style="list-style-type: none"> <li>• 21 day appeal period begins when Ecology receives County submittal</li> <li>• <b>Decision is final at the end of the SHB appeal period</b></li> </ul>
<b>Shoreline Administrative Conditional Use, Shoreline Conditional Use, Shoreline Variance and Permit Revisions for the same</b>	<ul style="list-style-type: none"> <li>• Submittal to Ecology shall occur at the end of County appeal process</li> </ul>	<ul style="list-style-type: none"> <li>• 30 day review period (15 days for Permit Revision) starts when Ecology receives County decision</li> <li>• Ecology can approve, condition, or deny</li> <li>• Ecology may overrule County decision</li> <li>• Ecology decision can be appealed to SHB</li> </ul>	<ul style="list-style-type: none"> <li>• 21 day appeal period begins when Ecology transmits its decision</li> <li>• <b>Decision is final at the end of the SHB appeal period</b></li> </ul>

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5 **Chapter 18.140**

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8 **COMPLIANCE**

9 **18.140.020 Applicability.**

10 The provisions of this Chapter shall be applicable to any development, land use, or activity  
11 on a property taken contrary to any provision of the following regulations:

12 Title 17A Construction and Infrastructure Regulations – Site Development and Stormwater  
13 Drainage

14 Title 17B Construction and Infrastructure Regulations – Road and Bridge Design and  
15 Construction Standards

16 Title 18A Pierce County Development Regulations – Zoning

17 Title 18B Development Regulations – Signs

18 Title 18D Development Regulations – Environmental

19 Title 18E Development Regulations – Critical Areas

20 Title 18F Development Regulations – Land Divisions and Boundary Changes

21 Title 18H Development Regulations – Forest Practices

22 Title 18I Development Regulations – Natural Resource Lands

23 Title 18J Development Regulations – Design Standards and Guidelines

Title 18S Development Policies and Regulations – Shorelines

~~Title 20 – Shoreline Management Use Regulations~~



Chapter 18.160

VESTING

18.160.060 Duration of Vesting.

G. Shoreline Substantial Development Permit, Shoreline Administrative Conditional Use Permit, Shoreline Conditional Use Permit, Shoreline Variance, and Shoreline Permit Revision.

1. Development shall be commenced within two years of the effective date of a permit or approval. Authorization to develop shall continue for a period of five years from the effective date of the permit or approval. If construction has not been completed within five years, the permit or approval shall expire.
  - a. Development authority time periods do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions, or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.
  - b. Upon a finding of good cause, based on the requirements and circumstances of the proposal, the Director or Hearing Examiner may specify different permit time limits in the decision.
  - c. Pierce County or the Hearing Examiner may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and Ecology.
2. The effective date of a permit or approval shall be as follows:
  - a. Shoreline Permit Revision (not involving a Shoreline Conditional Use Permit or Shoreline Variance): Date of decision by Pierce County.
  - b. Shoreline Substantial Development Permit: Date of actual receipt by Ecology of the final Pierce County decision.
  - c. Shoreline Administrative Conditional Use Permit, Shoreline Conditional Use Permit, Shoreline Variance and Shoreline Permit Revision (involving a Shoreline Conditional Use Permit or Shoreline Variance): Date of transmittal of Ecology's final decision to Pierce County and the applicant.
3. The County shall notify Ecology in writing of any change to the effective date of a permit with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized pursuant to this subsection shall require a new permit application.
4. Shoreline Permit or Approval revision may be authorized after the original authorization has expired provided that this procedure shall not be used to extend the original time requirements or to authorize substantial development after the time limits of the original permit.
5. The applicant is responsible for tracking the amount of time they have available to start and complete their proposal.

HG. All approvals described in this Section shall be vested for the specific use, density, and physical development that is identified in the permit approval.

