

ORDINANCE NO. 29

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, ADOPTING BY REFERENCE THE PIERCE COUNTY
SHORELINE MANAGEMENT REGULATIONS AS THE INTERIM
SHORELINE MANAGEMENT REGULATIONS FOR THE CITY OF
UNIVERSITY PLACE.**

WHEREAS, the City Council has determined that it is in the City's best interests to adopt Pierce County Code Title 20, Pierce County Shoreline Management Regulations, as the Interim Shoreline Management Regulations for the City; now, therefore,

**THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON,
DO ORDAIN AS FOLLOWS:**

Section 1. Pierce County Shoreline Management Regulations Adopted. The City adopts by reference Title 20 of the Pierce County Code, as now in effect and as may be subsequently amended, as the Interim Shoreline Management Regulations for the City of University Place, except as follows:

- A. The Director of Planning and Land Services Department for Pierce County shall refer to the Director of Planning for the City of University Place;
- B. Pierce County shall refer to the City of University Place;
- C. Hearings Examiner shall refer to the Hearing Examiner appointed by the City of University Place City Council;
- D. Planning Commission shall mean the Planning Commission appointed by the University Place City Council, or if no Planning Commission is appointed, the University Place City Council.
- E. Filing fees shall be as set forth in separate resolution adopted by the City of University Place City Council.

Section 2. Copy to be Available. One copy of Title 20 of the Pierce County Code shall be available in the office of the City Clerk for use and examination by the public.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect on the official date of incorporation.

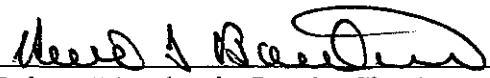
PASSED BY THE CITY COUNCIL ON July 17, 1995.


Stanley L. K. Flemming, Mayor

ATTEST:


Susan Matthew, Interim City Clerk

APPROVED AS TO FORM:


Robert J. Backstein, Interim City Attorney

Date of Publication: 7-20-95
Effective Date: 8-31-95

Ordinance #29

TITLE 20

SHORELINE MANAGEMENT REGULATIONS



Pierce County

Planning and Land Services

Title 20

SHORELINE MANAGEMENT USE REGULATIONS

Chapters:

- 20.02 PURPOSE, TITLE, SCOPE, AND APPLICABILITY.
- 20.04 DEFINITIONS.
- 20.06 INTRODUCTION TO ENVIRONMENTS.
- 20.08 THE URBAN ENVIRONMENT.
- 20.10 RURAL-RESIDENTIAL ENVIRONMENT.
- 20.12 THE RURAL ENVIRONMENT.
- 20.14 THE CONSERVANCY ENVIRONMENT.
- 20.16 THE NATURAL ENVIRONMENT.
- 20.18 ENVIRONMENT WRITTEN DESCRIPTIONS.
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- 20.22 AGRICULTURAL PRACTICES.
- 20.24 AQUACULTURAL PRACTICES.
- 20.26 BREAKWATERS.
- 20.28 BULKHEADS.
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- 20.36 EFFLUENT DISPOSAL.
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- 20.40 HIGH RISE STRUCTURES.
- 20.42 JETTIES AND GROINS.
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- 20.48 LOG STORAGE AND RAFTING.
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- 20.74 PROCEDURE FOR AMENDMENTS TO THE SHORELINE MASTER PROGRAM AND OFFICIAL CONTROLS.
- 20.76 SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS, VARIANCES, AND EXPANSION OF NONCONFORMING USE PERMITS.

Chapter 20.02

PURPOSE, TITLE, SCOPE, AND APPLICABILITY

Sections:

- 20.02.010 Purpose.
- 20.02.020 Title.
- 20.02.030 Scope.
- 20.02.040 Applicability.

20.02.010 Purpose.

In order to implement the goals and policies of Phase I of the Pierce County Shoreline Master Program, and to allow for all reasonable and appropriate uses of Pierce County's Shorelines without degradation of environmental quality, risk to health or safety, and to insure where development takes place, that it is done in a manner which will promote and enhance the best interest of the general public, this Title is designed to provide standards which will regulate and promote intensities and qualities of development consistent with the protection of the shoreline environment and its related resources and the policy of the Shoreline Management Act of 1971. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.02.010)

20.02.020 Title.

This Title shall be known as "Shoreline Use Regulations" for Pierce County. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.02.020)

20.02.030 Scope.

Hereafter no construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel or minerals, bulkheading, driving of piling, placing of obstructions, or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Shoreline Management Act of 1971 shall be undertaken except in compliance with the provisions of this Title and then only after securing all required permits. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.02.030)

20.02.040 Applicability.

The provisions of this Title shall apply to all shoreline and associated wetland areas covered by the Shoreline Management Act of 1971 as follows:

- A. All marine shorelines.
- B. All rivers and streams and their associated wetlands downstream from a point where the mean annual flow is twenty (20) cubic feet per second or greater.
- C. All lakes and their associated wetlands which are twenty (20) surface acres in size or larger.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.02.040)

Chapter 20.04

DEFINITIONS

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20.04.040	Breakwater.
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20.04.010 Accessory Building or Use.

A building, part of a building or structure, or use which is subordinate to, and the use of which is customarily incidental to that of the main building, structure or use on the same lot. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.010)

20.04.020 Beach.

The zone along the shoreline where there is continuous movement of sediment both laterally and vertically. This zone extends from the daily low tide mark to where the permanent line of vegetation begins. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.020)

20.04.030 Boathouse.

A covered or enclosed moorage space. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.030)

20.04.040 Breakwater.

A protective structure composed of rock and fill, usually built offshore, for the purpose of protecting shoreline or harbors from wave action. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.040)

20.04.050 Buffer Strip.

An area of land which: (1) serves to reduce the adverse impacts between land uses of different intensities or (2) serves to separate or identify transitions between land uses of the same intensity. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.050)

20.04.060 Bulkhead.

A retaining wall used to hold back earth and to provide a solid surface to resist wave action. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.060)

20.04.070 Bulkhead Line.

A line established by the Federal government that marks the outer permissible limit for fills. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.070)

20.04.080 Channelization.

The straightening, deepening, or widening of a stream channel for the purpose of increasing the stream's carrying capacity. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.080)

20.04.090 Cluster Development.

A residential development which reserves substantial portions of land as open space or recreational areas for the joint use of the occupants of the development. This land may be provided by allowing dwelling units to be placed on lots smaller than the legal minimum size for regular subdivisions, as long as the density does not exceed prescribed standards. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.090)

20.04.100 Conditional Use.

A use permitted in one or more environments as defined by this Master Program but which use, because of characteristics peculiar to it, or because of its size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same environment, and to ensure that such use shall not be inimical to the public interest. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.100)

20.04.110 Dedication.

The designation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.110)

20.04.120 Department.

The Washington State Department of Ecology. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.120)

20.04.130 Development.

A use consisting of the construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any

sand, gravel or minerals, bulkheading, driving of piling, placing of obstructions, or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Shorelines Management Act at any state of water level. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.130)

20.04.140 Director.

The Director of the Planning and Land Services Department for Pierce County. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.140)

20.04.150 Dry Well.

A pit filled with coarse rock or lined with crushed rock or gravel for use as a storm or sanitary sewage disposal method. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.150)

20.04.160 Dwelling Unit Density.

Refers to the allowable number of dwelling units per acre of land. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.160)

20.04.170 Estuary.

That part of the mouth or lower course of a river in which its current meets the sea's tides, and is subject to their effects. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.170)

20.04.180 Extreme High Tide.

The highest tide level line water will reach in any one year. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.180)

20.04.190 Extreme Low Tide.

The lowest line on the land reached by a receding tide. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.190)

20.04.200 Flood Hazard Zone.

Area inundated by the 100-year flood. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.200)

20.04.210 Floodway.

The portion of a riverine floodplain needed to convey a basic flood (100-year flood) with not more than one foot rise in floodwater elevation. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.210)

20.04.220 Floodway Fringe.

The area outside the floodway but still in the flood hazard zone. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.220)

20.04.230 Groin.

A barrier type structure extending from back shore into the water across the beach, the purpose of which is to interrupt sediment movement along the shore. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.230)

20.04.240 Guidelines.

Those guidelines adopted pursuant to the Shorelines Management Act of 1971. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.240)

20.04.250 Hearings Board.

The shorelines hearings board established by the Shorelines Management Act of 1971. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.250)

20.04.260 Hearing Examiner.

The officer appointed by the Pierce County Council to review and approve or deny applications for Substantial Development, Conditional Use, Variance and Expansion of Nonconforming Use Permits. (Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; prior Code § 65.04.252)

20.04.270 Houseboat.

A structure which floats on the water and is designed principally for residential use. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.260)

20.04.280 Impervious Surface.

Those surfaces that do not allow the downward passage of water. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.270)

20.04.290 Interpretive Center.

A facility containing artifacts, history and information about a site in the immediate area. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.280)

20.04.300 Intertidal.

That area which lies between mean lower low water and mean higher high water. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.290)

20.04.310 Jettie.

A structure generally built perpendicular to the shore at inlets in connection with navigation improvements to modify or control sand movement. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.300)

20.04.320 Landing.

A place at which logs are assembled for transportation in loads or rafts. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.310)

20.04.330 Launching Ramps.

Areas solely developed for boating ingress and egress. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.320)

20.04.340 Levee, Dike.

A broad embankment of earth built parallel with the river channel to contain overbank flow. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.330)

20.04.350 Linear Access.

A trail, path, road, or launching ramp by which the public can travel to and along publicly owned water. Recreational activities such as swimming, hiking, shore fishing, hunting and picnicking are typical activities requiring linear access. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.340)

20.04.360 Longshore Drift.

This is the process by which the factors of prevailing wind and gravity act to move particles laterally along the shoreline. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.350)

20.04.370 Master Program.

The comprehensive shoreline use plan for Pierce County, and the use regulations together with maps, diagrams, charts or other descriptive material and text. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.360)

20.04.380 Merchantable Timber.

Timber which measures 8 inches in diameter at a height of 4-1/2 feet. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.370)

20.04.390 Mining.

The removal of naturally occurring materials from the earth for economic uses. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.380)

20.04.400 Net Acre.

A parcel of land containing 30,000 square feet or as otherwise allowed by the Pierce County PDD ordinance. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.390)

20.04.410 Nonconforming Use.

A lawful use of land or structure in existence on the effective date of this Master Program or at the time of any amendments thereto which does not conform to the use regulations of the environment in which it is located. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.400)

20.04.420 Nonwater Related Uses.

Those uses which do not need a waterfront location to operate though easements or utility corridors for access to the water may be desired. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.410)

20.04.430 Off Premise Advertising Sign.

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is fixed. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.420)

20.04.440 One Hundred Year Flood.

A flood which has a magnitude that may be equalled or exceeded once every one hundred years on the average. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.430)

20.04.450 One Hundred Year Flood Plain.

Lowlands adjoining the channel of a streamway which would be covered by floodwaters of a flood having an average frequency of occurrence in the order of once in 100 years although the flood may occur in any year. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.440)

20.04.460 Ordinary High Water Mark.

On all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this Chapter or as it may naturally change thereafter. Provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.450)

20.04.470 Outer Harbor Line.

A line located and established in navigable waters as provided in Section 1, of Article 15 of the State Constitution, beyond which the state shall never sell or lease any rights whatever. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.460)

20.04.480 Outfall.

The outlet or place of discharge of a sewer. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.470)

20.04.490 Permit.

A Substantial Development Permit issued in compliance with the Shoreline Management Act of 1971 and the Shorelines Master Program for Pierce County. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.480)

20.04.500 Person.

An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.490)

20.04.510 Pierhead Line.

A line established by the Federal government that marks the outer limit for open pile structures. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.510)

20.04.520 Point Access.

A trail, path, road, or launching ramp by which the general public can travel from a public road to a point of view or to a place suitable for launching a boat. Recreational activities such as motor boat launching, canoeing, kayaking, rafting and viewing of scenic vistas are typical recreational activities requiring point access. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.520)

20.04.530 Privy.

An outhouse used as a toilet. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.530)

20.04.540 Public Access.

A trail, path, road, or launching ramp by which the general public can reach the public waters from a public road. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.540)

20.04.550 Riprap.

Broken stone placed on shoulders, slopes, or other such places to protect them from erosion. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.550)

20.04.560 Shorelines.

All of the water areas of Pierce County, including reservoirs, and their associated wetlands, together with the land underlying them except:

- A. shorelines of statewide significance;
- B. shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and
- C. shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.560)

20.04.570 Shorelines of Statewide Significance.

Those shorelines described in Section 3 of the Shorelines Management Act of 1971. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.570)

20.04.580 Signs.

A public display whose purpose it is to provide information, direction or advertising. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.590)

20.04.590 Sign, Informational.

A sign designed to guide or direct pedestrians or vehicles. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.600)

20.04.600 Sign, Warning.

A sign designed to warn pedestrians or vehicles of some imminent danger. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.610)

20.04.610 Slash.

The branches, bark, tops, chunks, cull logs, uprooted stumps and broken or uprooted trees which remain on the ground after logging. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.620)

20.04.620 Streamway.

That corridor of a single or multiple channel or channels, within which the usual seasonal or stormwater runoff peaks are contained. The flora, fauna, soil, and topography is dependent on or influenced by the height and velocity of the fluctuating river currents. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.630)

20.04.630 Stringer Bridge.

A bridge constructed of lengths of timber supporting a number of small traverse members. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.640)

20.04.640 Substantial Development.

Any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this Chapter:

- A. Normal maintenance or repair of existing structures or developments including damage by accident, fire or elements.
- B. Construction of the normal protective bulkhead common to single family residences.
- C. Emergency construction necessary to protect property from damage by the elements.
- D. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels; PROVIDED, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary

farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

E. Construction or modification of navigational aids such as channel markers and anchor buoys.

F. Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Chapter.

G. Construction of a dock designed for pleasure craft only, for the noncommercial use of the owner of a single family residence, the cost of which does not exceed \$2,500.

H. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands.

I. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

J. Operation and maintenance of any system dikes, ditches, drains, or other facilities existing on the effective date of this 1975 amendatory act which were created, developed or utilized primarily as a part of an agricultural drainage or diking system. (1975 1st ex. s. c 182 § 1; 1973 c 203 § 1; 1971 ex. s. c 286 § 3.)

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.650)

20.04.650 Tidelands.

The zone between extreme low tide and extreme high tide. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.660)

20.04.660 Variance.

A modification of the specific standards of this program granted in accordance with the terms of this title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and environment. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.670)

20.04.670 Water Dependent Uses.

All uses which cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of the operation. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.680)

20.04.680 Water Related Uses.

Those uses which are not intrinsically dependent on a waterfront location to continue their operation, but whose operation in Pierce County cannot occur economically at this time, without a shoreline location. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.690)

20.04.690 Wetlands, Wetland Areas.

Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of the Shoreline Management Act. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.700)

20.04.700 Yarding.

The operation of transporting timber from the cutting area to a yard or landing. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.04.710)

Chapter 20.06

INTRODUCTION TO ENVIRONMENTS

Section:

20.06.010 Environments.

20.06.010 Environments.

In order to more effectively plan and manage shoreline resources through the development of a Shoreline Master Program, a system of categorizing shoreline areas through a classification called "Environments" has been utilized. This system is being used as a mechanism for applying appropriate land and water use policies and regulations to distinctively different shoreline areas.

The application of this system is not intended to be a substitute for but rather a supplement to local planning and land use regulations. These environments will guide the use of all County shoreline areas by planning for development and development patterns which enhance the desired character of the specific environment rather than overtly precluding the presence of certain uses in designated environments. The environment system will attempt to insure that different shoreline uses or types of development are designed and located so as to minimize conflicts between the proposed use and stated policies of the pertinent environment classification. It is a system that encourages uses which enhance the character of the environment and at the same time places reasonable standards and restrictions on developments which might disrupt the character of the environment.

The placement of an environment designation on a specific area or site was based on the existing development pattern, the biophysical limitations and capabilities of the shoreline area, and the goals and aspirations of the citizens.

The following pages include a detailed description of each environment. This includes the definition and purpose, general regulations and policies and preferred uses appropriate for each environment.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code Chapter 65.06)

Chapter 20.08

THE URBAN ENVIRONMENT

Sections:

- 20.08.010 Definition and Purpose.
- 20.08.020 General Regulations and Policies.

20.08.010 Definition and Purpose.

The Urban Environment is an area of high intensity land use including residential, commercial and industrial development. It is an environment designation that is particularly suitable for those areas which are presently subjected to intensive use pressure as well as those areas planned to accommodate urban expansion. The objective of assigning an area to an Urban Environment is to ensure optimum utilization of shorelines occurring within areas which are either presently urbanized or projected to be urbanized. This should be done by identifying areas physically suited to intensive use providing for intensive public use and by managing development so that it enhances and maintains the shorelines for a variety of urban uses. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.08.010)

20.08.020 General Regulations and Policies.

The following general regulations and policies should apply to all shoreline areas classified as belonging in an Urban Environment:

- A. Shorelines planned for future urban expansion should present few biophysical limitations for urban activities.
- B. Because shorelines suitable for urban uses are a limited resource, emphasis should be given to development within already developed areas and particularly to water-dependent industrial and commercial uses requiring frontage on navigable waters.
- C. Priority should be given to urban developments for public visual and physical access to water in the urban environment.
- D. Planning for the acquisition of urban land for permanent public access to the water in the urban environment should be encouraged.
- E. To enhance waterfront and ensure maximum public use, industrial and commercial facilities should be designed to permit pedestrian waterfront activities. When practical, access points should be linked to non-motorized transportation routes.
- F. Designation for future urban expansion should include provisions for maintaining those features unique to urban shoreline areas.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.08.020)

Chapter 20.10

RURAL-RESIDENTIAL ENVIRONMENT

Sections:

- 20.10.010 Definition and Purpose.**
- 20.10.020 General Regulations and Policies.**
- 20.10.030 Preferred Uses.**

20.10.010 Definition and Purpose.

The Rural-Residential Environment is an area of medium intensity land use, that is, having use types and densities which do not imply large-scale alterations to the natural environment. It is an area that will serve as a buffer between the highly intensive development of the urban environment and the non-intensive development of rural environment. It is an Environment Designation that will allow medium intensity residential, commercial and agriculture development. The purpose of assigning an area to a Rural-Residential Environment is to allow for a natural transitional area between the sometimes incompatible intensive land uses of urban areas and the agricultural uses, recreational uses, and open space found in the rural environment. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.10.010)

20.10.020 General Regulations and Policies.

The following general regulations and policies should apply to all shoreline areas classified in a Rural-Residential Environment:

A. Existing land use patterns that reflect a suburban environment and also by virtue of existing development do not have the potential for supporting intensive agricultural or recreational activities should be designated as a Rural-Residential Environment if urban expansion is not anticipated.

B. Medium intensity residential uses should be encouraged in the Rural-Residential Environment in order to relieve pressure from urbanized areas and provide living area for those wishing to enjoy a less densely developed shoreline.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.10.020)

20.10.030 Preferred Uses.

A. Single family residence.

B. Neighborhood commercial uses such as small service establishments.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.10.030)

Chapter 20.12

THE RURAL ENVIRONMENT

Sections:

- 20.12.010 Definition and Purpose.
- 20.12.020 General Regulations and Policies.
- 20.12.030 Preferred Uses.

20.12.010 Definition and Purpose.

The Rural Environment is intended for those areas which are presently used for intensive agricultural and recreation purposes or for those areas having the potential of supporting intensive agricultural and recreational development. The Rural Environment is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, and encourage the preservation of open spaces and opportunities for recreational uses compatible with agricultural activities. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.12.010)

20.12.020 General Regulations and Policies.

The following general regulations and policies should apply to all shoreline areas classified in a Rural Environment:

- A. Prime agricultural land should be maintained for present and future agricultural needs.
- B. New developments in a Rural Environment should reflect the character of the surrounding area by limiting residential density, providing permanent open space and by maintaining adequate building setbacks from the water.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.12.020)

20.12.030 Preferred Uses.

- A. Intensive agricultural uses.
- B. Intensive recreational uses.
- C. Low density residential uses.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.12.030)

Chapter 20.14

THE CONSERVANCY ENVIRONMENT

Sections:

- 20.14.010 Definition and Purpose.
- 20.14.020 General Regulations and Policies.
- 20.14.030 Preferred Uses.

20.14.010 Definition and Purpose.

The Conservancy Environment is designed to protect, conserve and manage existing natural resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization. This environment should also include areas of steep slopes which present potential erosion and slide hazards, areas prone to flooding, and areas which cannot adequately deal with sewage disposal. (Ord. 88-76S § 1 (part), 1988; Res. 18562 § 1 (part), 1976; prior Code § 65.14.010)

20.14.020 General Regulations and Policies.

The following general regulations and policies should apply to all shorelines classified as in a Conservancy Environment:

- A. Areas should maintain their existing character.
- B. Developments which do not consume the natural physical resource base should be encouraged.
- C. Substantial and non-substantial developments which do not lead to significant alterations of the existing natural character of an area should be encouraged.

(Ord. 88-76S § 1 (part), 1988; Res. 18562 § 1 (part), 1976; prior Code § 65.14.020)

20.14.030 Preferred Uses.

- A. Outdoor recreation activities.
- B. Commercial timber harvesting.
- C. Passive agricultural uses (pasture and range lands).

(Ord. 88-76S § 1 (part), 1988; Res. 18562 § 1 (part), 1976; prior Code § 65.14.030)

Chapter 20.16

THE NATURAL ENVIRONMENT

Sections:

- 20.16.010 Definition and Purpose.
- 20.16.020 General Regulations and Policies.
- 20.16.030 Natural Resource Systems to be Considered.

20.16.010 Definition and Purpose.

The Natural Environment classification is intended to preserve those dynamic natural systems in a manner relatively free of human influence and to discourage or prohibit those activities which might alter the natural characteristics which make these shoreline areas unique and valuable.

The designation of an area as a Natural Environment should be based on one or more of the following criteria:

- A. There should be present some unique natural or cultural feature considered valuable in its natural or original condition.
- B. The natural shoreline is relatively intolerant of intensive human use.
- C. The shoreline is valuable as a historical, cultural, scientific or educational site by virtue of its natural unaltered original condition.
- D. The site is unaltered and graphically depicts prevailing local physical systems such as feeder cliffs and spits.
- E. The shoreline area, which by virtue of strongly expressed local and/or statewide need, should be preserved in its original condition.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.16.010)

20.16.020 General Regulations and Policies.

The following general regulations and policies should apply to all shoreline areas classified as Natural Environments:

- A. All developments which would potentially degrade or significantly alter the natural character should be regulated.
- B. The main emphasis of regulation in these areas should be on the preservation of natural systems and resources which will not allow man to consider any type of development which will effect the natural condition of the area.
- C. Physical alterations should only be considered when they serve to protect a significant, unique or highly valued feature which might otherwise be destroyed.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.16.020)

20.16.030 Natural Resource Systems to be Considered.

The following is a partial list of natural or cultural features which might be preserved through inclusion in a Natural Environment:

- A. Spits.

- B. Bars.
- C. Lagoons.
- D. Typical river segments.
- E. High bank shorelines.
- F. Low bank shorelines.
- G. Sandy beaches.
- H. Wildlife habitats.
- I. Coves.
- J. Lakes.
- K. Marshlands.
- L. Swamps.
- M. Estuaries.
- N. Educational features.
- O. Scientific features.
- P. Historical features.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976;
prior Code § 65.16.030)

Introduction to Chapter 20.18

SHORELINE ENVIRONMENTS FOR PIERCE COUNTY

ENVIRONMENT WRITTEN DESCRIPTIONS

SHORELINE BOUNDARY SYSTEM - EXPLANATION.

The following list of boundary lines have been used when appropriate to determine the written description for the shoreline environments in Pierce County.

- A. Confluence of two Rivers
- B. City Boundaries
- C. Natural Forest Boundaries
- D. Military Boundaries
- E. Indian Reservation Boundaries
- F. County Boundaries
- G. Boundaries between the middle of Rivers and Creeks
- H. Boundaries between Sandspits and Bars and the adjacent Stable Upland Area
- I. Quarter Section - Section - Township - Range Boundaries

NOTE: In the event any question arises as to where the Shoreline Management environment designation begins and/or ends, the legal description as graphically described on the U.S.G.A. quadrangle maps held in the custody of the Pierce County Planning and Land Services Department shall control.

Chapter 20.18

ENVIRONMENT WRITTEN DESCRIPTIONS

Sections:

- 20.18.010 Longbranch - Rocky Bay to Dutchers Cove.
- 20.18.020 Longbranch - Dutchers Cove to Whiteman Cove.
- 20.18.030 Longbranch - Whiteman Cove to Devils Head.
- 20.18.040 Longbranch - Devils Head to Filucy Bay.
- 20.18.050 Longbranch - Filucy Bay to Von Geldern Cove.
- 20.18.060 Longbranch - Von Geldern Cove to Minter Creek.
- 20.18.070 Longbranch - Minter Creek to Kitsap Co. Line.
- 20.18.080 Gig Harbor - Kitsap Co. Line to Horsehead Bay.
- 20.18.090 Gig Harbor - Horsehead Bay to Point Fosdick.
- 20.18.100 Gig Harbor - Point Fosdick to Kitsap Co. Line.
- 20.18.110 Mainland Marine - King - Pierce Co. Line to Tacoma City Limits.
- 20.18.120 Mainland Marine - Tacoma City Limits to DuPont.
- 20.18.130 Mainland Marine - Blair Waterway.
- 20.18.140 Island Marine - Herron Island.
- 20.18.150 Island Marine - Raft Island.
- 20.18.160 Island Marine - Cutts Island.
- 20.18.170 Island Marine - Tanglewood Island.
- 20.18.180 Island Marine - Fox Island.
- 20.18.190 Island Marine - Anderson Island.
- 20.18.200 Island Marine - Ketron Island.
- 20.18.210 Alder Lake.
- 20.18.220 American Lake.
- 20.18.230 Bay Lake.
- 20.18.240 Carney Lake.
- 20.18.250 Clear Lake.
- 20.18.260 Cranberry Lake.
- 20.18.270 Crescent Lake.
- 20.18.280 Gravelly Lake.
- 20.18.290 Harts Lake.
- 20.18.300 Kapowsin Lake.
- 20.18.310 Kreger Lake.
- 20.18.320 Lake Florence.
- 20.18.330 Lake Josephine.
- 20.18.340 Lake Louise.
- 20.18.350 Lake Minterwood.
- 20.18.360 Lake Steilacoom.
- 20.18.370 Lake Tapps.
- 20.18.380 Lake Twenty-Seven.
- 20.18.390 Morgan Lake.
- 20.18.400 Mud Lake.
- 20.18.410 Muck Lake.
- 20.18.420 Ohop Lake.
- 20.18.430 Rapjohn Lake.
- 20.18.440 Silver Lake.
- 20.18.450 Spanaway Lake.
- 20.18.460 Stansberry (Holiday) Lake.
- 20.18.470 Surprise Lake.
- 20.18.480 Tanwax Lake.

20.18.490 Tule Lake.
20.18.500 Waughop Lake.
20.18.510 Whitman Lake.
20.18.520 Beaver Lake.
20.18.530 Busy Wild Creek.
20.18.540 Carbon River.
20.18.550 Chambers Creek.
20.18.560 Clarks Creek.
20.18.570 Clearwater River.
20.18.580 Clover Creek.
20.18.590 Evans Creek.
20.18.600 Gale Creek.
20.18.610 Greenwater River.
20.18.620 Kapowsin Creek.
20.18.630 Little Mashel River.
20.18.640 Lynch Creek.
20.18.650 Mashel River.
20.18.660 Milky Creek.
20.18.670 Minter Creek.
20.18.680 Mowich River.
20.18.690 Muck Creek.
20.18.700 Neisson Creek.
20.18.710 Nisqually River.
20.18.720 Ohop Creek (North).
20.18.730 Ohop Creek (South).
20.18.740 Puyallup River.
20.18.750 North Puyallup River.
20.18.760 South Puyallup River.
20.18.770 Rocky Creek.
20.18.780 Rushing Water Creek.
20.18.790 South Creek.
20.18.800 South Prairie Creek.
20.18.810 Spanaway Creek.
20.18.820 Tanwax Creek.
20.18.830 Twenty-Five Mile Creek.
20.18.840 Unnamed Tributary to the Mashel River.
20.18.850 Voight Creek.
20.18.860 West Fork of the White River.
20.18.870 White River.
20.18.880 Wilkeson Creek.

20.18.010 Longbranch - Rocky Bay to Dutchers Cove.

A. Beginning at the point where the shoreline intersects the Pierce-Mason County Line in the northeast quarter of Sec. 33 T22 R1W, thence northeasterly along said shoreline through Sec. 33 T22 R1W to a point 200 ft. southwest of the mouth of Rocky Creek in the northeast quarter of Sec. 27 T22 R1W.
RURAL.

B. Beginning at a point on the shoreline 200 ft. southwest of the mouth of Rocky Creek in the northeast quarter of Sec. 27 T22 R1W, thence northeasterly and southeasterly in said northeast quarter of Sec. 27 T22 R1W to a point on the shoreline 200 ft. southeast of the mouth of Rocky Creek.
NATURAL.

C. Beginning at a point on the shoreline 200 ft. southeast of the mouth of Rocky Creek in Sec. 21 T22 R1W, thence southerly, easterly, westerly, and southerly, and northerly along said shoreline to a point on the south line of the northeast quarter of Sec. 15 T21 R1W on the inside of Dutchers Cove. **RURAL; EXCEPT the spits in Sec. 3 T22 R1W and Sec. 3 T21 R1W: NATURAL.**

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.010)

20.18.020 Longbranch - Dutchers Cove to Whiteman Cove.

A. Beginning at a point where the shoreline intersects the south line of the northeast quarter of Sec. 15 T21 R1W on the inside of Dutchers Cove, thence northerly and southerly along said shoreline in said Sec. 15 T21 R1W to a point where said shoreline intersects the north line of the northeast quarter of Sec. 22 T21 R1W. **RURAL-RESIDENTIAL.**

B. Beginning at a point where the shoreline intersects the north line of the northeast quarter of Sec. 22 T21 R1W, thence southerly along said shoreline 1200 ft. to a point in the northeast quarter of said Sec. 22 T21 R1W. **NATURAL.**

C. Beginning at a point 1200 ft. south of the intersection of the shoreline with the north line of the northeast quarter of Sec. 22 T21 R1W, thence southwesterly along said shoreline in Secs. 22 & 27 T21 R1W to the point where said shoreline intersects the west line of the northwest quarter of Sec. 27 T21 R1W. **RURAL-RESIDENTIAL.**

D. Beginning at a point where the shoreline intersects the west line of the northwest quarter of Sec. 27 T21 R1W, thence southwesterly, westerly, and southwesterly along said shoreline in Secs. 28 & 33 T21 R1W to a point where said shoreline intersects the north line of the northeast quarter of Sec. 5 T20 R1W. **RURAL.**

E. Beginning at a point where the shoreline intersects the north line of the northeast quarter of Sec. 5 T20 R1W, thence southerly and southeasterly along said shoreline in Secs. 5, 8, & 9 T20 R1W to a point where said shoreline intersects the north boundary of Robert F. Kennedy State Park in Sec. 16 T20 R1W. **NATURAL.**

F. Beginning at a point where the shoreline intersects the north boundary of Robert F. Kennedy State Park in Sec. 16 T20 R1W, thence southerly and southeasterly along said shoreline through Secs. 16 & 15 T20 R1W to a point where said shoreline intersects the north line of the northeast quarter of Sec. 21 T20 R1W. **CONSERVANCY.**

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.020)

20.18.030 Longbranch - Whiteman Cove to Devils Head.

A. Beginning at a point where the shoreline intersects the north line of the northwest quarter of Sec. 27 Twp. 20N, R1W, thence southeasterly, northeasterly, southwesterly and southerly along said shoreline through Secs. 27, 26 & 35, Twp. 20N, R1W, to a point where the shoreline intersects the south line of the northwest quarter of the northeast quarter

of the southwest quarter of said Sec. 35, Twp. 20N, R1W.
RURAL.

B. Beginning at a point where the shoreline intersects the south line of the northwest quarter of the northeast quarter of the southwest quarter of Sec. 35, Twp. 20N, R1W, thence southeasterly, southerly and northwesterly along said shoreline to a point on said shoreline 200 feet south of the lagoon which lies in the south half of the northeast quarter of the southwest quarter of said Sec. 35, Twp. 20N, R1W.
NATURAL.

C. Beginning at a point on the shoreline 200 feet south of the lagoon which lies in the south half of the northeast quarter of the southwest quarter of Sec. 35, Twp. 20N, R1W, thence southerly along said shoreline approximately 1000 feet to a point on said shoreline lying 200 feet south of the intersection of said shoreline and the north line of the southwest quarter of the southeast quarter of the southwest quarter of said Sec. 35, Twp. 20N, R1W. CONSERVANCY.

D. Beginning at a point on the shoreline 200 feet south of the intersection of said shoreline with the north line of the southwest quarter of the southeast quarter of the southwest quarter of Sec. 35, Twp. 20N, R1W, thence southeasterly and easterly along said shoreline in Sec. 35, Twp. 20N, R1W, and Sec. 2, Twp. 19N, R1W to a point on said shoreline 400 feet west of the east line of the southeast quarter of the northwest quarter of the northeast quarter of Sec. 2, Twp. 19N, R1W. NATURAL.

E. Beginning at a point on the shoreline 400 feet west of the east line of the southeast quarter of the northwest quarter of the northeast quarter of Sec. 2, Twp. 19N, R1W, thence easterly and northeasterly along said shoreline through Secs. 2 and 1, Twp. 19N, R1W and northeasterly, northerly, northeasterly, westerly, southwesterly, and northerly along said shoreline through Secs. 36, 25 and 24, Twp. 20N, R1W to a point where the shoreline intersects the north line of the southwest quarter of Sec. 24, Twp. 20N, R1W. RURAL. Except the spits in Sec. 36, Twp. 20N, R1W and Sec. 24, Twp. 20N, R1W. NATURAL.

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.030)

20.18.040 Longbranch - Devils Head to Filucy Bay.

A. Beginning at a point on the shoreline 400 feet west of the east line of the southeast quarter of the northwest quarter of the northeast quarter of Sec. 2 T19 R1W, thence easterly and northeasterly along said shoreline through Sec. 2 & 1 T19 R1W, and northeasterly, northerly, northeasterly, westerly, southwesterly and northerly along said shoreline through Sec. 36, 25, 24 T20 R1W to a point where the shoreline intersects the north line of the southwest quarter of Sec. 24 T20 R1W. RURAL; EXCEPT the spits in Sec. 36 T20 R1W and Sec 24 T20 R1W: NATURAL.

B. Beginning at a point where the shoreline intersects the north line of the southwest quarter of Sec. 24 T20 R1W, thence northerly, southwesterly northeasterly, northwesterly,

southwesterly, southeasterly and northeasterly along said shoreline to a point where the shoreline intersects the north line of the northwest quarter of said Sec. 24 T20 R1W. RURAL-RESIDENTIAL.

C. Beginning at a point where the shoreline intersects the north line of the northwest quarter of Sec. 24 T20 R1W, thence northerly, southerly, easterly, and northeasterly along said shoreline through Sec. 13 & 24 T20 R1W and Sec. 19 T20 R1E to a point where the shoreline intersects the south line of the southwest quarter of Sec. 18 T20 R1E. RURAL; EXCEPT the historical water flume in Sec. 13 T20 R1W: NATURAL.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.040)

20.18.050 Longbranch - Filucy Bay to Von Geldern Cove.

A. Beginning at a point where the shoreline intersects the south line of the southwest quarter of Sec. 18 T20 R1E, thence northeasterly, northerly and northwesterly along said shoreline in Sec. 18 T20 R1E to a point where said shoreline intersects the north line of the northeast quarter of said Sec. 18 T20 R1E. CONSERVANCY; EXCEPT the spits in said Sec. 18 T20 R1E: NATURAL.

B. Beginning at a point where the shoreline intersects the north line of the northeast quarter of Sec. 18 T20 R1E, thence northerly along said shoreline in Sec. 7 T20 R1E to a point where said shoreline intersects the north line of the northeast quarter of said Sec. 7 T20 R1E. RURAL.

C. Beginning at a point where the shoreline intersects the north line of the northeast quarter of Sec. 7 T20 R1E, thence northeasterly, and southwesterly along said shoreline in Sec. 5 & 6 T20 R1E to a point where said shoreline intersects the west line of the southeast quarter of said Sec. 16 T20 R1E. CONSERVANCY.

D. Beginning at a point where the shoreline intersects the west line of the southeast quarter of Sec. 6 T20 R1E, thence northwesterly along said shoreline through Sec. 6 T20 R1E and Sec. 1 T20 R1W to a point where said shoreline intersects the south line of the southeast quarter of Sec. 36 T21 R1W. RURAL.

E. Beginning at a point where the shoreline intersects the south line of the southeast quarter of Sec. 36 T21 R1W, thence northerly, northwesterly, southwesterly, westerly and southerly along said shoreline in Sec. 36 T21 R1W to a point where said shoreline intersects the south line of the southwest quarter of said Sec. 36 T21 R1W. CONSERVANCY; EXCEPT the sandspits in Sec. 36 T21 R1W: NATURAL.

F. Beginning at a point where the shoreline intersects the south line of the southwest quarter of Sec. 36 T21 R1W, thence southwesterly, northeasterly, southeasterly, westerly, southwesterly, westerly, northeasterly, and northerly along said shoreline through Sec. 1 T20 R1W, and Sec. 36, 35, 26, & 25 T21 R1W to a point where the shoreline intersects the south line of the southwest quarter of Sec. 24 T21 R1W.

RURAL-RESIDENTIAL; EXCEPT the spit in Sec. 25 T21 R1W:
NATURAL.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976;
prior Code § 65.18.050)

20.18.060 Longbranch - Von Geldern Cove to Minter Creek.

A. Beginning at a point where the shoreline intersects the south line of the southwest quarter of Sec. 24 T21 R1W, thence northerly, easterly and southerly along said shoreline through Sec. 24 & 13 T21 R1W and Sec. 12, 7 & 6 T21 R1E to a point where the shoreline intersects the east line of the northwest quarter of Sec. 6 T21 R1E. CONSERVANCY; EXCEPT the spits in Sec. 6 T21 R1E: NATURAL.

B. Beginning at a point where the shoreline intersects the east line of the northwest quarter of Sec. 6 T21 R1E, thence northeasterly along said shoreline through Secs. 6 & 5 T21 R1E and Sec. 32 T22 R1E to a point where the shoreline intersects the west line of the southeast quarter of said Sec. 32 T22 R1E. RURAL.

C. Beginning at a point where the shoreline intersects the west line of the southeast quarter of Sec. 32 T22 R1E, thence northeasterly, northerly, and southerly along said shoreline in Secs. 32 & 29 T22 R1E to a point where the shoreline intersects the east line of the southeast quarter of Sec. 29 T22 R1E. CONSERVANCY; EXCEPT the spit originating in Sec. 32 T22 R1E: NATURAL.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976;
prior Code § 65.18.060)

20.18.070 Longbranch - Minter Creek to Kitsap County Line.

A. Beginning at a point where the shoreline intersects the east line of the southeast quarter of Sec. 29 T22 R1E, thence southerly, easterly, and northeasterly along said shoreline in Sec. 28 T22 R1E to a point where said shoreline intersects the east line of the southwest quarter of said Sec. 28 T22 R1E. RURAL.

B. Beginning at a point where the shoreline intersects the east line of the southwest quarter of Sec. 28 T22 R1E, thence northeasterly along said shoreline through Secs. 28 & 27 T22 R1E to a point where said shoreline intersects the east line of the southeast quarter of Sec. 22 T22 R1E. CONSERVANCY.

C. Beginning at a point where the shoreline intersects the east line of the southeast quarter of Sec. 22 T22 R1E, thence northeasterly and northerly along said shoreline through Sec. 23 T22 R1E and Sec. 14 T22 R1E to a point on the north line of the northeast quarter of Sec. 14 T22 R1E, said point being on the Pierce - Kitsap County line. RURAL-RESIDENTIAL; EXCEPT the spit in Secs. 23 & 24 T22 R1E: NATURAL.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976;
prior Code § 65.18.070)

20.18.080 Gig Harbor - Kitsap County Line to Horsehead Bay.

A. Beginning at a point on the Kitsap - Pierce County line on the north line of the northwest quarter of Sec. 13 T22 R1E, thence southwesterly, southeasterly, southwesterly,

southeasterly, southerly, southwesterly, and southeasterly along said shoreline in Secs. 13 & 24 T22 R1E to a point where said shoreline intersects the north line of the southwest quarter of Sec. 24 T22 R1E. URBAN

B. Beginning at a point where the shoreline intersects the north line of the southwest quarter of Sec. 24 T22 R1E, thence southerly, southwesterly, southerly, southwesterly, southerly, northerly, southwesterly, southeasterly, easterly, southwesterly, northeasterly, southwesterly, northeasterly, southwesterly, northerly and southerly along said shoreline through Secs. 24, 25, 26, 35, & 34 T22 R1E and Secs. 2, 3, 11 & 10 T21 R1E to a point on the east shore of the mouth of an unnamed stream, said point being 200 ft. south of the bridge crossing said unnamed stream in the southwest quarter of Sec. 10 T21 R1E. RURAL-RESIDENTIAL; EXCEPT the lagoon in Sec. 3 T21 R1E: NATURAL.

C. Beginning at a point 200 ft. south of the bridge crossing an unnamed stream on the east shoreline of said unnamed stream in the southwest quarter of Sec. 10 T21 R1E, thence southerly, westerly, and northerly along said shoreline in said Sec. 10 T21 R1E to a point 200 ft. south of the bridge crossing said unnamed stream on the west shoreline of said unnamed stream in the southwest quarter of said Sec. 10 T21 R1E. NATURAL.

D. Beginning at a point 200 ft. south of the bridge crossing the unnamed stream on the west shoreline of said unnamed stream in the southwest quarter of Sec. 10 T21 R1E, thence northerly, westerly, and southwesterly along said shoreline through Secs. 10, 9 & 16 T21 R1E to a point where said shoreline intersects the north boundary of Kopachuck State Park in the northwest quarter of Sec. 16 T21 R1E. RURAL-RESIDENTIAL.

E. Beginning at a point where the shoreline intersects the north boundary of Kopachuck State Park in the northwest quarter of Sec. 16 T21 R1E, thence southwesterly along said shoreline in said Sec. 16 T21 R1E to a point where said shoreline intersects the south boundary of Kopachuck State Park in the northwest quarter of said Sec. 16 T21 R1E. CONSERVANCY.

F. Beginning at a point where the shoreline intersects the south boundary of Kopachuck State Park in the northwest quarter of Sec. 16 T21 R1E, thence southeasterly, southwesterly, southerly and northerly along said shoreline through Secs. 16, 21, & 28 T21 R1E to a point where said shoreline intersects the north line of the southwest quarter of Sec. 21 T21 R1E said point being on the west side of the point forming Horsehead Bay. RURAL-RESIDENTIAL; EXCEPT the spit in Sec. 21 T21 R1E: NATURAL.

G. Beginning at a point where the shoreline intersects the north line of the southwest quarter of Sec. 21 T21 R1E, said point being on the west side of the point forming Horsehead Bay, thence southerly and southeasterly along said shoreline in Secs. 21 & 28 T21 R1E to a point where said shoreline intersects the east line of the northwest quarter of Sec. 28 T21 R1E. CONSERVANCY.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.080)

20.18.090 Gig Harbor - Horsehead Bay to Point Fosdick.

A. Beginning at a point where the shoreline intersects the east line of the northwest quarter of Sec. 28 T21 R1E, thence northeasterly and southeasterly along said shoreline through Secs. 28, 21, 22, 27, 26, & 25 T21 R1E to a point where said shoreline intersects the south line of the southwest quarter of Sec. 25 T21 R1E. **RURAL-RESIDENTIAL.**

B. Beginning at a point where the shoreline intersects the south line of the southwest quarter of Sec. 25 T21 R1E, thence southeasterly, easterly and northerly, along said shoreline through Secs. 25 & 36 T21 R1E and Secs. 31 & 30 T21 R2E to a point where the shoreline intersects the north line of the southwest quarter of said Sec. 30 T21 R2E. **CONSERVANCY.**

C. Beginning at a point where the shoreline intersects the north line of the southwest quarter of Sec. 30 T21 R1E, thence northwesterly along said shoreline through said Sec. 30 T21 R2E and Sec. 24 T21 R1E to a point where the shoreline intersects the south line of the northwest quarter of the northeast quarter of said Sec. 24 T21 R1E. **RURAL-RESIDENTIAL; EXCEPT the mouth of the unnamed creek in Sec. 24 T21 R1E. NATURAL.**

D. Beginning at a point where the shoreline intersects the south line of the northwest quarter of the northeast quarter of Sec. 24 T21 R1E, thence northerly, westerly, easterly, northeasterly, easterly, southerly, northerly and southeasterly along said shoreline in said Sec. 24 T21 R1E to a point where said shoreline intersects the south line of the northeast quarter of the northeast quarter of said Sec. 24 T21 R1E. **NATURAL.**

E. Beginning at a point where the shoreline intersects the south line of the northeast quarter of the northeast quarter of Sec. 24 T21 R1E, thence southeasterly, northeasterly, southeasterly, easterly, westerly, southerly, southwesterly, and southeasterly through Sec. 24 T21 R1E, and Secs. 19, 30 & 31 T21 R2E and Sec. 5 T20 R2E to a point where said shoreline intersects the south line of the northwest quarter of the northwest quarter of said Sec. 5 T20 R2E. **RURAL-RESIDENTIAL.**

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.090)

20.18.100 Gig Harbor - Point Fosdick to Kitsap County Line.

A. Beginning at a point where the shoreline intersects the south line of the northwest quarter of the northwest quarter of Sec. 5 T20 R2E, thence northeasterly and northwesterly along said shoreline through Sec. 5 T20 R2E, and Secs. 32, 33, 28, 21, 16, 17 & 8 T21 R2E to the south Town limits of Gig Harbor in the southeast quarter of Sec. 8 T21 R2E. **CONSERVANCY.**

B. Beginning at the north Town limits of Gig Harbor in the northwest quarter of Sec. 5 T21 R2E, thence southeasterly, westerly and northeasterly along the shoreline in Sec. 5 T21 R2E and Sec. 8 T21 R2E to a point where said shoreline intersects the south line of the southeast quarter of said Sec. 5 T21 R2E. **RURAL-RESIDENTIAL; EXCEPT the spit in the**

northeast quarter of Sec. 8 T21 R2E. NATURAL.

C. Beginning at a point where the shoreline intersects the south line of the southeast quarter of the southeast quarter of Sec. 5 T21 R2E, thence northerly along said shoreline through Secs. 4 & 5 T21 R2E and Secs. 33, 28 & 27 T22 R2E to a point where the shoreline intersects the south line of the southwest quarter of Sec. 22 T22 R2E. CONSERVANCY.

D. Beginning at a point where the shoreline intersects the south line of the southwest quarter of Sec. 22 T22 R2E, thence northeasterly, and northwesterly along said shoreline through said Secs. 22 & 21 T22 R2E to a point where the shoreline intersects the south line of the southeast quarter of Sec. 16 T22 R2E. RURAL-RESIDENTIAL.

E. Beginning at a point where the shoreline intersects the south line of the southeast quarter of Sec. 16 T22 R2E, thence northerly along said shoreline in said Sec. 16 T22 R2E to a point where said shoreline intersects the north line of the northeast quarter of said Sec. 16 T22 R2E. CONSERVANCY.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.100)

20.18.110 Mainland Marine - King - Pierce Co. Line to Tacoma City Limits.

Beginning at a point where the shoreline intersects the King - Pierce County line in the southwest quarter of Sec. 10 T21 R3E, thence westerly, southerly, westerly, southerly, and easterly along said shoreline through Secs. 10, 9, 16, 17, 20, & 21 T21 R3E to a point where the shoreline intersects the Tacoma City boundary in the northwest quarter of Sec. 21 T21 R3E. URBAN; EXCEPT Browns Point County Park. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.110)

20.18.120 Mainland Marine - Tacoma City Limits to Dupont.

A. Beginning at a point where the shoreline intersects the Tacoma City Limits on the north line of the northwest quarter of Sec. 9 T20 R2E, thence southwesterly, northerly, southerly and southwesterly through Secs. 9, 16, & 17 T20 R2E to a point where said shoreline intersects the north line of the northeast quarter of Sec. 20 T20 R2E. URBAN.

B. Beginning at a point where the shoreline intersects the north line of the northeast quarter of Sec. 20 T20 R2E, thence southerly along said shoreline through Secs. 20 & 29 T20 R2E to the mouth of Chambers Bay in the southwest quarter of Sec. 29 T20 R2E. CONSERVANCY.

C. Beginning at a point where the shoreline intersects the south City limits of Steilacoom in the southeast quarter of Sec. 1 T19 R1E, thence southwesterly along said shoreline through Secs. 1, 12, 13, 14, 15, & 22 T19 R1E to a point where said shoreline intersects the DuPont Town limits in Sec. 22 T19 R1E. CONSERVANCY.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.120)

20.18.130 Mainland Marine - Blair Waterway.

That portion of the Blair Waterway located in unincorporated Pierce County. URBAN. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.130)

20.18.140 Island Marine - Herron Island.

All of the shoreline of Herron Island. RURAL-RESIDENTIAL; EXCEPT the sandpits which are NATURAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.140)

20.18.150 Island Marine - Raft Island.

All of the shoreline of Raft Island. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.150)

20.18.160 Island Marine - Cutts Island.

All of the shoreline of Cutts Island. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.160)

20.18.170 Island Marine - Tanglewood Island.

All of the shoreline of Tanglewood Island. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.170)

20.18.180 Island Marine - Fox Island.

A. Beginning at a point where the shoreline intersects the east line of the southeast quarter of Sec. 27 T21 R1E, thence northwesterly, southerly, southwesterly, and northeasterly along said shoreline through Secs. 27 & 34 T21 R1E, Secs. 2, 11, 12, & 13 T20 R1E and Sec. 18 T20 R2E to a point where the shoreline intersects the north line of the southwest quarter of the northeast quarter of the northeast quarter of Sec. 18 T20 R2E. CONSERVANCY; EXCEPT the spit in Sec. 27 T21 R1E: NATURAL.

B. Beginning at a point where the shoreline intersects with the north line of the southwest quarter of the northeast quarter of the northeast quarter of Sec. 18 T20 R2E, thence northeasterly, northerly, northwesterly, southerly, northerly, northwesterly, southerly, northwesterly, northerly northwesterly, northerly, northwesterly, southwesterly, northerly southwesterly, northwesterly, easterly, northerly, northwesterly, southwesterly, northwesterly, northerly, and northwesterly to a point where the shoreline intersects the east line of the southeast quarter of Sec. 27 T21 R1E. RURAL-RESIDENTIAL.

(Ord. 88-76S § 1 (part), 1988; Res. 19194 § 1, 1976; Res. 19125 § 1, 1976; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.180)

20.18.190 Island Marine - Anderson Island.

A. Beginning at a point where the shoreline intersects the north line of the southeast quarter of Sec. 6 T19 R1E, thence southeasterly, southwesterly, northwesterly and westerly in said Sec. 6 T19 R1E to a point where the shoreline intersects the west line of the southwest quarter of said Sec. 6 T19

R1E. RURAL; EXCEPT the spit in said Sec. 6 T19 R1E:
NATURAL.

B. Beginning at a point where the shoreline intersects the west line of the southwest quarter of Sec. 6 T19 R1E, thence southwesterly, southeasterly, northerly, southerly, southeasterly, easterly, southerly, northeasterly and northerly along said shoreline through Secs. 12, 7, 18, 17, 20 & 16 T19 R1E to a point where said shoreline intersects the east line of the southeast quarter of Sec. 17 T19 R1E. CONSERVANCY; EXCEPT the spits in Secs. 7 & 17 T19 R1E: NATURAL.

C. Beginning at a point where the shoreline intersects the east line of the southeast quarter of Sec. 17 T19 R1E, thence northerly, westerly, southerly, northerly, southerly, easterly, northerly, and southeasterly along said shoreline through Secs. 17, 8, & 9 T19 R1E to a point where said shoreline intersects the west line of the southeast quarter of Sec. 9 T19 R1E. RURAL; EXCEPT the spits in Sec. 8 T19 R1E: NATURAL.

D. Beginning at a point where the shoreline intersects the west line of the southeast quarter of Sec. 9 T19 R1E, thence southeasterly, northeasterly, northwesterly, northerly, northeasterly, northerly, northwesterly, southwesterly, and easterly along said shoreline through Secs. 9 & 4 T19 R1E, Secs. 33, 32, & 31 T20 R1E, and Sec. 6 T19 R1E to a point where said shoreline intersects the north line of the southeast quarter of said Sec. 6 T19 R1E. CONSERVANCY; EXCEPT the spits in Secs. 31, 32, & 33 T20 R1E: NATURAL.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.190)

20.18.200 Island Marine - Ketron Island.

All of the shoreline of Ketron Island. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.200)

20.18.210 Alder Lake.

All of the shoreline of Alder Lake. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.210)

20.18.220 American Lake.

All of the shoreline of American Lake. URBAN. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.220)

20.18.230 Bay Lake.

All of the shoreline of Bay Lake. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.230)

20.18.240 Carney Lake.

All of the shoreline of Carney Lake within Pierce County. RURAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.240)

20.18.250 Clear Lake.

All of the shoreline of Clear Lake. RURAL-RESIDENTIAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.250)

20.18.260 Cranberry Lake.

All of the shoreline of Cranberry Lake. NATURAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.260)

20.18.270 Crescent Lake.

A. Beginning at a point where the shoreline intersects the north line of the northeast quarter of the northwest quarter of the northeast quarter of the northeast quarter of Sec. 20 T22 R2E, thence northeasterly, westerly, and southwesterly along said shoreline in Secs. 16 & 17 T22 R2E to a point where said shoreline intersects the north line of the northeast quarter of Sec. 20 T22 R2E said point lying approximately 500 ft. west of the point of beginning. RURAL-RESIDENTIAL.

B. Beginning at a point where the shoreline intersects the north line of the northwest quarter of the northwest quarter of the northeast quarter of the northeast quarter of Sec. 20 T22 R2E, thence southerly and northeasterly to a point where the shoreline intersects the north line of the northeast quarter of the northwest quarter of the northeast quarter of the northeast quarter of said Sec. 20 T22 R2E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.270)

20.18.280 Gravelly Lake.

All of the shoreline of Gravelly Lake. URBAN. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.280)

20.18.290 Harts Lake.

All of the shoreline of Harts Lake. RURAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.290)

20.18.300 Kapowsin Lake.

All of the shoreline of Kapowsin Lake. CONSERVANCY; EXCEPT those shorelines and associated wetlands lying in the east half of Sec. 5 T17 R5E. NATURAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.300)

20.18.310 Kreger Lake.

All of the shoreline of Kreger Lake. RURAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.310)

20.18.320 Lake Florence.

All of the shoreline of Lake Florence. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.320)

20.18.330 Lake Josephine.

All of the shoreline of Lake Josephine. RURAL-RESIDENTIAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.330)

20.18.340 Lake Louise.

All of the shoreline of Lake Louise. URBAN. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.340)

20.18.350 Lake Minterwood.

All of the shoreline of Lake Minterwood. RURAL-RESIDENTIAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.350)

20.18.360 Lake Steilacoom.

All of the shoreline of Lake Steilacoom. URBAN. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.360)

20.18.370 Lake Tapps.

All of the shoreline of Lake Tapps. RURAL-RESIDENTIAL; EXCEPT Island B and Pierce County Park: CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.370)

20.18.380 Lake Twenty-Seven.

All of the shoreline of Lake Twenty-Seven. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.380)

20.18.390 Morgan Lake.

All of the shoreline of Morgan Lake. RURAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.390)

20.18.400 Mud Lake.

All of the shoreline of Mud Lake. RURAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.400)

20.18.410 Muck Lake.

All of the shoreline of Muck Lake. RURAL-RESIDENTIAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.410)

20.18.420 Ohop Lake.

A. Beginning at a point where North Ohop Creek enters Ohop Lake in the southeast quarter of Sec. 35 T17 R4E, thence southwesterly along said shoreline in said Sec. 35 T17 R4E to a point where the shoreline intersects the north line of the northwest quarter of Sec. 2 T16 R4E. CONSERVANCY.

B. Beginning at a point where the shoreline intersects the north line of the northwest quarter of Sec. 2 T16 R4E, thence southwesterly along said shoreline in Secs. 2 & 3 T16 R4E to

a point where the shoreline intersects the north line of the southeast quarter of Sec. 3 T16 R4E. RURAL-RESIDENTIAL.

C. Beginning at a point where the shoreline intersects the north line of the southeast quarter of Sec. 3 T16 R4E, thence southerly, southeasterly and southerly along said shoreline through Secs. 3 & 10 T16 R4E to the mouth of South Ohop Creek in the southeast quarter of Sec. 10 T16 R4E. CONSERVANCY.

D. Beginning at the mouth of South Ohop Creek in the southeast quarter of Sec. 10 T16 R4E, thence northeasterly, northerly, northwesterly, and northeasterly along said shoreline in Secs. 10, 11, 3 & 2 T16 R4E and Sec. 35 T17 R4E to the mouth of North Ohop Creek in said Sec. 35 T17 R4E. RURAL-RESIDENTIAL.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.420)

20.18.430 Rapjohn Lake.

All of the shoreline of Rapjohn Lake. RURAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.430)

20.18.440 Silver Lake.

A. Beginning at a point where the shoreline intersects the north line of the southeast quarter of Sec. 12 T16 R3E, thence northwesterly, westerly, and southwesterly along said shoreline in said Sec. 12 T16 R3E to a point where said shoreline intersects the north line of the southwest quarter of said Sec. 12 T16 R3E. RURAL.

B. Beginning at a point where the shoreline intersects the north line of the southwest quarter of Sec. 12 T16 R3E, thence southwesterly, easterly and northerly along said shoreline in said Sec. 12 T16 R3E to a point where said shoreline intersects the north line of the southeast quarter of said Sec. 12 T16 R1E. CONSERVANCY.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.440)

20.18.450 Spanaway Lake.

All of the shoreline of Spanaway Lake. URBAN; EXCEPT Spanaway County Park: CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.450)

20.18.460 Stansberry (Holiday) Lake.

All of the shoreline of Stansberry Lake. RURAL-RESIDENTIAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.460)

20.18.470 Surprise Lake.

All of the shoreline of Surprise Lake. RURAL-RESIDENTIAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.470)

20.18.480 Tanwax Lake.

A. Beginning at a point where the shoreline intersects the north line of the northwest quarter of Sec. 23 T17 R4E,

thence southwesterly, easterly and northeasterly along said shoreline in Secs. 2, 3, & 14 T17 R4E to a point where the shoreline intersects the east boundary of the Boys Club Summer Camp in the southeast quarter of Sec. 14 T17 R4E. **RURAL-RESIDENTIAL.**

B. Beginning at a point where the shoreline intersects the east boundary of the Boys Club Summer Camp in the southeast quarter of Sec. 14 T17 R4E, thence northeasterly and southwesterly along said shoreline in said Sec. 14 T17 R4E to a point where the shoreline intersects the north line of the northwest quarter of Sec. 23 T21 R4E. **CONSERVANCY.** (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.480)

20.18.490 Tule Lake.

All of the shoreline of Tule Lake. **CONSERVANCY.** (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.490)

20.18.500 Waughop Lake.

All of the shoreline of Waughop Lake. **CONSERVANCY.** (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.500)

20.18.510 Whitman Lake.

All of the shoreline of Whitman Lake. **RURAL-RESIDENTIAL.** (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.510)

20.18.520 Beaver Creek.

Beginning at a point where Beaver Creek attains a mean annual flow of 20 cubic feet per second at the midsection of Sec. 35 T16 R5E, thence downstream to its confluence with the Mashel River in the northwest quarter of Sec. 21 T16 R5E. **CONSERVANCY.** (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.520)

20.18.530 Busy Wild Creek.

Beginning at the confluence of Busy Wild Creek and an unnamed creek in the southwest quarter of Sec. 10 T15 R6E, thence downstream along said Busy Wild Creek to its confluence with the Mashel River in the northwest quarter of Sec. 25 T16 R5E. **CONSERVANCY.** (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.530)

20.18.540 Carbon River.

A. Beginning at a point on the Mount Rainier National Park Boundary, said point being where the Carbon River intersects the north line of the northeast quarter of Sec. 1, Twp. 17N, R7E, thence downstream along said Carbon River to a point where said Carbon River intersects the west line of the southwest quarter of Sec. 22, Twp. 18N, R6E. **CONSERVANCY.**
B. Beginning at a point where the Carbon River intersects the west line of the southwest quarter of Sec. 22 T18 R6E, thence downstream along said Carbon River to a point where it

intersects the east line of the northeast quarter of Sec. 36 T19 R5E. NATURAL.

C. Beginning at a point where the Carbon River intersects the east line of the northeast quarter of Sec. 36 T19 R6E, thence downstream along said Carbon River to its confluence with South Prairie Creek in the southeast quarter of Sec. 27 T19 R5E. RURAL.

D. North Bank: Beginning at its point of confluence with South Prairie Creek in the southeast quarter of Sec. 27 T19 R5E, thence downstream along said Carbon River a point where it intersects the north line of the southwest quarter of Sec. 19 T19 R5E. CONSERVANCY.

E. South Bank: Beginning at its point of confluence with South Prairie Creek in the southeast quarter of Sec. 27 T19 R5E, thence downstream along said Carbon River to its confluence with the Puyallup River in the southeast quarter of Sec. 13 T19 R4E. RURAL; (excludes portion within Orting Town Limits).

F. North Bank: Beginning at a point where the Carbon River intersects the north line of the southwest quarter of Sec. 19 T19 R5E, thence downstream along said Carbon River to its confluence with the Puyallup River in the southeast quarter of Sec. 13 T19 R4E. RURAL.

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.540)

20.18.550 Chambers Creek.

A. Beginning at the outlet of Chambers Creek on the north shoreline of Steilacoom Lake in the northeast quarter of Sec. 34 T20 R2E, thence downstream along said Chambers Creek to its point of intersection with the east line of the northeast quarter of Sec. 28 T20 R2E. CONSERVANCY.

B. North Bank: Beginning at a point where Chambers Creek intersects the east line of the northeast quarter of Sec. 28 T20 R2E, thence downstream along said Chambers Creek to a point where the 200 ft. wetland designation intersects the right-of-way of Chambers Creek Road in the northwest quarter of Sec. 28 T20 R2E. NATURAL.

C. South Bank: Beginning at a point where Chambers Creek intersects the east line of the northeast quarter of Sec. 28 T20 R2E, thence downstream along said Chambers Creek to a point where said Chambers Creek intersects the Chambers Creek Road Bridge in the northeast quarter of Sec. 29 T20 R2E. NATURAL.

D. North Bank: Beginning at a point where the 200 ft. wetland designation intersects Chambers Creek Road in the northwest quarter of Sec. 28 T20 R2E, thence downstream along said Chambers Creek to a point where it intersects the Chambers Creek Road Bridge in the northeast quarter of Sec. 29 T20 R2E. CONSERVANCY.

E. Beginning at a point where Chambers Creek intersects the Chambers Creek Road Bridge in the northeast quarter of Sec. 29 T20 R2E, thence downstream along said Chambers Creek to the mouth of Chambers Bay in Sec. 29 T20 R2E. CONSERVANCY.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.550)

20.18.560 Clarks Creek.

Beginning at a point on the west City Limits of the City of Puyallup in the northwest quarter of Sec. 29 T20 R4E, thence downstream to its confluence with the Puyallup River in the northeast quarter of Sec. 19 T20 R4E. RURAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.560)

20.18.570 Clearwater River.

Beginning at a point on the south line of the southwest quarter of Sec. 34 T19 R9E, thence downstream to the confluence with the White River in the southeast quarter of Sec. 7 T19 R8E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.570)

20.18.580 Clover Creek.

A. Beginning at a point in the southeast quarter of Sec. 25 T19 R3E, where Clover Creek attains a mean annual flow of 20 cubic feet per second, thence downstream to a point where said Clover Creek intersects the east line of the northwest quarter of Sec. 22 T19 R3E. RURAL-RESIDENTIAL.
B. Beginning at a point where the Clover Creek intersects the east line of the northwest quarter of Sec. 22 T19 R3E, thence downstream to a point where said Clover Creek intersects the McChord Air Force Base boundary in the northeast quarter of Sec. 18 T19 R3E. URBAN.
C. Beginning at a point on the McChord Air Force Base boundary in the southwest quarter of Sec. 12 T19 R2E, thence downstream to the mouth of Clover Creek in Steilacoom Lake in the southeast quarter of Sec. 3 T19 R2E. URBAN.
(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.580)

20.18.590 Evans Creek.

Beginning at a point where Evans Creek intersects the east line of the southeast quarter of Sec. 11 T17 R6E, thence downstream to its confluence with the Carbon River in the northwest quarter of Sec. 35 T18 R6E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.590)

20.18.600 Gale Creek.

Beginning at a point in the northwest quarter of Sec. 13 T18 R6E where Gale Creek attains a mean annual flow of 20 cubic feet per second, thence downstream to its confluence with Wilkeson Creek in the southeast quarter of Sec. 34 T19 R6E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.600)

20.18.610 Greenwater River.

Beginning at a point in the northeast quarter of Sec. 24 T19 R9E, thence downstream to its confluence with the White River in the southeast quarter of Sec. 4 T19 R9E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.610)

20.18.620 Kapowsin Creek.

- A. Beginning at the point where Kapowsin Creek flows out of Kapowsin Lake in Sec. 5 T17 R5E, thence downstream to a point where said Kapowsin Creek intersects the south line of the southeast quarter of Sec. 32 T18 R5E. NATURAL.
- B. Beginning at a point where Kapowsin Creek intersects the south line of the southeast quarter of Sec. 32 T19 R5E, thence downstream to a point where said Kapowsin Creek intersects the south line of the southeast quarter of Sec. 30 T18 R5E. CONSERVANCY.
- C. Beginning at the point where Kapowsin Creek intersects the south line of the southeast quarter of Sec. 30 T18 R5E, thence downstream to its confluence with the Puyallup River in the southwest quarter of Sec. 20 T18 R5E. RURAL.
- (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.620)

20.18.630 Little Mashel River.

- A. Beginning at a point in the southwest quarter of Sec. 30 T16 R5E where the Little Mashel River attains a mean annual flow of 20 cubic feet per second, thence downstream to a point where said Little Mashel River intersects the west line of the southeast quarter of Sec. 24 T16 R4E. CONSERVANCY.
- B. Beginning at a point where the Little Mashel River intersects the west line of the southeast quarter of Sec. 24 T16 R4E, thence downstream to its confluence with the Mashel River in the northeast quarter of Sec. 22, T16 R4E. RURAL.
- (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.630)

20.18.640 Lynch Creek.

Beginning at a point in the northwest quarter of Sec. 17 T16 R5E where Lynch Creek attains a mean annual flow of 20 cubic feet per second, thence downstream to its confluence with Ohop Creek in the southeast quarter of Sec. 10 T16 R4E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.640)

20.18.650 Mashel River.

- A. Beginning at a point in the southeast quarter of Sec. 18 T16 R6E where the Mashel River attains a mean annual flow of 20 cubic feet per second, thence downstream to a point where said Mashel River intersects with the west line of the southwest quarter of Sec. 18 T16 R5E. CONSERVANCY.
- B. Beginning at a point where the Mashel River intersects the west line of the southwest quarter of Sec. 18 T16 R5E, thence downstream to a point where said Mashel River intersects the east Town limits of Eatonville in the northeast quarter of Sec. 23 T16 R4E. RURAL.
- C. Beginning at a point where the Mashel River intersects the west Town limits of Eatonville in the northwest quarter of Sec. 23 T16 R4E, thence downstream to its confluence with the Little Mashel River in the northeast quarter of Sec. 22 T16 R4E. RURAL: EXCEPT the north shoreline from the west town limits of Eatonville to a point where said Mashel River

intersects with the west line of the southeast quarter of the northwest quarter of Sec. 23 T16 R4E. RURAL-RESIDENTIAL.

D. Beginning at the Mashel River confluence with the Little Mashel River in the northeast quarter of Sec. 22 T16 R4E, thence downstream to the point where said Mashel River intersects the west line of the northeast quarter of Sec. 21 T16 R4E. CONSERVANCY.

E. Beginning at a point where the Mashel River intersects the west line of the northeast quarter of Sec. 21 T16 R4E, thence downstream to its confluence with the Nisqually River in the southwest quarter of Sec. 29 T16 R4E. NATURAL.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.650)

20.18.660 Milky Creek.

Beginning at a point on the south line of the southwest quarter of Sec. 35 T19 R8E, thence downstream to its confluence with the Clearwater River in the northwest quarter of Sec. 34 T19 R8E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.660)

20.18.670 Minter Creek.

Beginning at a point in the northeast quarter of Sec. 20 T22 R1E where Minter Creek attains a mean annual flow of 20 cubic feet per second, thence downstream to its mouth in Sec. 33 T22 R1E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.670)

20.18.680 Mowich River.

Beginning at a point on the Mount Rainier National Park boundary, said point being where the Mowich River intersects the east line of Sec. 33, Twp. 17N, R7E, thence downstream to its confluence with the Puyallup River in the southeast quarter of Sec. 3, Twp. 16N, R3E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.680)

20.18.690 Muck Creek.

Beginning at a point where Muck Creek intersects the Roy Town limits in Sec. 34 T18 R2E, thence downstream to the point where said Muck Creek enters Muck Lake in said Sec. 34 T18 R2E. RURAL-RESIDENTIAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.690)

20.18.700 Neisson Creek.

Beginning at a point in the northeast quarter of Sec. 4 T16 R6E, where Neisson Creek attains a mean annual flow of 20 cubic feet per second, thence downstream to its confluence with the Puyallup River in the southeast quarter of Sec. 33 T17 R6E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.700)

20.18.710 Nisqually River.

A. Beginning at a point on the east line of the northeast quarter of Sec. 36 T15 R6E, thence downstream to the point

where said Nisqually River enters Alder Lake in the northeast quarter of Sec. 29 T15 R5E. CONSERVANCY.

B. Beginning at a point where the Nisqually River leaves Alder Lake in the northeast quarter of Sec. 9 T15 R4E, thence downstream to LaGrande Dam in the southeast quarter of Sec. 33 T16 R4E. CONSERVANCY.

C. Beginning at the LaGrande Powerhouse in the northeast quarter of Sec. 32 T16 R4E, thence downstream to a point where the Nisqually River is joined by Ohop Creek in the northwest quarter of Sec. 25 T16 R3E. NATURAL.

D. Beginning at the confluence of Ohop Creek with the Nisqually River in the northeast quarter of Sec. 25 T16 R3E, thence downstream along said Nisqually River to a point where said Nisqually River intersects the south line of the southeast quarter of Sec. 12 T16 R2E. CONSERVANCY.

E. Beginning at a point where the Nisqually River intersects the south line of the southeast quarter of Sec. 12 T16 R2E, thence downstream to a point where said Nisqually River intersects the south line of the southeast quarter of Sec. 1 T16 R2E. RURAL.

F. Beginning at a point where the Nisqually River intersects the south line of the southeast quarter of Sec. 1 T16 R2E, thence downstream along said Nisqually River to a point on the north line of the northwest quarter of Sec. 16 T17 R2E, said point being on the Fort Lewis Military Reservation boundary. CONSERVANCY.

G. Nisqually Delta: All lands waterward of the existing dikes. NATURAL.

All lands landward of the existing dikes and an area lying within the right-of-way of I-5 and beginning at the ordinary high water mark of the Nisqually River and extending easterly 600 feet. CONSERVANCY.

(Ord. 88-76S § 1 (part), 1988; Res. 21635 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.710)

20.18.720 Ohop Creek (North).

Beginning at a point where Ohop Creek attains a mean annual flow of 20 cubic feet per second in the southwest quarter of Sec. 21 T17 R5E, thence downstream to the point where it enters Kapowsin Lake in the northwest quarter of Sec. 18 T17 R5E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.720)

20.18.730 Ohop Creek (South).

A. Beginning at its point of confluence with Twenty-five Mile Creek in the southeast quarter of Sec. 26 T17 R4E, thence downstream to the point where Ohop Creek flows into Ohop Lake in the southeast quarter of Sec. 35 T17 R4E. RURAL.

B. Beginning at the point where Ohop Creek flows out of Ohop Lake in the southeast quarter of Sec. 10 T16 R4E, thence downstream along said Ohop Creek to its confluence with the Nisqually River in the northeast quarter of Sec. 25 T16 R3E. RURAL.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.730)

20.18.740 Puyallup River.

A. Beginning at the confluence of the North Puyallup River and the South Puyallup River in Sec. 20, Twp. 16N, R7E, thence downstream along said Puyallup River to its confluence with Kapowsin Creek in the southeast quarter of Sec. 20, Twp. 18N, R5E. CONSERVANCY.

B. Beginning at the point of its confluence with Kapowsin Creek in the southwest quarter of Sec. 20 T18 R5E, thence downstream along said Puyallup River to the point where it intersects the south Town limits of the Town of Orting in the northwest quarter of Sec. 5 T18 R5E. RURAL.

C. Beginning at a point where the Puyallup River intersects the west boundary of the Town limits of Orting in the northeast quarter of Sec. 31 T19 R5E, thence downstream along said Puyallup River to a point where said Puyallup River intersects the east line of the southeast quarter of Sec. 25 T20 R4E. RURAL.

D. Beginning at a point where the Puyallup River intersects the east line of the southeast quarter of Sec. 25 T20 R4E, thence downstream along said Puyallup River to the east Puyallup City limits in the northwest quarter of Sec. 26 T20 R4E. CONSERVANCY.

E. North Shoreline: Beginning at the east Puyallup City limits in the northwest quarter of Sec. 26 T20 R4E, thence downstream along the Puyallup River to the west Puyallup City limits in the southeast quarter of Sec. 20 T20 R4E. RURAL.

F. South Shoreline: Those portions of the south shoreline of the Puyallup River in unincorporated Pierce County in Secs. 20 & 21 T20 R4E. URBAN.

G. Beginning at a point where the Puyallup River intersects the west City limits of Puyallup in the southeast quarter of Sec. 20 T20 R4E, thence downstream along said Puyallup River to 54th Avenue in the northeast quarter of Sec. 13 T20 R3E. RURAL.

H. North Shoreline: Beginning at 54th Avenue in the northeast quarter of Sec. 13 T20 R3E, thence downstream to a point where said Puyallup River is intersected by the east Tacoma City limits in the northwest quarter of Sec. 11 T20 R3E. URBAN.

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.740)

20.18.750 North Puyallup River.

Beginning at a point on the Mount Rainier National Park boundary, said point being where the North Puyallup River intersects the east line of Sec. 21, Twp. 16N, R7E, thence downstream along said North Puyallup River to its confluence with the Puyallup River in Sec. 20, Twp. 16N, R7E. CONSERVANCY.

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.742)

20.18.760 South Puyallup River.

Beginning at a point on the Mount Rainier National Park Boundary, said point being where the South Puyallup River intersects the east line of Sec. 33, Twp. 16N, R7E, thence

downstream along said South Puyallup River to its confluence with the Puyallup River in Sec. 20, Twp. 16N, R7E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.744)

20.18.770 Rocky Creek.

Beginning at a point in the northeast quarter of Sec. 27 T22 R1W, thence downstream to its mouth in Rocky Bay. NATURAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.750)

20.18.780 Rushing Water Creek.

Beginning at a point where Rushing Water Creek intersects the east line of the southeast quarter of Sec. 1 T16 R6E, thence downstream to its confluence with the Mowich River in the northeast quarter of Sec. 2 T16 R6E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.760)

20.18.790 South Creek.

Beginning at a point in the southwest quarter of Sec. 8 T17 R4E where South Creek attains a mean annual flow of 20 cubic feet per second, thence downstream along said South Creek to a point where said where said South Creek intersects the Fort Lewis Military Reservation boundary in the northwest quarter of Sec. 34 T18 R3E. RURAL. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.770)

20.18.800 South Prairie Creek.

Beginning at a point where South Prairie Creek intersects the south line of the southwest quarter of Sec. 32 T19 R7E, thence downstream along said South Prairie Creek to its confluence with the Carbon River in the southwest quarter of Sec. 27 T19 R5E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.780)

20.18.810 Spanaway Creek.

Beginning at a point in the northeast quarter of Sec. 20 T19 R3E, where Spanaway Creek flows out of Spanaway Lake, thence downstream along said Spanaway Creek to the mouth of Spanaway Creek at Tule Lake in the northeast quarter of Sec. 17 T19 R3E. URBAN. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.790)

20.18.820 Tanwax Creek.

Beginning at a point in the northeast quarter of Sec. 31 T17 R4E where Tanwax Creek attains a mean annual flow of 20 cubic feet per second, thence downstream along said Tanwax Creek to its confluence with the Nisqually River in the northwest quarter of Sec. 20 T16 R3E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.800)

20.18.830 Twenty-Five Mile Creek.

Beginning at a point in the southeast quarter of Sec. 25 T17 R4E where Twenty-five Mile Creek attains a mean annual flow of 20

cubic feet per second, thence downstream along said Twenty-five Mile Creek to its confluence with Ohop Creek in the southeast quarter of Sec. 26 T17 R4E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.810)

20.18.840 Unnamed Tributary to the Mashel River.

Beginning at a point in the northeast quarter of Sec. 29 T16 R6E where said Unnamed Tributary attains a mean annual flow of 20 cubic feet per second, thence downstream along said Unnamed Tributary to the Mashel River to its confluence with the Mashel River in the southwest quarter of Sec. 19 T16 R6E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.820)

20.18.850 Voight Creek.

A. Beginning at a point in the southeast quarter of Sec. 4 T17 R6E, where Voight Creek attains a mean annual flow of 20 cubic feet per second, thence downstream along said Voight Creek to a point where said Voight Creek intersects the east line of the southeast quarter of Sec. 33 T19 R5E. CONSERVANCY.

B. Beginning at a point where Voight Creek intersects the east line of the southeast quarter of Sec. 33 T19 R5E, thence downstream along said Voight Creek to its confluence with the Carbon River in the southwest quarter of Sec. 33 T19 R5E. RURAL.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.830)

20.18.860 West Fork of the White River.

Beginning at a point where West Fork of the White River intersects the south line of the southeast quarter of Sec. 33 T19 R9E, thence downstream along said West Fork of the White River to its confluence with the White River in the northeast quarter of Sec. 23 T19 R9E. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.840)

20.18.870 White River.

A. Beginning at a point where the White River intersects the east line of the northeast quarter of Sec. 36 T19 R9E, thence downstream along said White River to a point where it intersects the east line of the southeast quarter of Sec. 1 T19 R6E. CONSERVANCY.

B. Beginning at a point where the White River intersects the east line of the southeast quarter of Sec. 1 T19 R6E, thence downstream along said White River to a point where said White River intersects the east Town limits of Buckley. RURAL.

C. Beginning at a point where the White River intersects the west Town limits of Buckley in the southeast quarter of Sec. 33 T20 R6E, thence downstream to a point where said shoreline intersects the east line of the northeast quarter of Sec. 32 T20 R6E. RURAL.

D. Beginning at a point where the White River intersects the east line of the northeast quarter of Sec. 32 T20 R6E, thence

downstream along said shoreline to the Muckleshoot Indian Reservation boundary on the south line of Sec. 2 T20 R5E. CONSERVANCY.

E. Beginning at a point where the White River intersects the north line of the northwest quarter of Sec. 1 T20 R4E, said point being on the King - Pierce County line, thence downstream along said White River to a point where said White River intersects the north line of the northeast quarter of Sec. 13 T20 R4E. RURAL.

F. East Shoreline: Beginning at a point where the White River intersects the north line of the northeast quarter of Sec. 13 T20 R4E, thence downstream along said White River to a point where said White River intersects the north City limits of Sumner in the northwest quarter of Sec. 24 T20 R4E. URBAN.

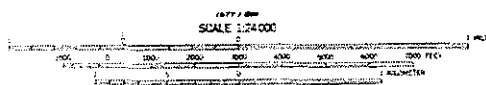
G. West Shoreline: Beginning at a point where the White River intersects the north line of the northeast quarter of Sec. 13 T20 R4E, thence downstream along said shoreline to the Sumner City limits in the southwest quarter of Sec. 24 T20 R4E. RURAL.

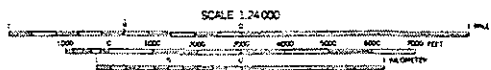
H. Beginning at a point where the White River intersects the west City limits of Sumner in the southeast quarter of Sec. 23 T20 R4E, thence downstream along said White River to its confluence with the Puyallup River in the southeast quarter of Sec. 23 T20 R4E. CONSERVANCY.

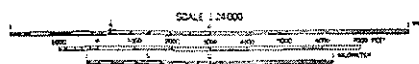
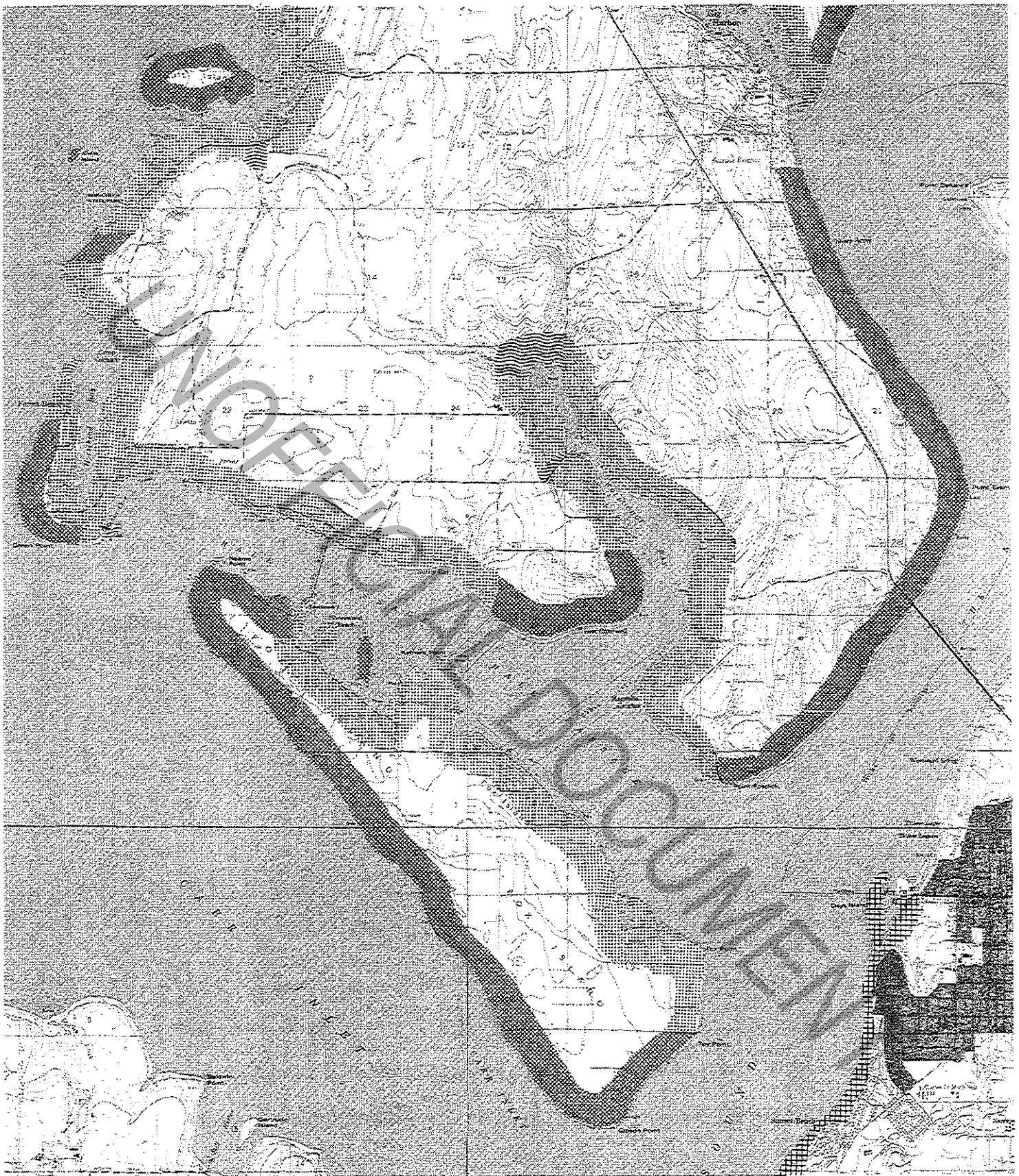
(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.850)

20.18.880 Wilkeson Creek.

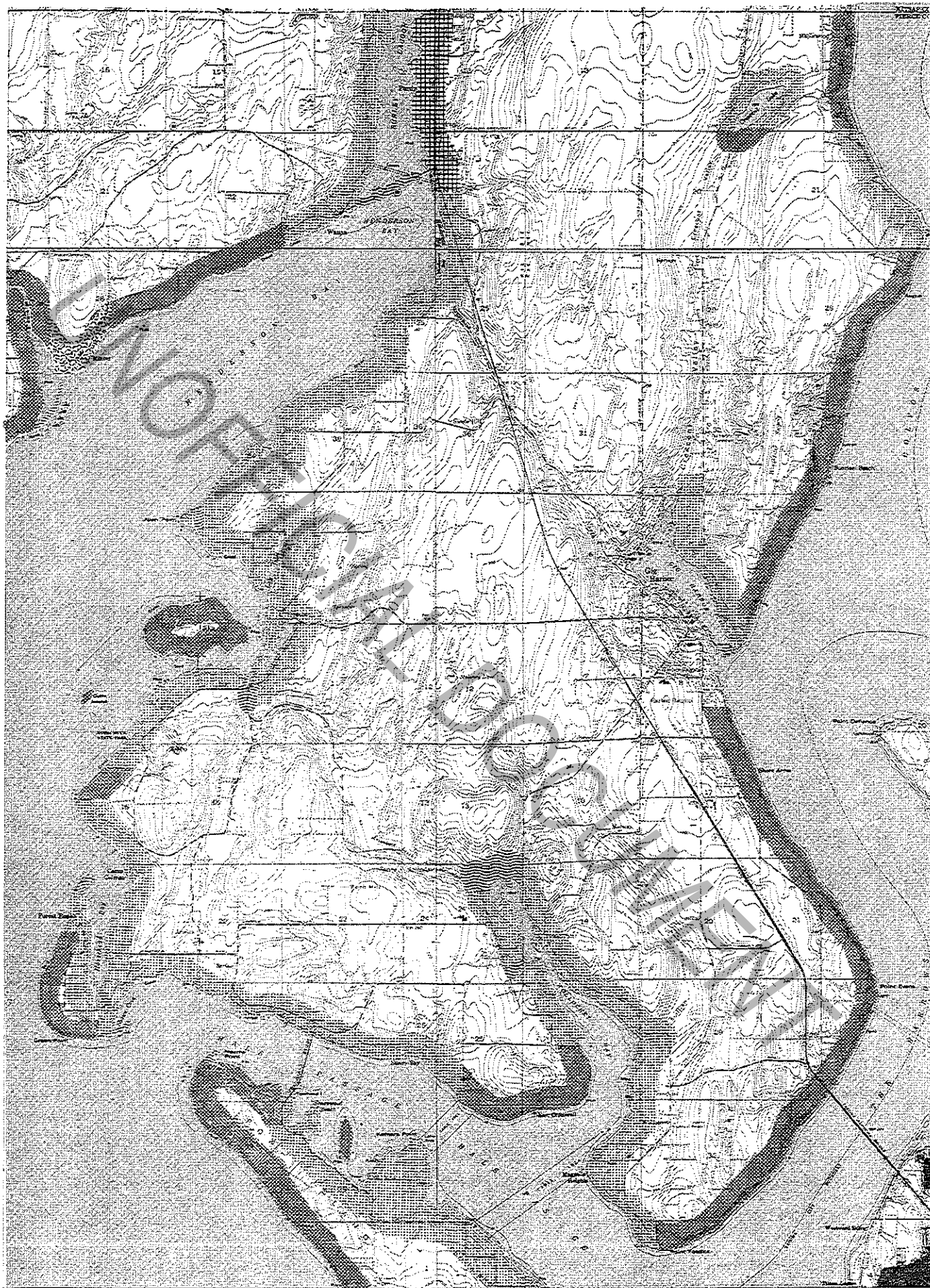
Beginning at a point in the northwest quarter of Sec. 13 T18 R6E where Wilkeson Creek attains a mean annual flow of 20 cubic feet per second, thence downstream along said Wilkeson Creek to its confluence with South Prairie Creek in the northwest quarter of Sec. 17 T19 R6E, excluding that portion of said Wilkeson Creek flowing through the Town of Wilkeson. CONSERVANCY. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.18.860)

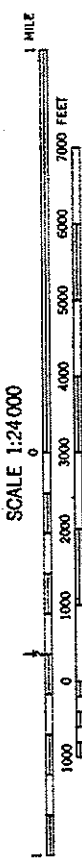
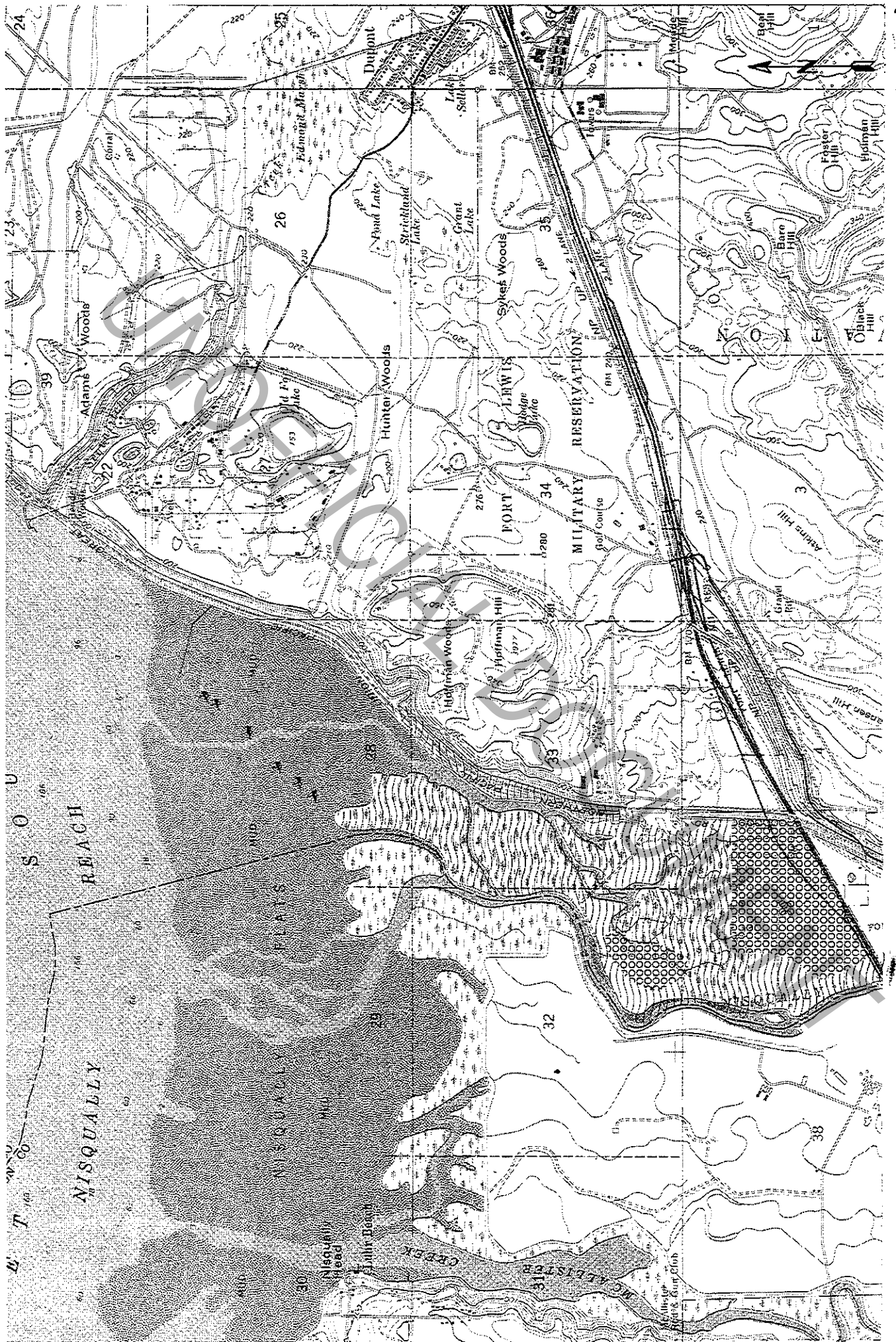


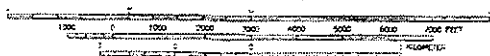
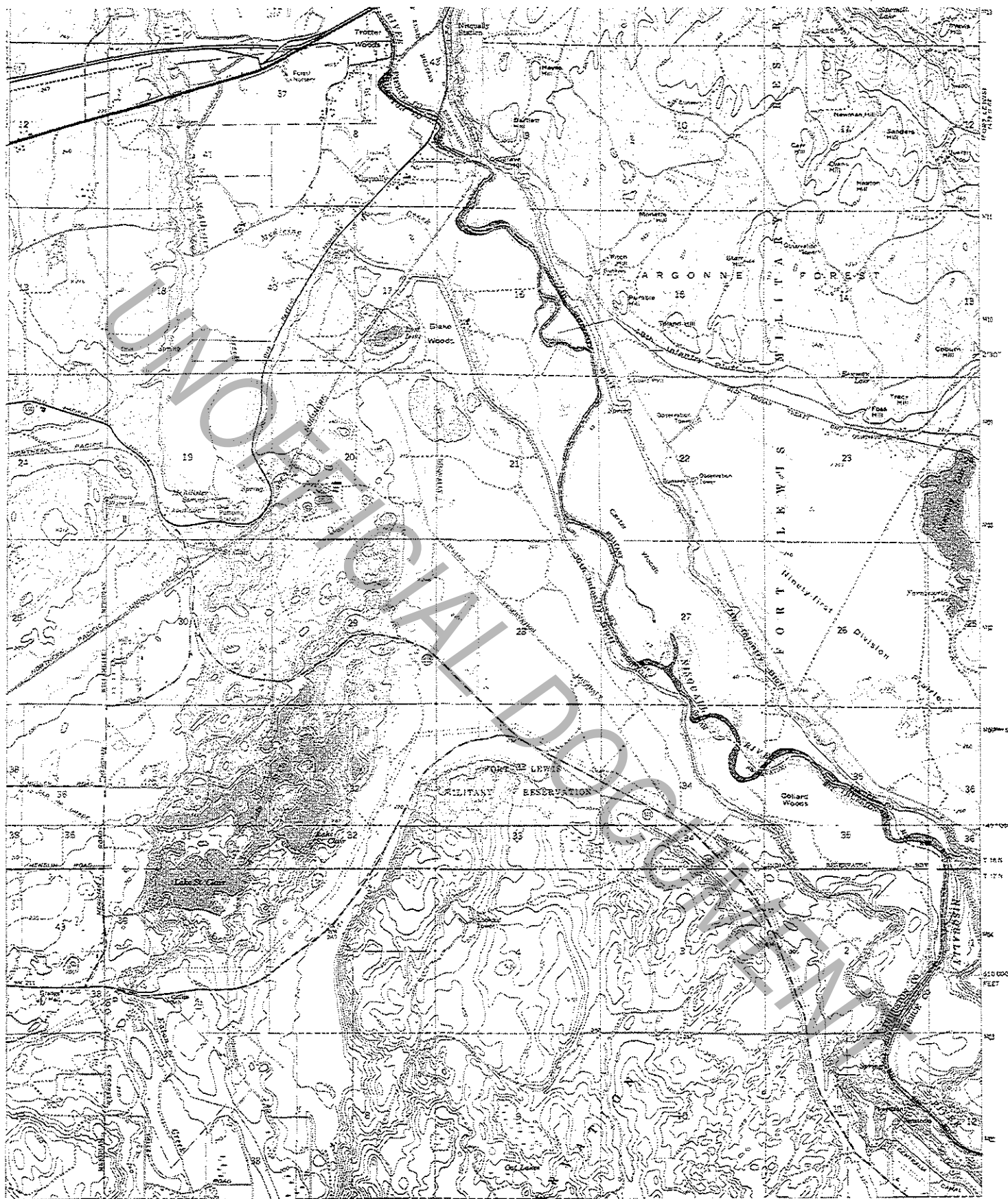


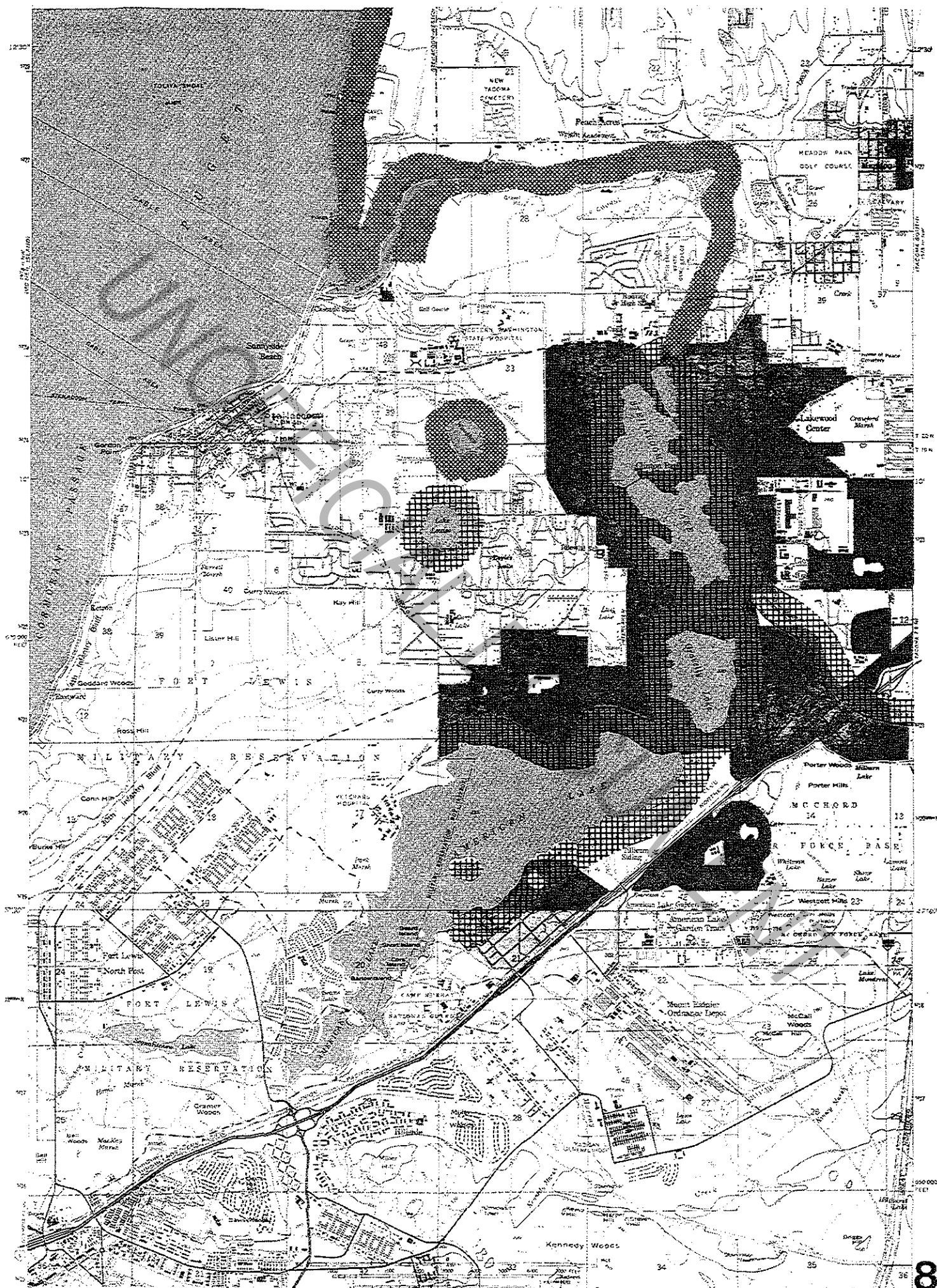


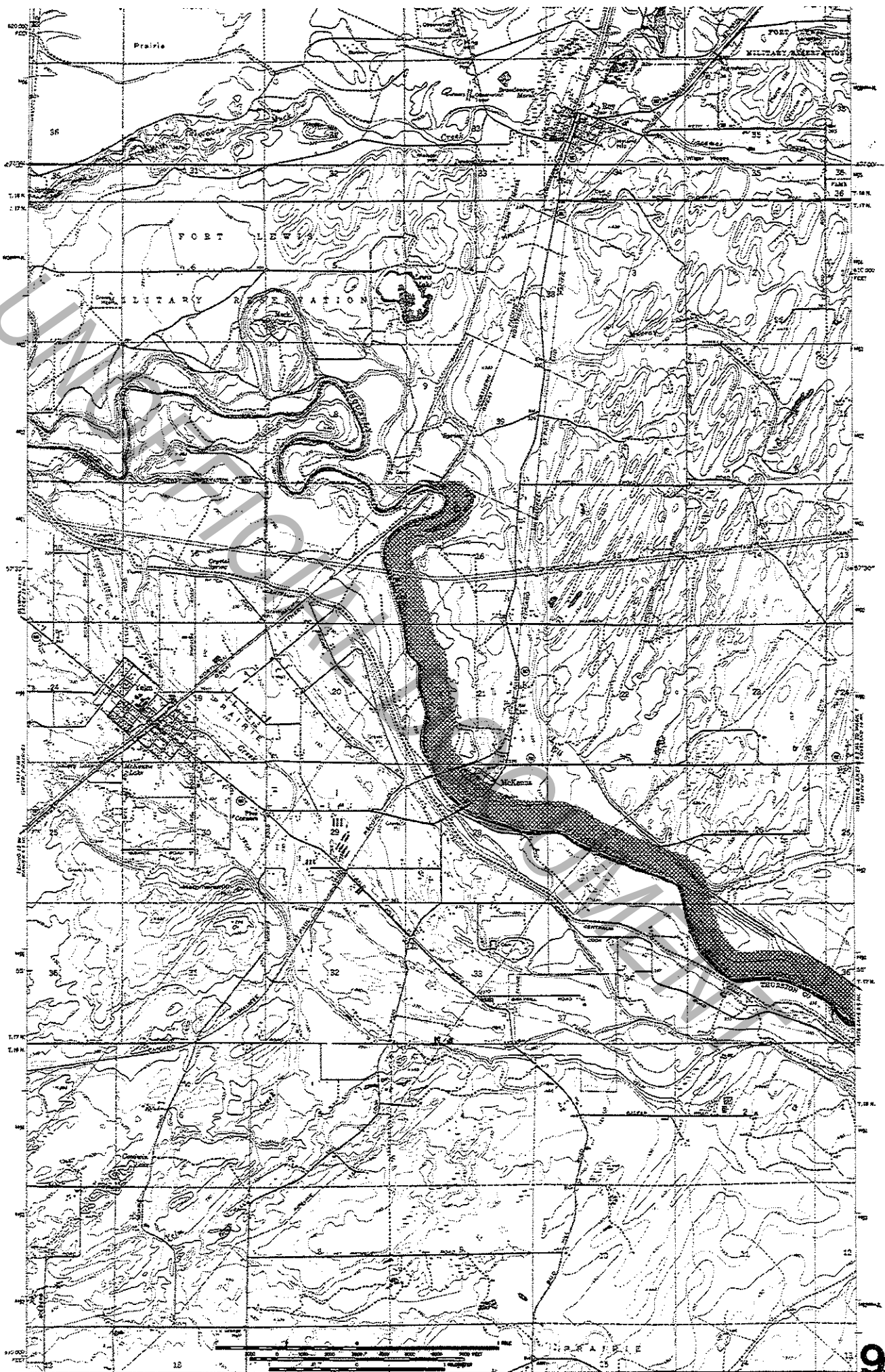


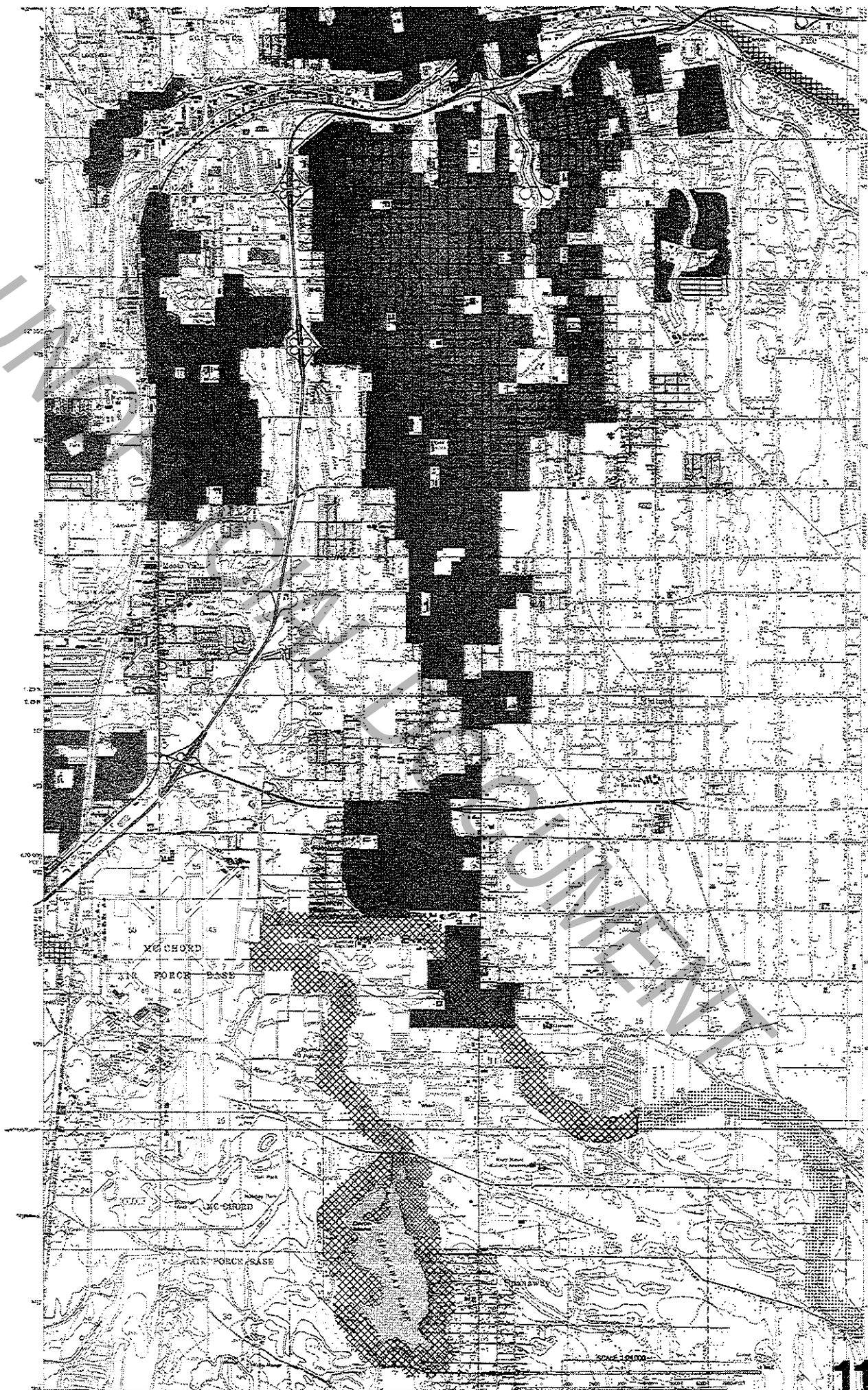


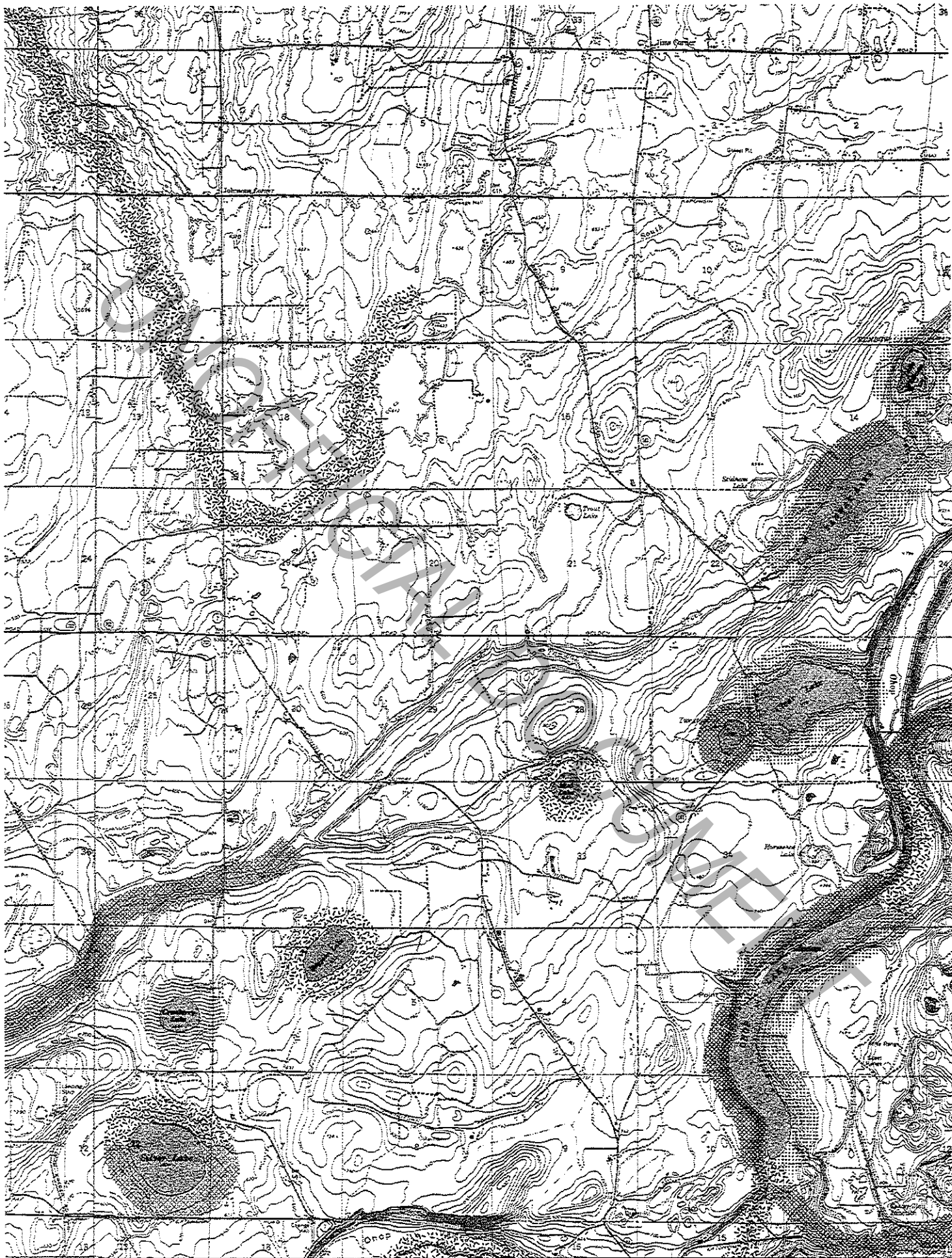




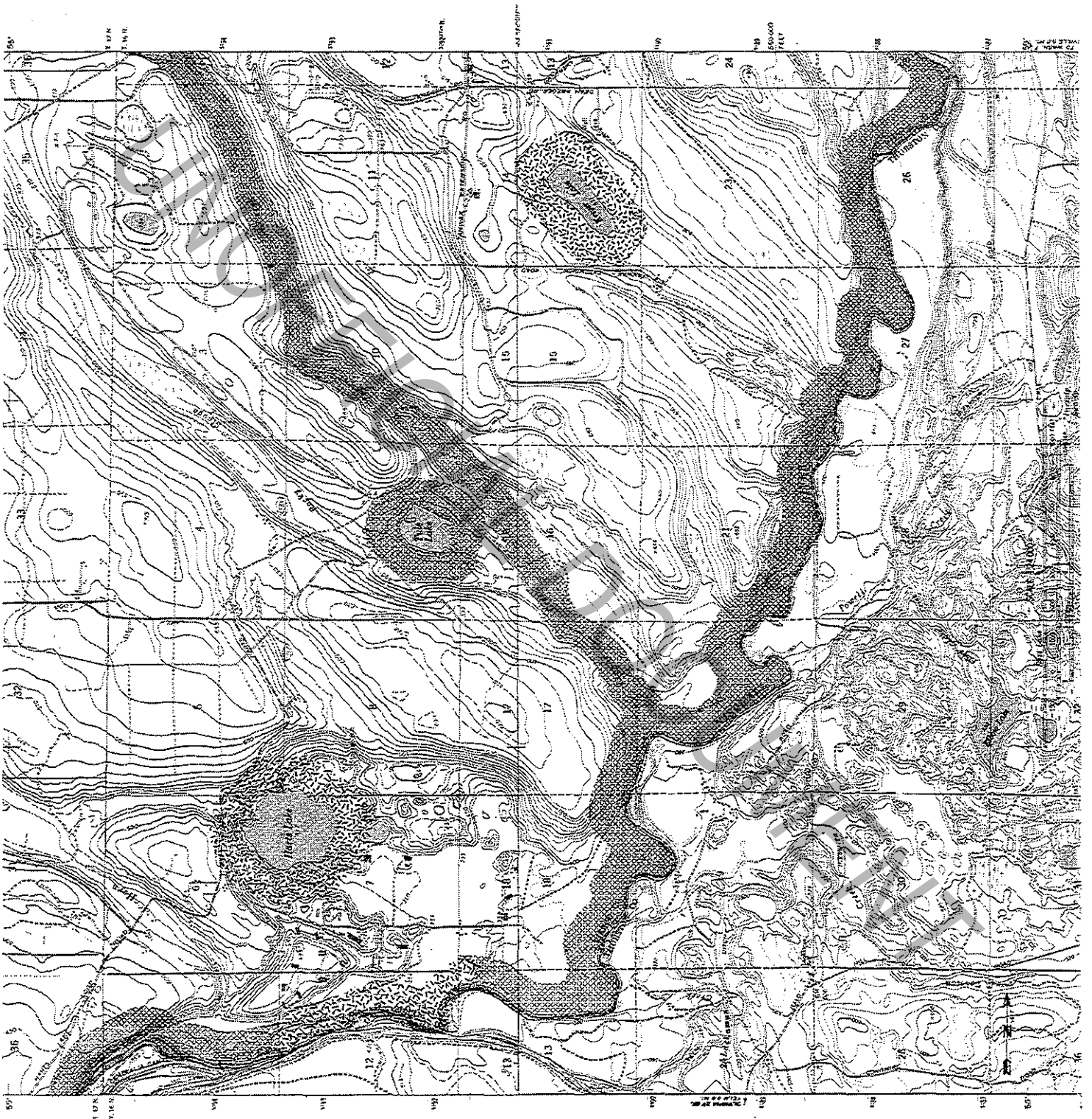


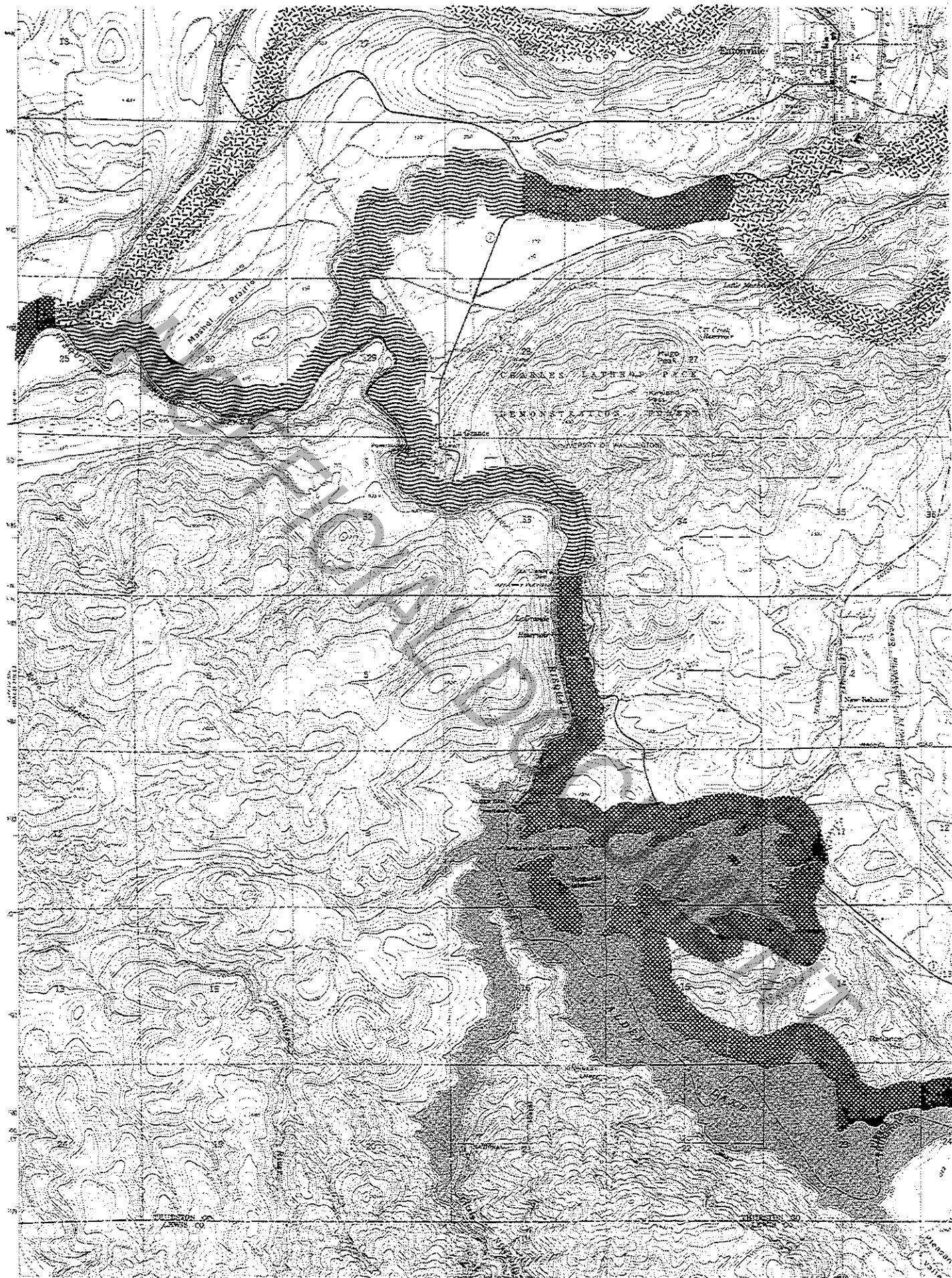


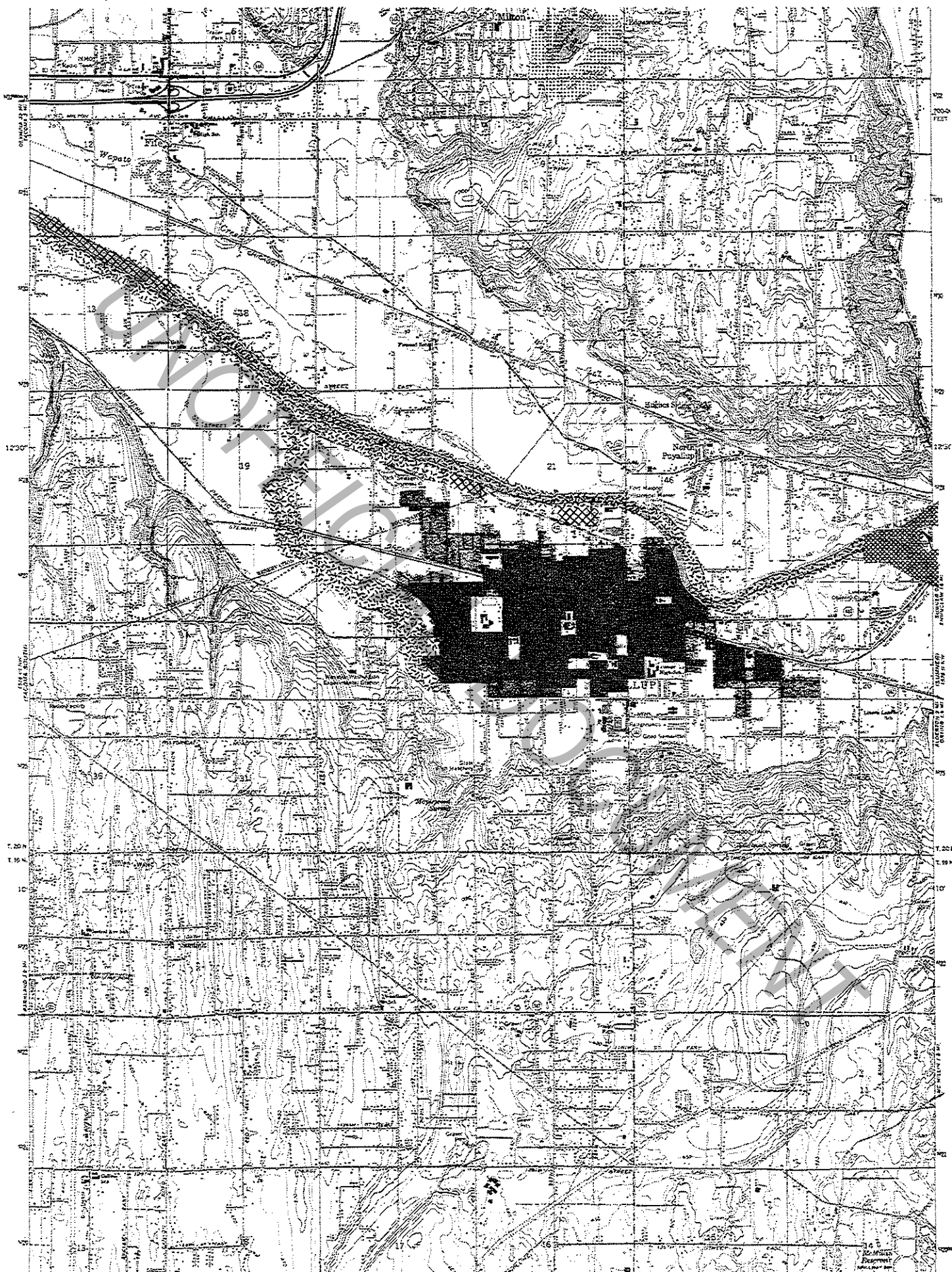




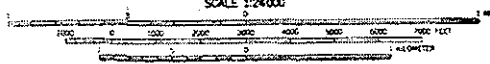
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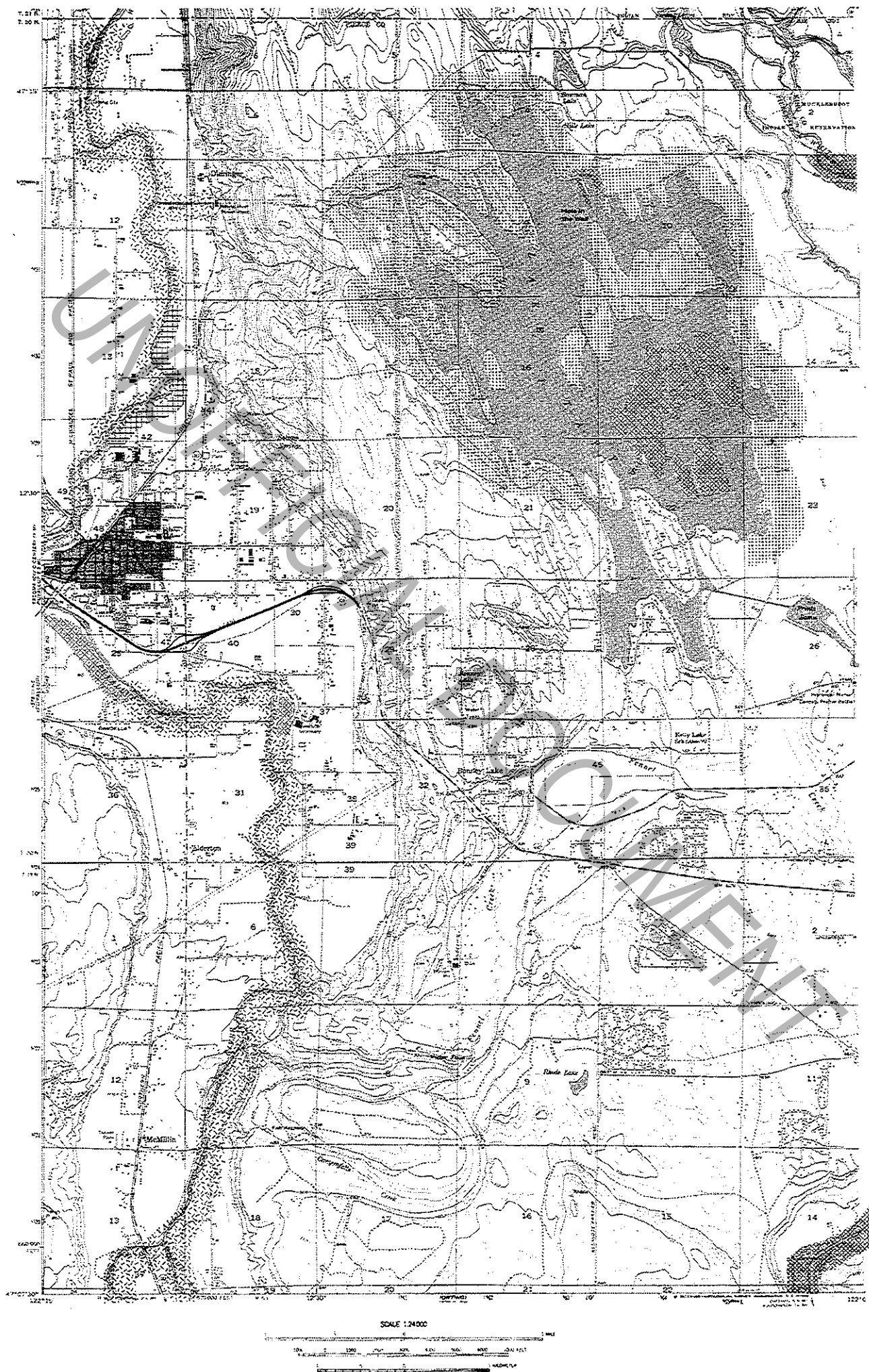


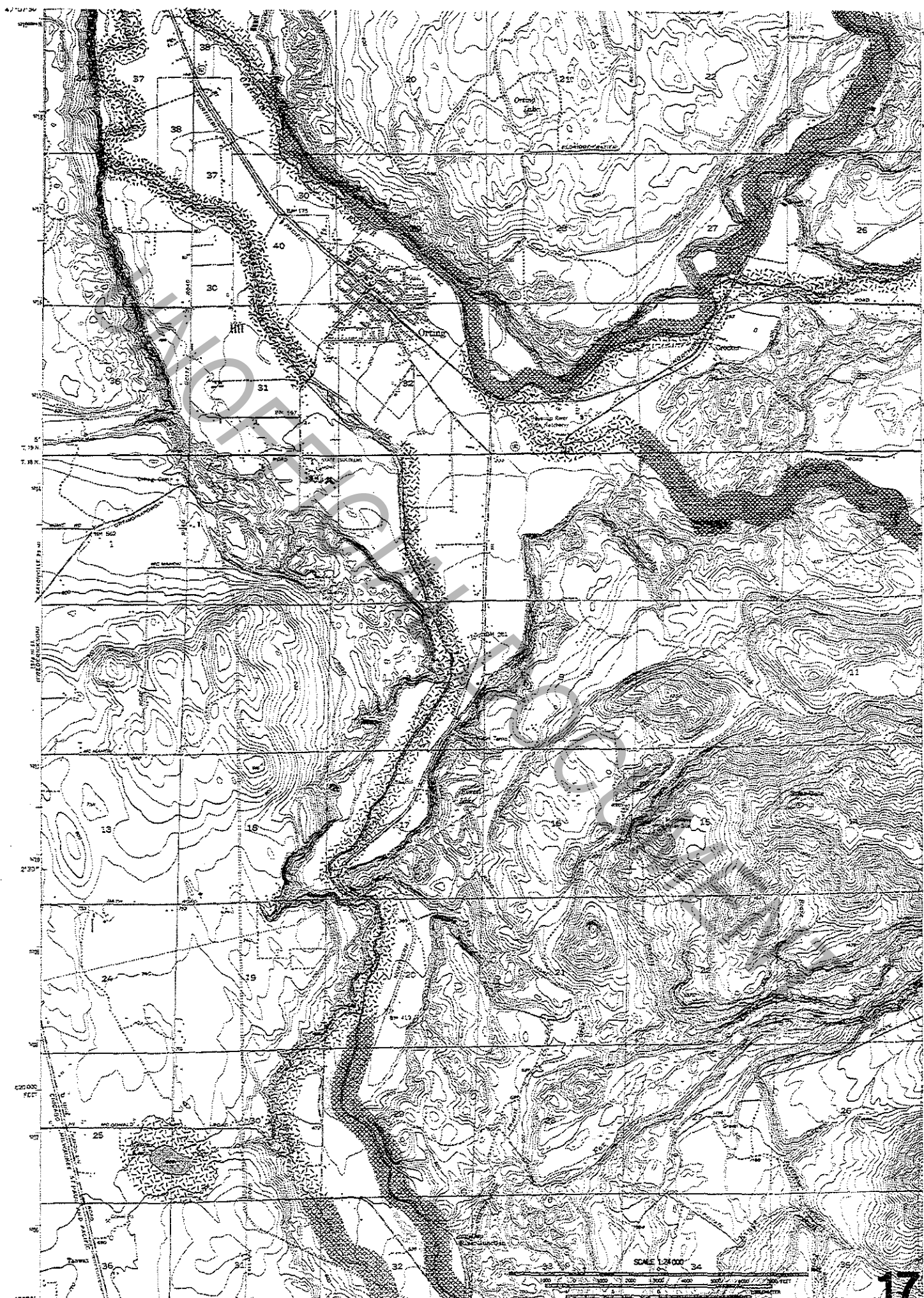


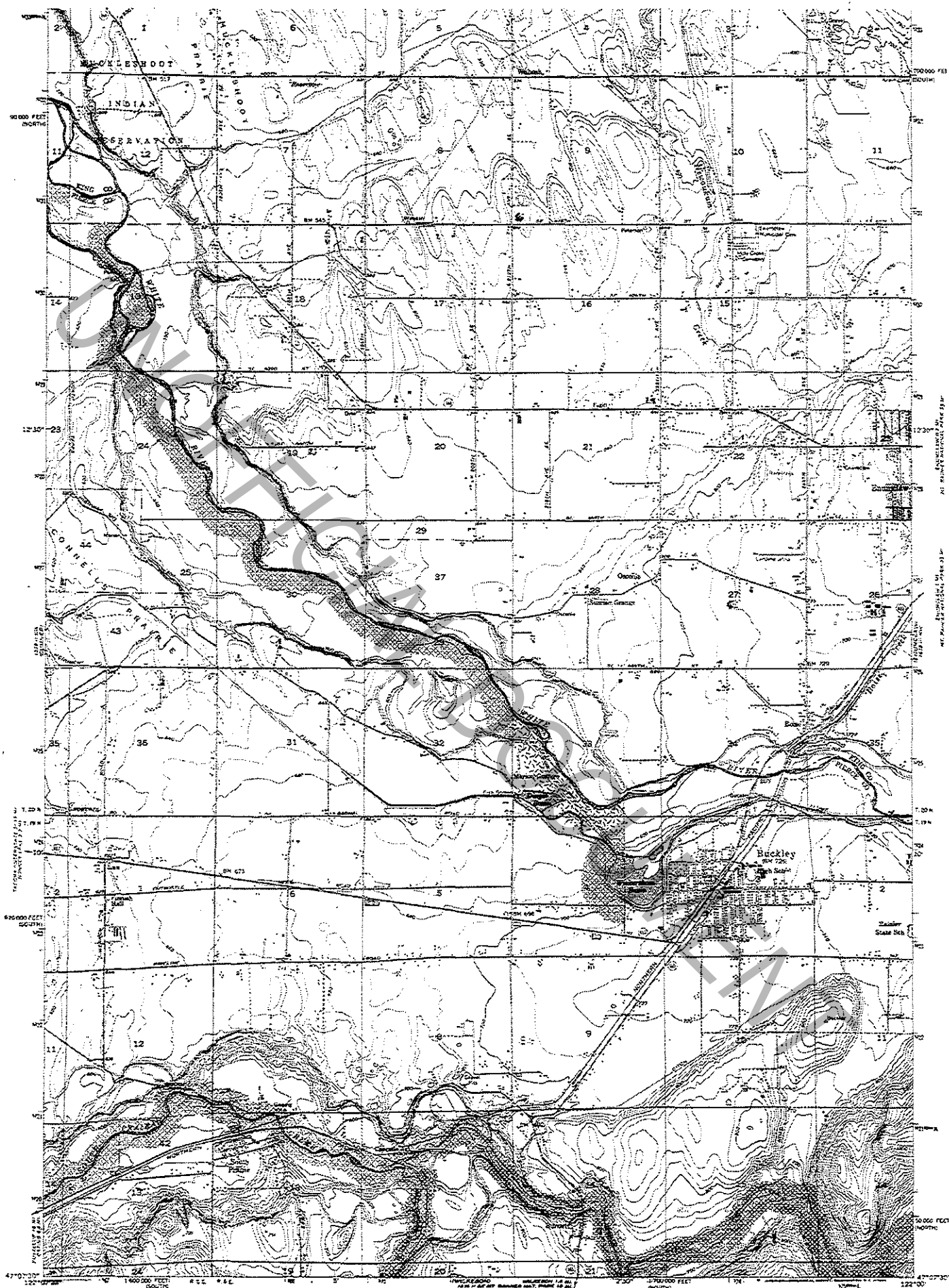


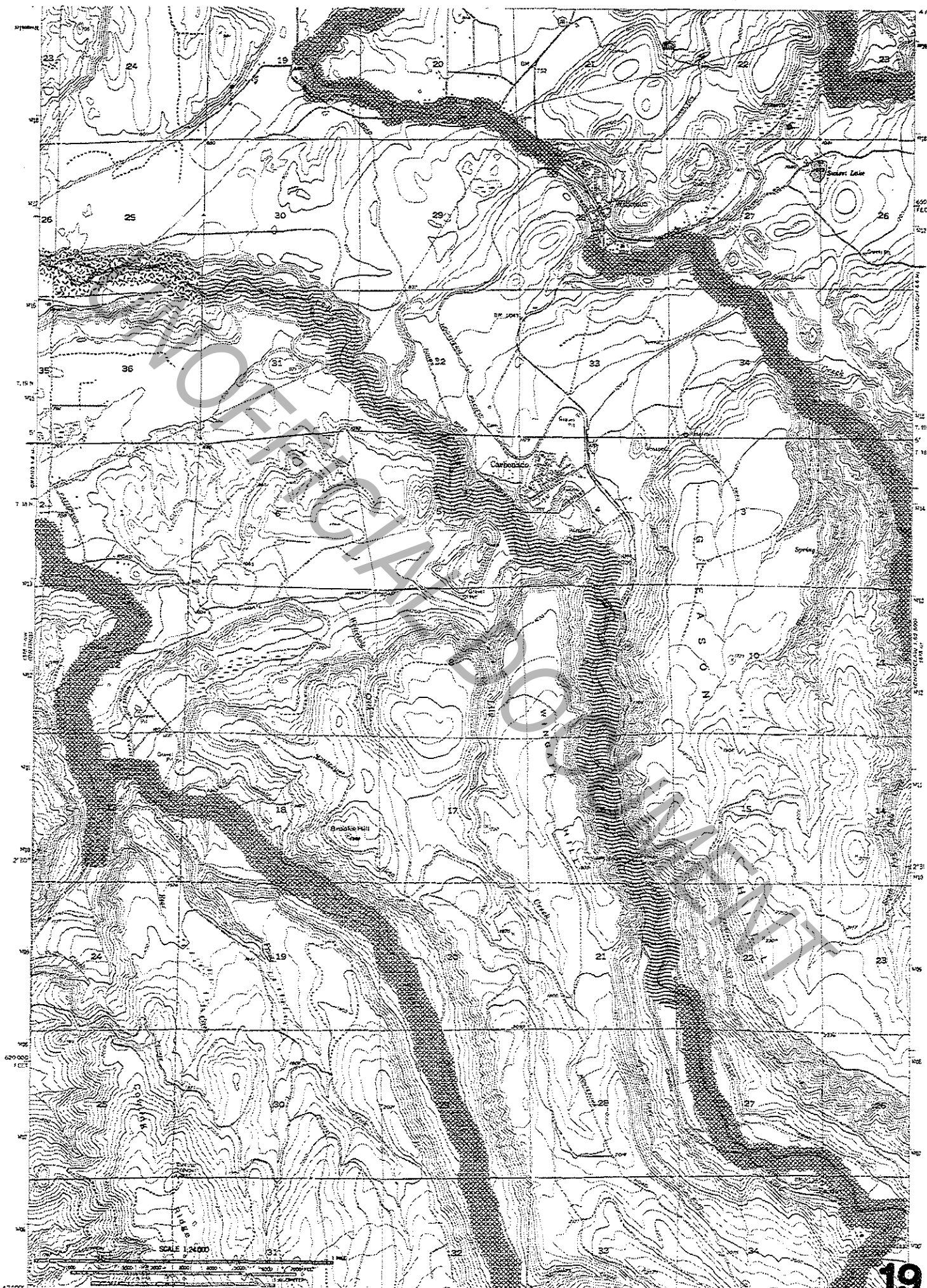
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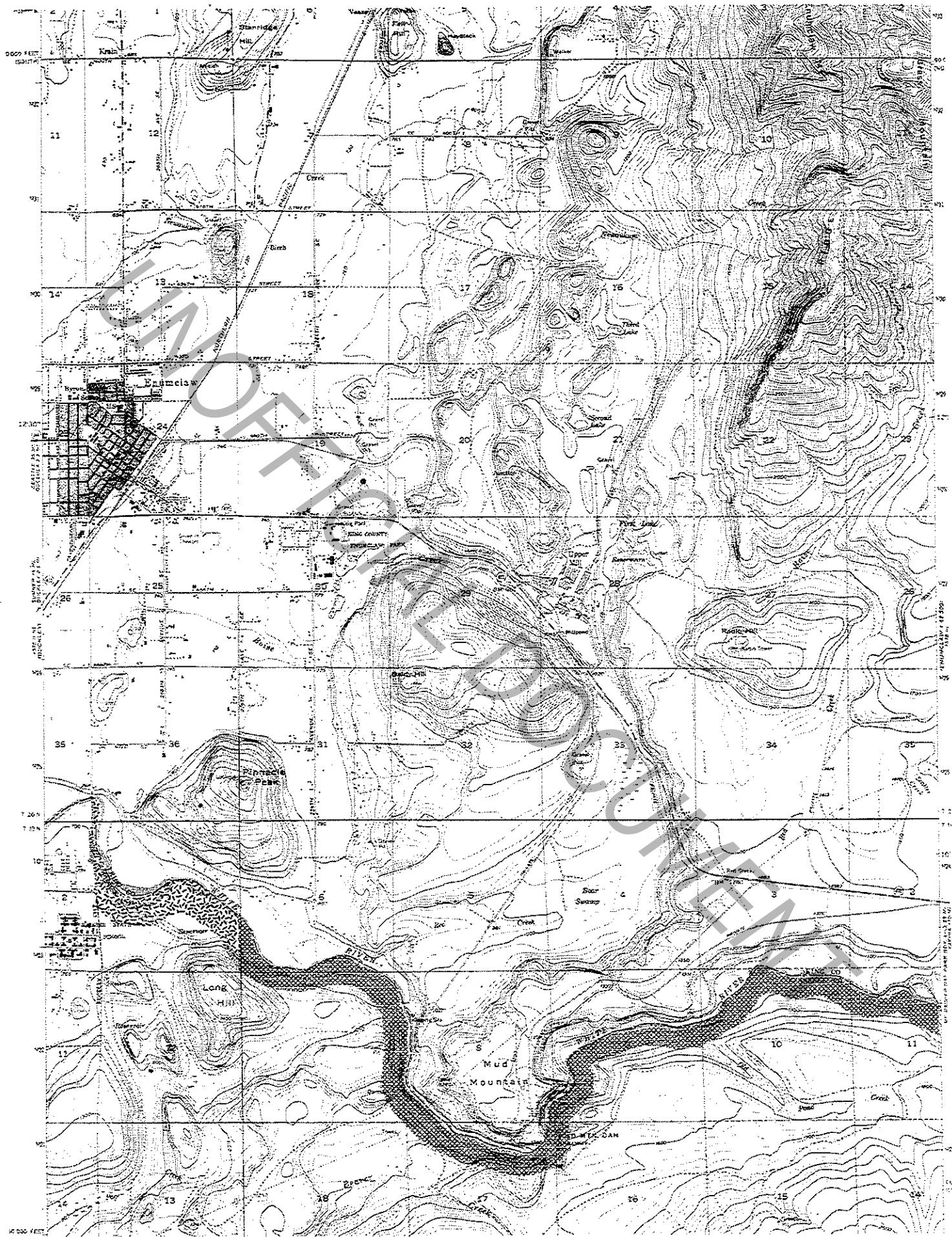


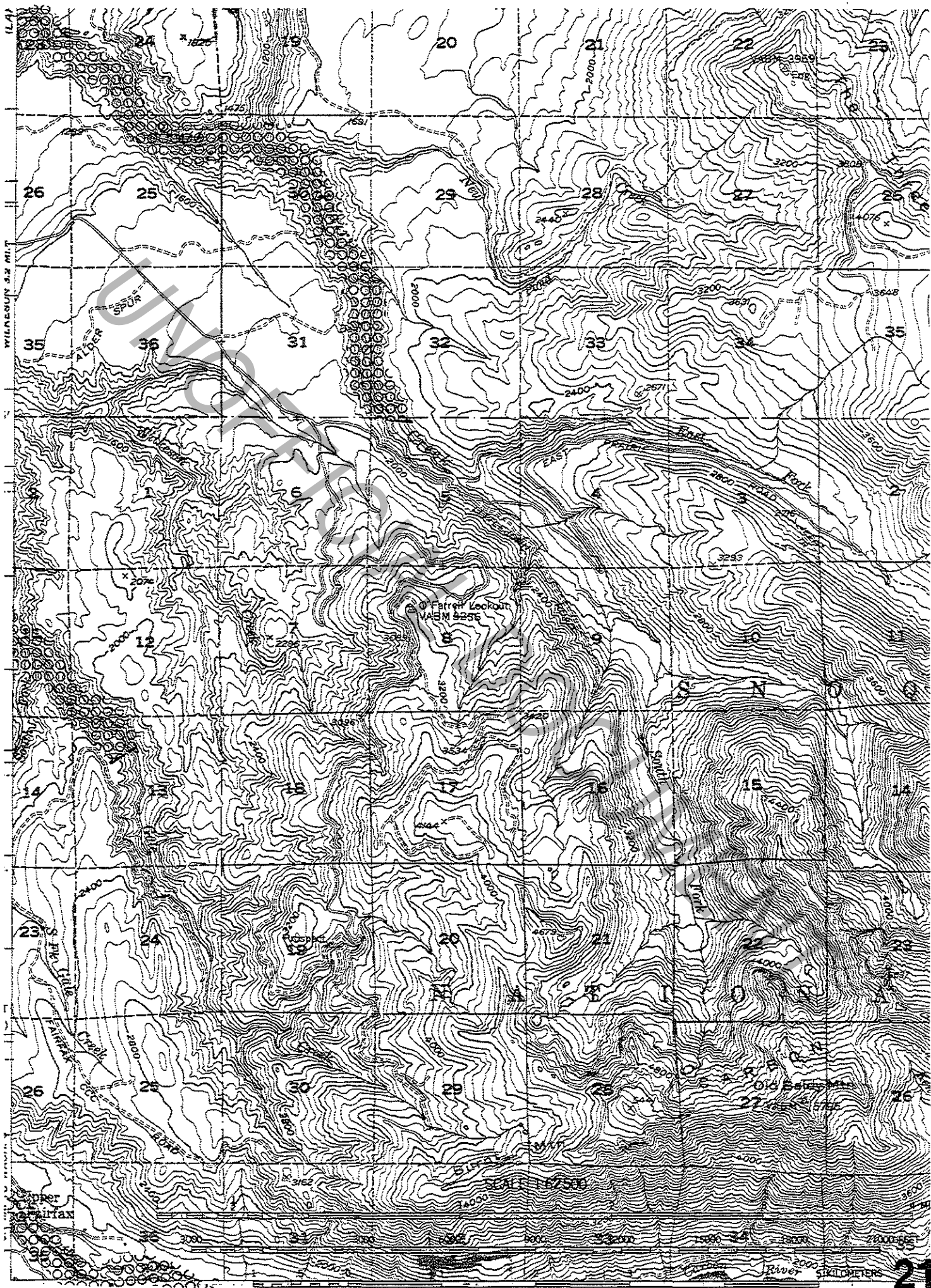


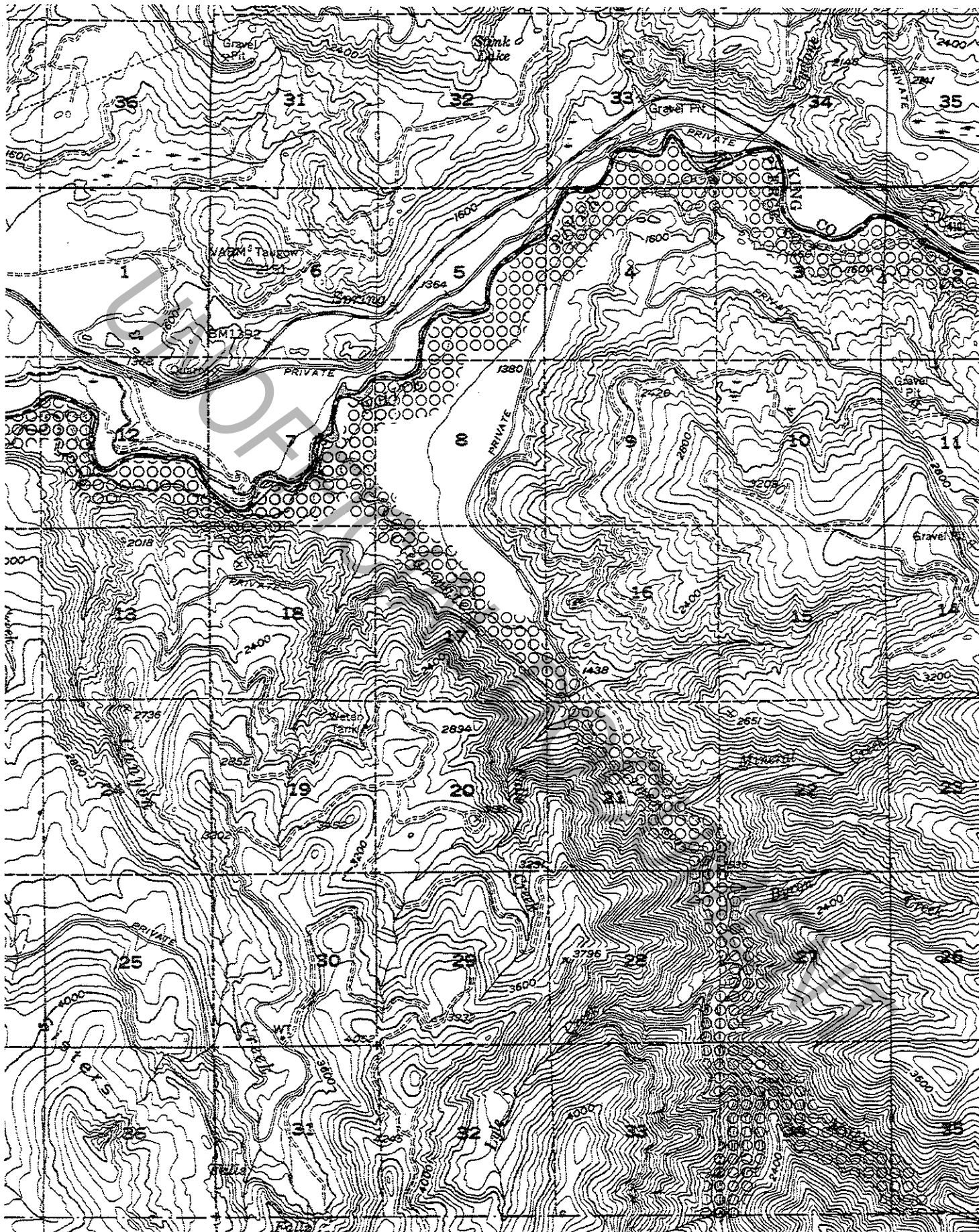




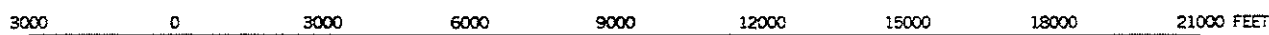


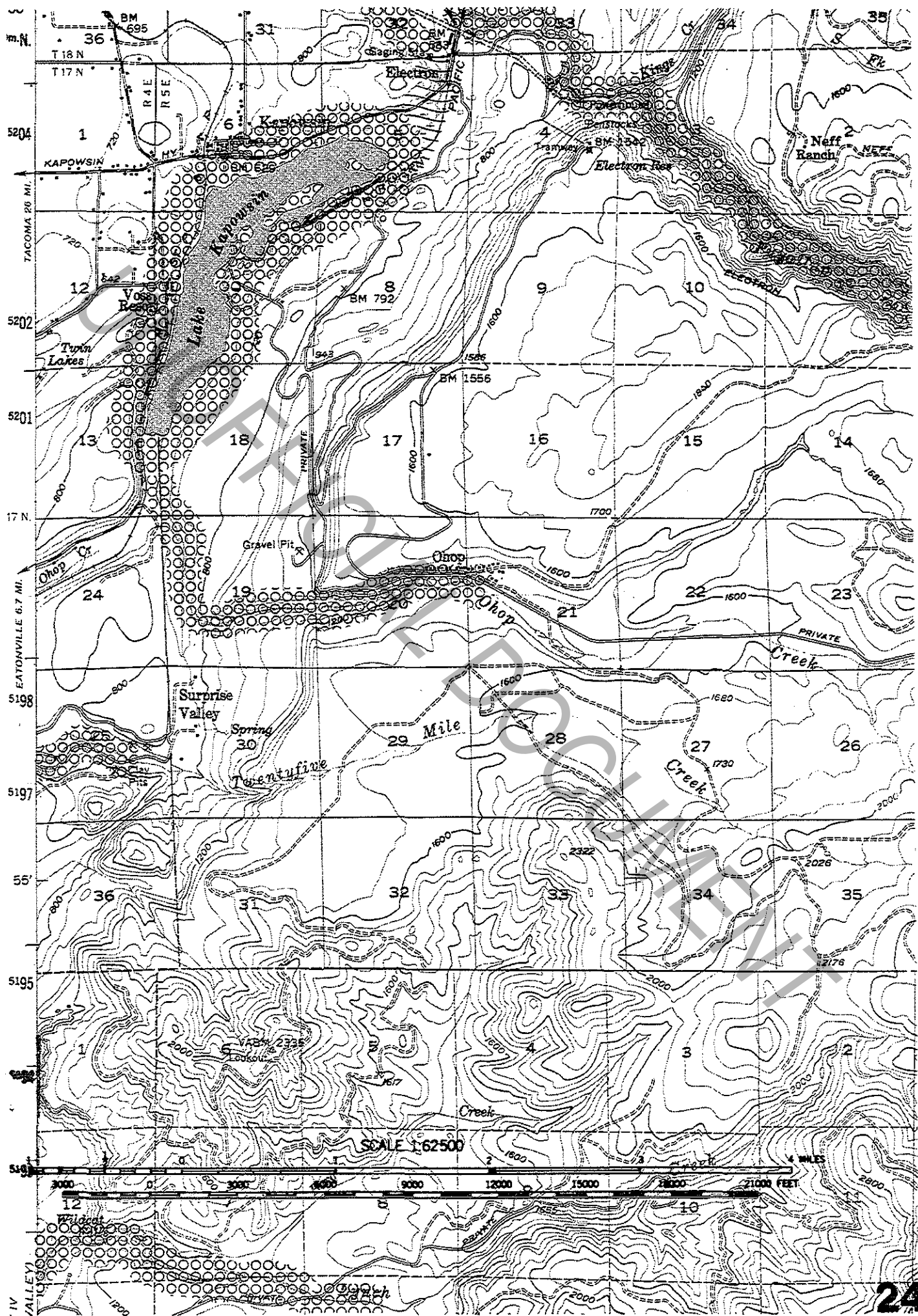


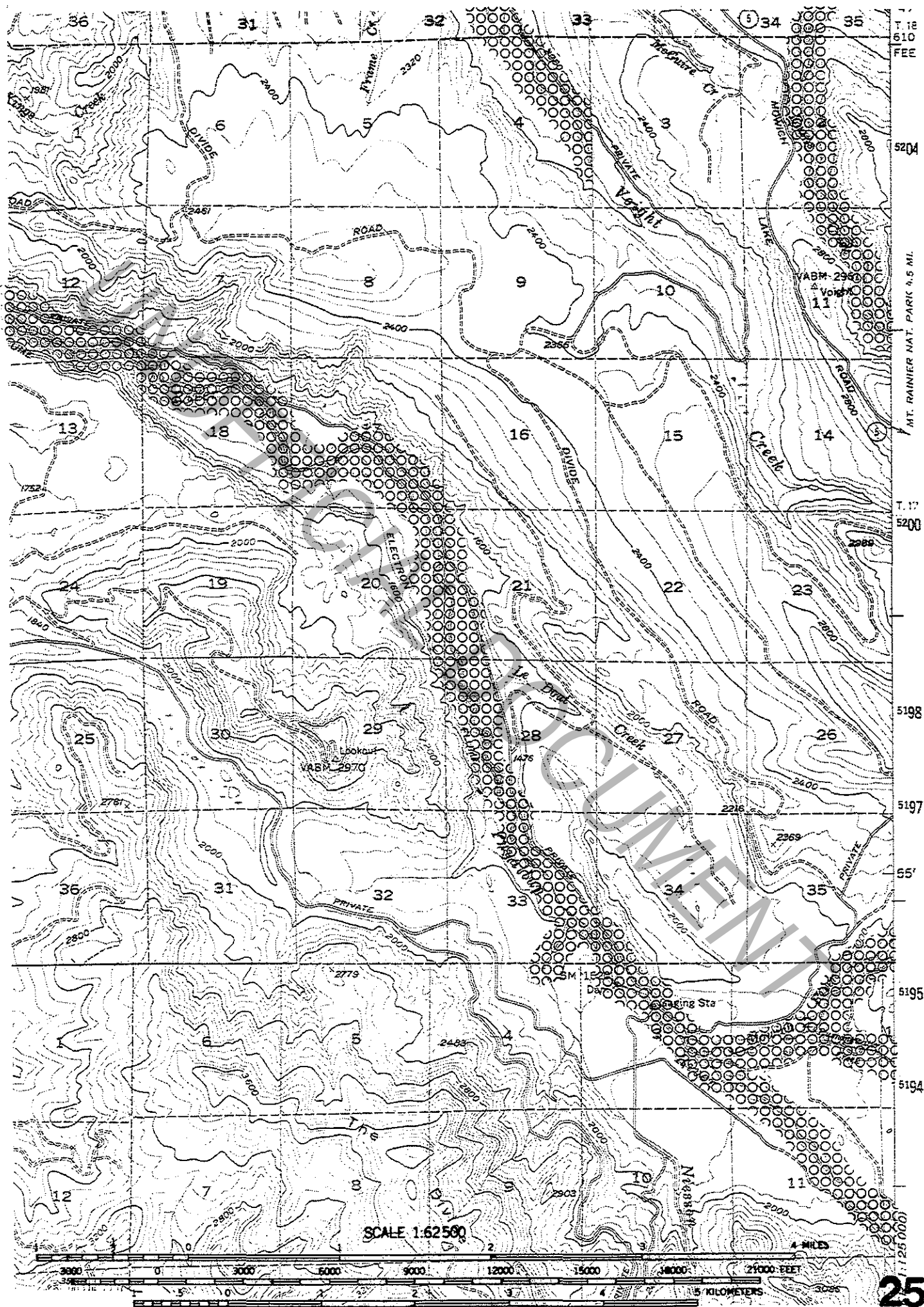




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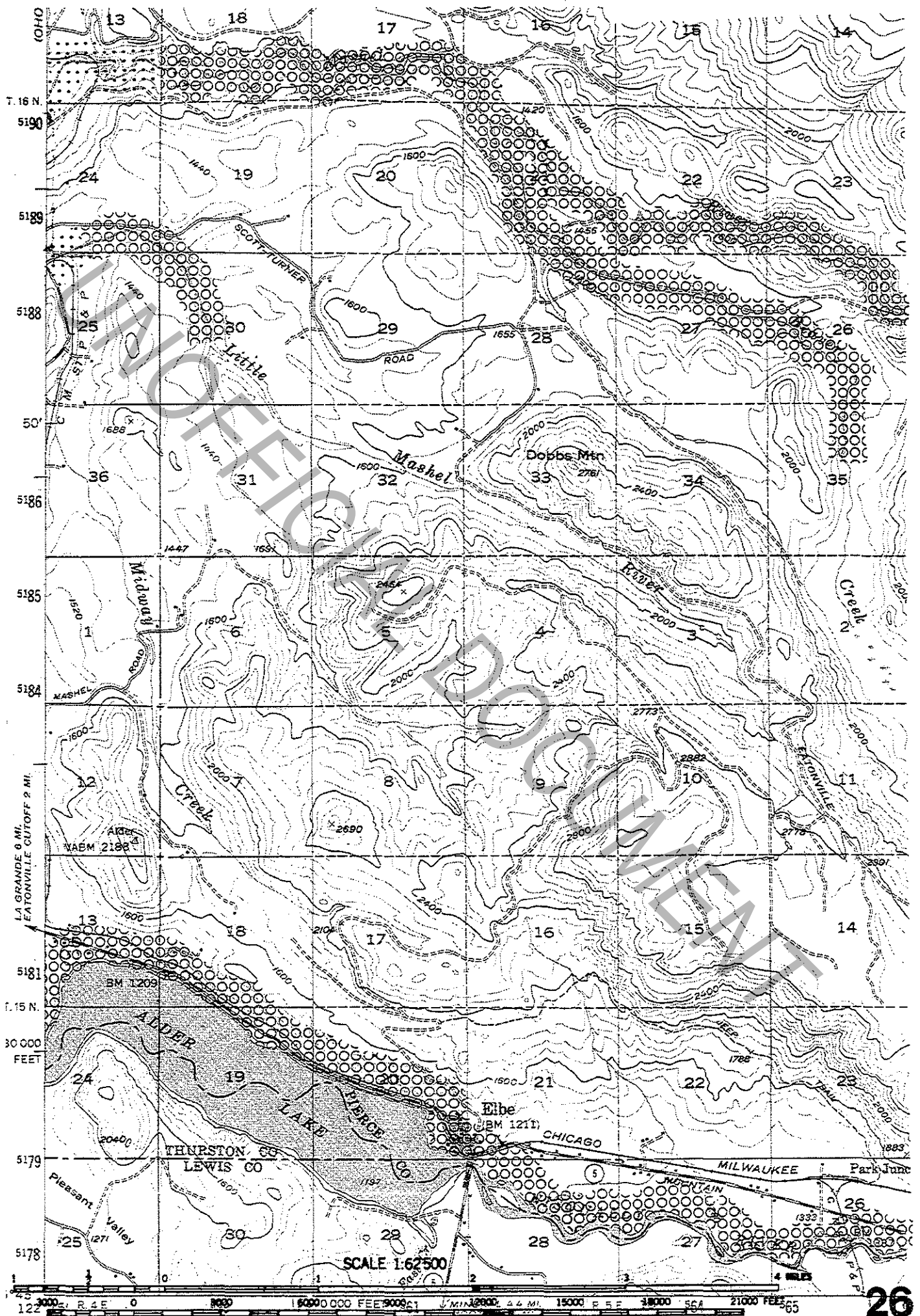
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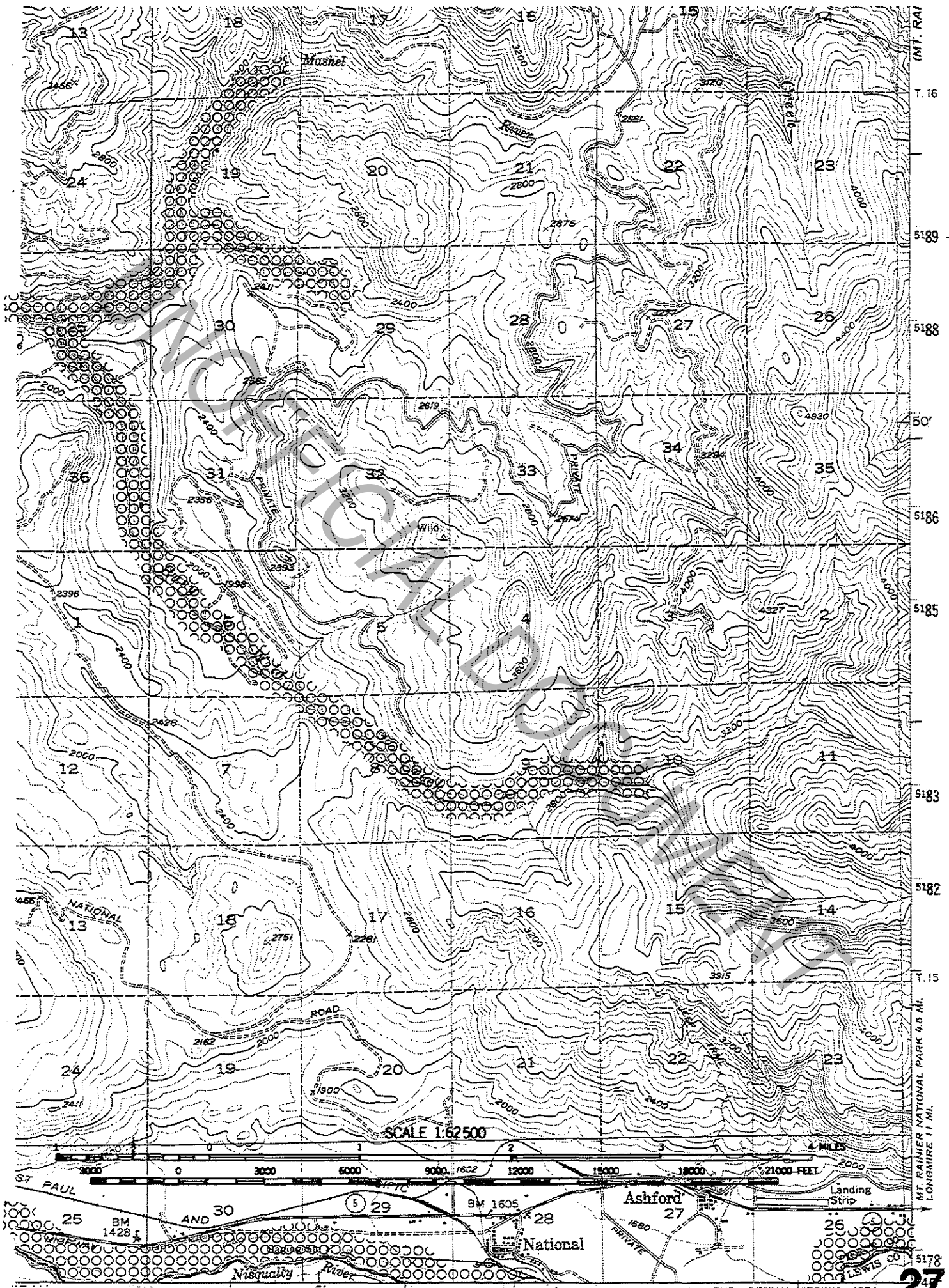
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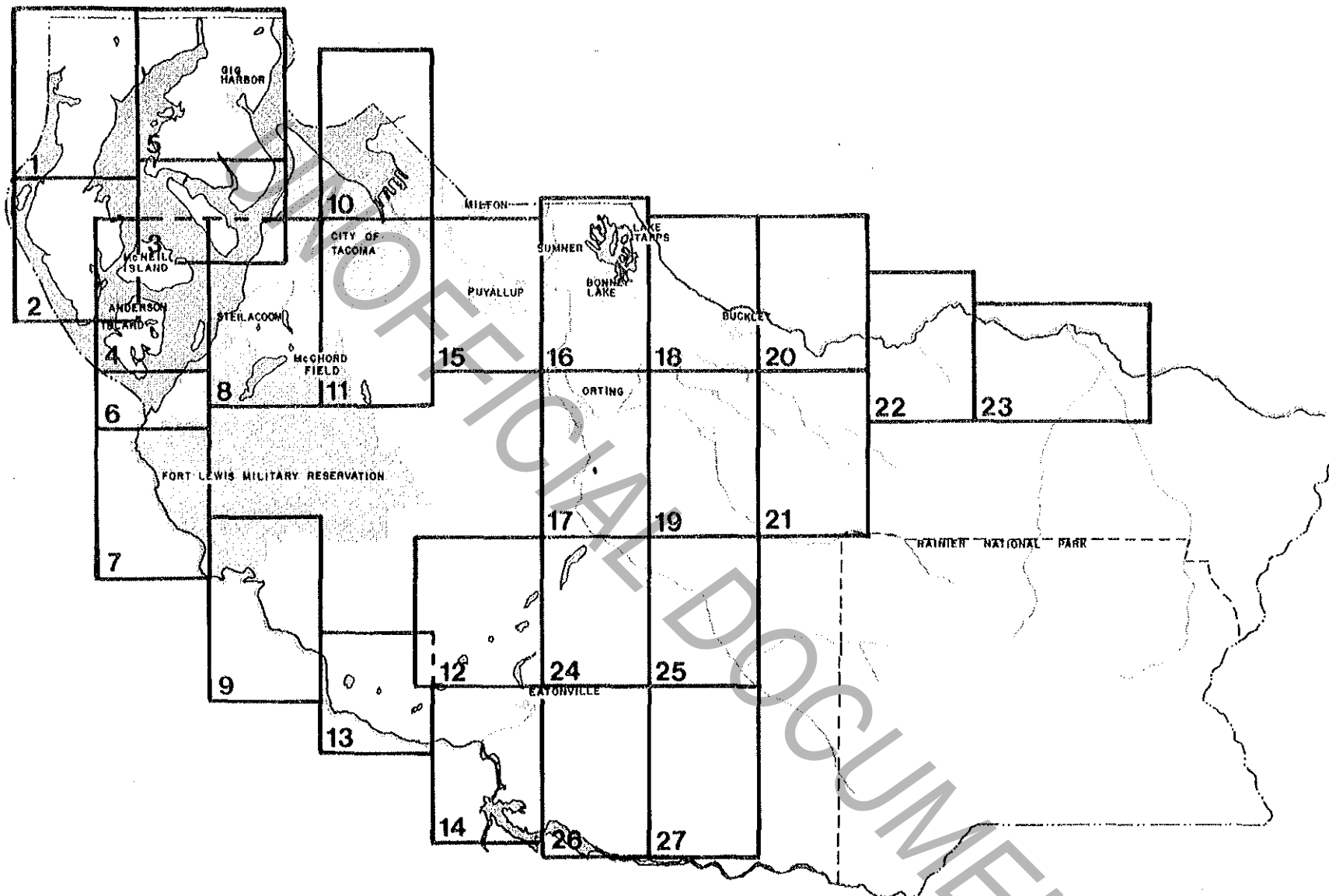
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SHORELINE ENVIRONMENT DESIGNATIONS INDEX MAP

MAP NUMBER 8

CITIES 12.5

Prepared by Pierce County Planning Department

Chapter 20.20

INTRODUCTION TO USE ACTIVITY REGULATIONS

Section:

20.20.010 Use Activity Regulations.

20.20.010 Use Activity Regulations.

Shoreline use activities are classifications of the various types of developments or activities which can be anticipated to be carried out on or occupy shoreline locations.

The Department of Ecology final guidelines for Master Program development established twenty-one (21) use activities and set minimum guidelines for managing each activity. In addition to this, Pierce County's Citizens Advisory Committee added four (4) use activities which were felt needed in order to effectively manage the shoreline areas of Pierce County.

The use activity regulations are a means of implementing the more general policies of Phase I of the Master Program and the Shoreline Management Act.

The regulations of each use activity have been developed on the premise that all appropriate shoreline uses require some degree of control in order to minimize adverse affects to the shoreline environment and adjoining properties.

Each project which falls within the jurisdiction of the Act will be evaluated to determine its conformance with the use activity regulations as well as the goals and policies of Phase I of the Master Program.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code Chapter 65.20)

Chapter 20.22

AGRICULTURAL PRACTICES

Sections:

- 20.22.010 Definition.
- 20.22.020 General Regulations.
- 20.22.030 Environment Regulations - Uses Permitted.
- 20.22.040 Intensive and Passive Agricultural Practices.

20.22.010 Definition.

Agricultural practices are those methods used in vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.22.010)

20.22.020 General Regulations.

The following use regulations apply to agricultural practices in all shoreline environments:

- A. The application of agricultural chemicals and solid waste materials shall not result in direct violations of state water quality standards.

WAC 372-64 - Intrastate Water Quality Standards

WAC 372-12 - Interstate Water Quality Standards

Application of agricultural chemicals shall be in conformance with the Washington State Pesticide Application Act (17.21 RCW)

- B. A buffer of natural or induced permanent vegetation shall be maintained between tilled areas and adjacent lakes and streams. The width of such buffer shall be based on conditions including type of vegetation, soils types and topography, but shall not be less than 25 feet measured on a horizontal plane from the high water mark, on designated lakes and streams.

- C. Confinement lots, feeding operations, retention and storage ponds, lot wastes, stockpiles of manure solids, and storage of noxious chemical shall not be located in the floodway or within 200 feet of ordinary high water, whichever is greater.

- D. State Board of Health Public Water Supply Rules and Regulations shall be adhered to.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.22.020)

20.22.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.

- 1. Low and high intensity agricultural practices shall be permitted in the Urban environment subject to the general regulatory standards.

- 2. The application of any noxious chemicals shall not be permitted.

- B. Rural-Residential Environment.
Same as Urban

- C. Rural Environment.
 - 1. Low and high intensity agricultural practices shall be permitted in the Rural environment subject to the general regulatory standards.
 - 2. The application of noxious chemicals is permitted subject to the general regulatory standards and all applicable local, State and Federal laws.
- D. Conservancy Environment.
 - 1. Low intensity agricultural practices shall be permitted in the Conservancy environment subject to the general regulatory standards.
 - 2. High intensity agricultural practices shall not be permitted.
 - 3. Noxious chemicals shall be applied by spot application only.
- E. Natural Environment. Agriculture shall not be permitted in the Natural environment except for limited grazing on natural grasslands subject to Conditional Use requirements. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.22.030)

20.22.040 Intensive and Passive Agricultural Practices.

High and low intensity forms of agriculture refer to the impact these practices will have on the land. The permit review authority will have the responsibility of determining the degree of impact the proposed agricultural use will have on the land. The following sample agricultural practices and agricultural soil capabilities classification system shall be used as guidelines in making a determination as to the degree of impact.

- A. Sample Low Intensity (Passive) Agricultural Practices.
 - 1. Grain Crops.
 - 2. Pasture and Range Lands.
 - 3. Home Gardens under one acre.
- B. Sample High Intensity Agricultural Practices.
 - 1. Row Crops.
 - 2. Vegetable and Small Fruits.
 - 3. Home Gardens larger than one acre.
 - 4. Orchards.
- C. Agricultural Soil Capabilities*
 - 1. The following soil types have the capability of supporting intensive agricultural practices:

**MAP SYMBOL
GROUP A**

**SOIL SERIES
PRIME AGRICULTURAL LANDS**

CA*	- Carbondale muck
CD	- Chehalis silt loam
OB	- Orting loam
OC	- Orting sandy loam
PF	- Puget silt loam
PG	- Puget silty clay loam

*Compiled by the Soil Conservation Service, Department of Agriculture

PH	- Puyallup fine sandy loam
PK	- Puyallup loam
PN	- Puyallup silt loam
PO	- Puyallup silty clay loam
RA	- Rifle peat
SA	- Semiahmoo muck
SC	- Semiahmoo muck, shallow
SL	- Snohomish fine sandy loam
SM	- Snohomish loamy fine sand
SN	- Snohomish silt loam
ST	- Sultan fine sandy loam
SU	- Sultan loam
SV	- Sultan silt loam

MAP SYMBOL
GROUP B

SOIL SERIES
PRIME AGRICULTURAL LANDS

BG	- Bellingham silty clay loam
BM	- Buckley-Enumclaw loams
BN	- Buckley loam
EA	- Edmond's fine sandy loam
EB	- Enumclaw fine sandy loam
EC	- Enumclaw gravelly sandy loam
ED	- Enumclaw loam
KH	- Kitsap loam, undulating
ME	- Mukilteo peat
NC	- Newberg fine sandy loam
ND	- Newberg loam
NH	- Norma fine sandy loam
OA*	- Orting gravelly sandy loam
PM	- Puyallup sandy loam, shallow (over Buckley loam)
TE	- Tisch silt loam
WA	- Wapato clay loam

MAP SYMBOL
GROUP C

SOIL SERIES
BELOW AVERAGE AGRICULTURAL LANDS

AA	- Alderwood gravelly loam, rolling
AC	- Alderwood gravelly sandy loam, rolling
BF	- Bellingham silt loam
BH	- Bellingham silty clay loam, shallow surface soil
BL	- Bow clay loam, steep
BO	- Buckley loam, hardpan
DA	- Dupont muck
EK	- Everett gravelly sandy loam, nearly level
IA	- Indianola loamy sand, gently rolling
IB	- Indianola loamy sand, moderately steep

*Compiled by the Soil Conservation Service, Department of
Agriculture

IC	- Indianola sandy loam, gently rolling
KB	- Kapowsin gravelly clay loam, undulating
KD	- Kapowsin gravelly loam, undulating
KF	- Kapowsin gravelly sandy loam, undulating
KG	- Kitsap-Indianola, complex
KL	- Kitsap silt loam, undulating
KM	- Kopiah loam
KN	- Kopiah silty clay loam
MB	- McKenna gravelly loam, nearly level
MC	- McKenna loam, nearly level
MD	- McKenna loam, sloping
MF	- Mukilteo peat, shallow
NA	- National pumicy sandy loam
OD*	- Orting stony sandy loam
PB	- Pilchuck fine sandy loam
PE	- Puget clay
PL	- Puyallup loamy fine sand
RB	- Rifle peat, shallow
SB	- Semiahmoo muck, shallow
SD	- Semiahmoo muck, shallow (over Tanwax peat)
SF	- Sinclair gravelly fine sandy loam, rolling
SO	- Spanaway gravelly sandy loam, deep, nearly level
TA	- Tacoma muck
TC	- Tanwax peat
WC	- Wilkeson loam, rolling
WD	- Wilkeson silt loam, rolling

2. The following soil types do not have the capability of supporting intensive agricultural practices:

MAP SYMBOL GROUP D	SOIL SERIES POOR, NON-AGRICULTURAL LANDS
AB	- Alderwood gravelly sandy loam, hilly
BB	- Barneston gravelly loamy sand, rolling
BC	- Barneston gravelly sandy loam, hilly
CC	- Cathcart loam, hilly
EE	- Everett gravelly loamy sand, hilly
EF	- Everett gravelly loamy sand, rolling
EG	- Everett gravelly sandy loam, hilly
EH	- Everett gravelly sandy loam, nearly level
FA	- Fitch gravelly sandy loam, hilly
GB	- Greenwater loamy sand
IB	- Indianola loamy sand, moderately steep

*Compiled by the Soil Conservation Service, Department of Agriculture

KA	- Kapowsin gravelly clay loam, hilly
KC	- Kapowsin gravelly loam, moderately steep
KE	- Kapowsin gravelly sandy loam, moderately steep
KK	- Kitsap silt loam, steep
LA	- Lynden loamy sand
NE	- Newberg loamy sand
NF	- Nisqually loamy sand
NG	- Nisqually sand
PA	- Pilchuck fine sand
PD	- Pilchuck loamy fine sand
SE	- Sinclair gravelly fine sandy loamy, hilly
SG	- Sinclair gravelly loam, hilly
SP	- Spanaway gravelly sandy loam, gently undulating
SR	- Spanaway gravelly sandy loam, moderately steep
SS	- Stossel stony loam, hilly
WB	- Wilkeson silt loam, rolling

*Compiled by the Soil Conservation Service, Department of Agriculture
(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.22.040)

Chapter 20.24

AQUACULTURAL PRACTICES

Sections:

- 20.24.010 Definitions.
- 20.24.020 Guidelines for Reviewing Substantial Development Permits.
- 20.24.030 Environment Regulations - Uses Permitted.

20.24.010 Definitions.

A. Aquaculture. The commercial culture and farming of food fish, shellfish, and other aquatic plants and animals in lakes, streams, inlets, estuaries, and other natural or artificial water bodies.

B. Aquacultural Practices. The hatching, cultivating, planting, feeding, raising, harvesting, and processing of aquatic plants and animals, and the maintenance and construction of necessary equipment, buildings, and growing areas. Methods of aquaculture include but are not limited to fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters in tidal and other shoreline areas.

C. Water Dependent Aquaculture Uses. All uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of the operation. Examples of water dependent uses include but are not limited to the following:

1. Boat launch facilities.
2. Fish pens.
3. Shellfish and seaweed rafts and floats.
4. Racks and longlines.

D. Water Related Aquaculture Uses. Those uses which are not intrinsically dependent on a waterfront location to continue their operation, but whose operation in Pierce County cannot occur economically at this time without a shoreline location. Examples of water related uses include but are not limited to the following:

1. Aquaculture commodities processing plants.
2. Culturing facilities.
3. Boat storage facilities.

E. Nonwater Related Aquaculture Uses. Those uses which do not need a waterfront location to operate though easements or utility corridors for access to the water may be desired. Examples of nonwater related uses include but are not limited to the following:

1. Warehouses and storage areas.
2. Office buildings.
3. Parking lots.

(Ord. 88-76S § 1 (part), 1988; Ord. 82-46 § 1 (part), 1984; Res. 18562-A § 1 (part), 1976; prior Code § 65.24.010)

20.24.020 Guidelines for Reviewing Substantial Development Permits.

The following regulations apply to aquaculture and aquaculture practices in all shoreline environments:

A. Development Guidelines. In lieu of specific standards relating to design, bulk, and use, the following guidelines shall be applied to the County's reviewing authority to a site specific project application for a substantial development permit in arriving at a satisfactory degree of consistency with the policies and criteria set forth in this Chapter and Chapter 20.30. To this end, the County may extend, restrict, or deny an application to achieve said purpose.

1. The use of shoreline areas for aquaculture shall be encouraged for the production of commodities for human consumption and utilization.
2. Aquaculture development shall not cause extensive erosion or accretion along adjacent shorelands.
3. Aquacultural operations shall be conducted in a manner which precludes damage to specific fragile areas and existing aquatic resources. These operations shall maintain the highest possible levels of environmental quality and compatibility with native flora and fauna.
4. Aquaculture operations shall be in conformance with the most current applicable local, state and federal regulations for water quality, noise, and odor and waste management. Where water withdrawal is required, a water registration permit must be obtained.
5. Conflicts between the aquaculture use and the navigational access of current upland residents, and intense recreational boating, commercial fishing, and other commercial traffic can be minimized.
6. Conflicts between the aquaculture use and the visual access of current upland residents or the general aesthetic quality of the shoreline can be minimized.
7. As technology expands with increasing knowledge and experience, preference shall be placed on feasible structures which minimize interference with navigation or the impairment of the aesthetic quality of the shoreline.
8. A baseline study at or near the proposed aquaculture site may be required only when the permit reviewing authority deems necessary.
9. Where an aquaculture operation is proposed for a constricted body of water, a flushing study may be required when the permit reviewing authority deems necessary.
10. Shoreline areas having the prerequisite qualities for aquacultural uses shall have priority in order to protect Pierce County's aquacultural potential.
11. Prior to beginning aquaculture operations, aquaculture permits must be obtained from the State Department of Fisheries.
12. The scale of aquaculture operations shall be in proportion with the surface area and configuration of the affected water body.

13. All water related and non-water related aquaculture structures may be required to be landscaped to screen them from adjacent uses to the shoreline.

14. Joint use of facilities such as boat launches and storage buildings is encouraged.

15. Aquaculture developments are to be maintained in a safe and sound condition.

(Ord. 88-76S § 1 (part), 1988; Ord. 82-46 § 1 (part), 1984; Res. 18562-A § 1 (part), 1976; prior Code § 65.24.020)

20.24.030 Environment Regulations - Uses Permitted.

A. Subject to the Guidelines for Reviewing Substantial Development Permits, geoduck harvesting is permitted outright in all shoreline environments.

1. Geoduck harvesting is to be conducted in a manner consistent with RCW 75.24.100 as now or hereafter amended.

2. Information concerning these requirements can be obtained from:

Department of Natural Resources or Department of	
Marine Land Division QW-21	Fisheries
Olympia, WA 98504	Shellfish Program
(206) 754-1473	AX-11, Olympia, WA
	98504
	(206) 753-6772

B. Urban, Rural-Residential, and Rural Environments.

Aquaculture operations are permitted subject to the Guidelines for Reviewing Substantial Development Permits.

C. Conservancy Environment.

Aquaculture operations which do not involve the placement of land based structures are permitted subject to the Guidelines for Reviewing Substantial Development Permits.

Aquaculture operations which involve the development of land based structures are allowed as Conditional Uses and subject to the Guidelines for Reviewing Substantial Development Permits.

D. Natural Environment.

Aquaculture operations are limited to fishing and the harvesting of wild and planted stocks for recreation and commercial purposes. Operations which do not involve the placement of structures or fill in the aquatic or terrestrial environment will be allowed as a Conditional Use, upon showing the activity will not substantially change the character of the site or adversely affect natural populations and shall be subject to the Guidelines for Reviewing Substantial Development Permits. Operations involving structural developments are prohibited.

(Ord. 88-76S § 1 (part), 1988; Ord. 82-46 § 1 (part), 1984; Res. 18562-A § 1 (part), 1976; prior Code § 65.24.030)

Chapter 20.26

BREAKWATERS

Sections:

20.26.010 Definition.

20.26.020 General Regulations.

20.26.030 Environmental Regulations - Uses Permitted.

20.26.010 Definition.

Breakwaters are protective structures usually built off shore to protect beaches, bluffs or harbor areas from wave action.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.26.010)

20.26.020 General Regulations.

The following regulations apply to breakwaters in all shoreline environments:

A. The construction of breakwaters shall be permitted only in special cases where social and technical consideration demonstrate overall public benefit.

B. Floating breakwaters shall be used in place of solid landfill types where they can withstand extensive wave action in order to maintain sand movement and fish habitat.

C. Breakwaters shall be designed and constructed to ensure against adverse changes in sand movement and water circulation.

D. Breakwaters shall only be permitted for navigational purposes, for industrial activities and marinas.

E. The construction of breakwaters shall not create significant undesirable interference with the public use of the water surface.

F. Where feasible, access for sightseeing and public fishing shall be incorporated into breakwater design.

G. Designs for new breakwaters shall incorporate provisions for public access if the appropriate authority determines such access to be feasible and desirable.

(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.26.020)

20.26.030 Environment Regulations - Uses Permitted.

A. Urban Environment.

Breakwaters are permitted subject to the general regulatory standards.

B. Rural-Residential Environment.

Same as Urban.

C. Rural Environment.

Same as Urban.

D. Conservancy Environment.

Breakwaters are permitted subject to the general regulatory standards and upon obtaining a Conditional Use Permit.

E. Natural Environment.

Breakwaters are prohibited.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.26.030)

Chapter 20.28

Bulkheads

Sections:

- 20.28.010 Definition.
- 20.28.020 Permit Exemptions.
- 20.28.030 General Regulations.
- 20.28.040 Environment Regulations - Uses Permitted.

20.28.010 Definition.

Bulkheads or seawalls are structures erected parallel to and near the high water mark for the purpose of protecting adjacent uplands, other than newly created residential land, from the action of waves or currents. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.28.010)

20.28.020 Permit Exemptions.

The Shoreline Management Act exempts from the Substantial Development Permit requirement the construction of a normal protective bulkhead common to single family residences.

Although these structures are exempt from obtaining a Substantial Development Permit, compliance with the prohibitions, regulations, and development standards of this Chapter is required. (Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; prior Code § 65.28.020)

20.28.030 General Regulations.

The following regulations apply to bulkheads in all shoreline environments:

A. General.

1. Beach materials shall not be used for fill behind bulkheads except clean dredge spoils from a permitted dredge and fill operation and materials excavated during construction of the bulkhead.
2. Bulkheads shall be constructed in such a way as to minimize damage to fish and shell fish habitats.
3. The builder of any bulkhead shall be responsible for determining in advance the nature and the extent of any possible adverse effects on fish and wildlife or on the property of others caused by his construction and shall propose and take all necessary actions to minimize such effects.
4. A person who has received approval in keeping with these regulations to construct a bulkhead, shall grant adjacent property owners the privilege to tie in and meet with a bulkhead when they have an approved permit.
5. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated in the design whenever possible.

B. Design Criteria.

1. Bulkhead design shall not exceed Department of Fisheries design criteria for bulkheads.
2. The construction of a bulkhead on shorelines where no

bulkheads are adjacent shall be within five feet from the foot of the natural bank or landfill permitted pursuant to Chapter 20.44. If no distinct bank exists, construction shall be landward of the mean higher high water mark.

3. The replacement of bulkheads may be located immediately in front of an existing bulkhead except where such existing bulkhead has not been backfilled and is seaward of the mean higher high water mark in which case the location criteria in Subsection B.2 applies.

4. Bulkheads may tie in flush with existing bulkheads on adjoining properties, except where said adjoining bulkheads extend more than 20 feet beyond the foot of the natural bank or landfill permitted pursuant to Chapter 20.44; in which case the location requirements of Subsection B.2 above apply. If there is an existing bulkhead on only one of the adjacent properties, the proposed bulkhead may tie in flush with said adjacent bulkhead but, to the extent feasible, should be contoured to within five feet of the foot of the natural bank or permitted landfill.

5. Multiple bulkheads proposed by two or more adjoining property owners to tie in together may tie in flush with existing bulkheads on the properties adjoining said proposed multiple bulkheads on one or both ends, except, where said adjoining bulkhead/bulkheads extend more than 20 feet beyond the foot of the natural bank or permitted landfill, in which case the location requirements of Subsection B.2 apply.

When tying in flush with adjoining bulkheads on one or both ends, said multiple bulkheads should, to the extent feasible, be contoured to within five feet of the foot of the natural bank or permitted landfill.

6. Bulkheads shall be constructed of concrete, wood, rock riprap or other suitable materials which will serve to accomplish the desired end with maximum preservation of natural characteristics. Design and construction methods shall consider aesthetics and habitat protection.

(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.28.030)

20.28.040 Environment Regulations - Uses Permitted.

A. Urban Environment.

Bulkheads shall be permitted subject to the general regulatory standards.

B. Rural-Residential Environment.

Same as Urban.

C. Rural Environment.

Same as Urban.

D. Conservancy Environment.

1. Uses permitted outright:

a. Bulkheads accessory to single-family residences.

2. Uses permitted subject to approval of a Conditional Use Permit:

a. All bulkheads other than those a accessory to single family residences.

E. Natural Environment.

1. Uses permitted subject to approval of a Conditional Use Permit:

a. All bulkheads.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.28.040)

UNOFFICIAL DOCUMENT

Chapter 20.30

COMMERCIAL AND LIGHT INDUSTRIAL DEVELOPMENT

Sections:

- 20.30.010 Definitions.
- 20.30.020 General Regulations.
- 20.30.030 Environment Regulations.

20.30.010 Definitions.

A. Commercial Development. For the purpose of this Section, Commercial Developments are those uses which are involved in wholesale and retail trade or business activities.

B. Light Industrial Development. Light Industrial Developments are those industrial operations of less impact on surrounding properties in terms of nuisance factors, hazard or exceptional demands upon public facilities and services than heavy industrial uses.

C. Water Dependent Uses. All uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of the operation. Examples of water dependent uses include but are not limited to the following:

1. Boat launch facilities.
2. Ferry and passenger terminals.
3. Wet moorage.
4. Aquacultural practices.
5. Shoreline recreation including resort beaches, boating facilities, parks and trails that provide access to and along the shoreline.

D. Water Related Uses. Those uses which are not intrinsically dependent on a waterfront location to continue their operation, but whose operation in Pierce County cannot occur economically at this time, without a shoreline location. Examples of water related uses include but are not limited to the following:

1. Fish processing plants.
2. Dry dock storage.
3. Resorts.

E. Nonwater Related Uses. Those uses which do not need a waterfront location to operate though easements or utility corridors for access to the water may be desired. Examples of nonwater related uses include but are not limited to the following:

1. Motels.
2. Warehouses and storage areas.
3. Office buildings.
4. Restaurants.

F. Prohibited Uses. Those uses which have no relation to the water or whose operations are intrinsically harmful to the shoreline. Examples of prohibited uses include but are not limited to the following:

1. Principal use commercial parking areas.
2. Junk yards.

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.30.010)

20.30.020 General Regulations.

The following regulations apply to commercial and light industrial developments in all shoreline environments:

A. Developers of commercial and light industrial activities must be able to demonstrate the following to the satisfaction of the appropriate reviewing authority:

1. Methods of erosion control to be utilized during and after project construction.
2. Solutions to the problems of contamination of surface waters, depletion and contamination of ground water supplies, and the generation of increased surface runoff where such runoff results in adverse downstream effects.
3. That the proposed development site is suited for commercial or light industrial development and will not cause severe negative impacts on the environment if the project is completed. Appropriate technical data including SCS Soils maps and interpretations should be used for this purpose.

B. Any proposed use determined by the appropriate County reviewing authority to be nonwater related shall be allowed only in those environments where not prohibited and upon determination that:

1. A water dependent or water related use is not reasonably expected to locate on the proposed site, due to topography, surrounding land uses, physical features, or due to the site's separation from the water; and/or
2. The proposed use will be of appreciable public benefit by increasing public use, enjoyment, or access to the shoreline.

C. Applications for Substantial Development Permits for Commercial or Light Industrial Developments will be approved only upon a determination that:

1. The proposal is also consistent with the area's zoning designation, or in the case of the Gig Harbor Peninsula, the area's environment designation; and
2. The proposed intensity of use is compatible with the surrounding area and the intent of the environment as stated in the Master Program. To this end, the appropriate reviewing authority may adjust and/or prescribe project dimensions, intensity of use, screening and setbacks as deemed appropriate.

D. Applications for Substantial Development Permits for Commercial and Light Industrial Uses must include plans for associated parking areas. Such plans shall be reviewed by the appropriate reviewing authority who shall attach conditions as necessary to assure that:

1. All proposed parking is appropriate and necessary for the proposed use.
2. All parking area is located upland of the use and buffered as necessary by landscaping or other means so as to be screened from view from the adjacent water body. Parking lot location and the height, width, and type of any screening shall be approved by the appropriate reviewing authority commensurate with local conditions. The location of a parking area other than upland of the

use is subject to a Conditional Use Permit.

E. Any building over thirty-five (35) feet in height above average grade occupied by the buildings shall be considered a conditional use and shall be subject to the Conditional Use Criteria in Chapter 20.40, High Rise Structures.

F. At other than marina locations, fuel storage tanks and pumps shall be located such that any leakage or spillage will not enter adjoining water bodies.

G. All loading and service areas which are not water dependent associated with commercial and light industrial developments shall be located on the upland side of the commercial activity or provisions must be made to screen the loading and service area.

H. The County may require provision for public access in commercial developments when the appropriate reviewing authority determines that such multiple use is in the public interest and unless the applicant can show that reasonable safety precautions preclude such access.

I. The required setback for all buildings and structures from any lot line or lines abutting the ordinary high water line or lawfully constructed bulkhead shall be as required by the appropriate reviewing authority, but in no case should the setback be less than thirty (30) feet unless a Variance is granted (does not apply to structures which require or are dependent on direct contiguous access to the water).

(Ord. 88-76S § 1 (part), 1988; Res. 22859 § 1 (part), 1981; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.30.020)

20.30.030 Environment Regulations - Uses Permitted.

A.

	Urban	Rural-Res.	Rural	Conserv.	Natural
Water Depend	Permitted SET <u>30</u>	Permitted SET <u>30</u>	Cond. Use SET <u>30</u>	Commer. Only * Cond. Only SET <u>30</u>	x
Water Related	Permitted SET <u>30</u>	Permitted SET <u>30</u>	Cond. Use SET <u>30</u>	Commer. Only *Cond. Use SET <u>30</u>	x
NonWater Related	Cond. Use	Cond. Use	Cond. Use	** <u>Neighborhood Commer. Only</u> Cond. Use SET <u>30</u>	x

Legend: Permitted = Permitted subject to General Regulations
 Cond. Use = Conditional use subject to General Regulations

x = Prohibited

* = Commercial only

** = Neighborhood Commercial only (Retail establishments scaled from 8,000 to 15,000 square feet servicing a localized population)

SET 30 = Indicates the minimum distance any commercial or light industrial structure must be set back from the ordinary high water mark. (Does not include structures which require or are dependent on direct contiguous access to water)

B. Light Industrial Development in a Conservancy Environment is prohibited.

(Ord. 88-76S § 1 (part), 1988; Res. 22859 § 1 (part), 1981; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.30.030)

Chapter 20.32

DREDGING

Sections:

- 20.32.010 Definition.
- 20.32.020 General Regulations.
- 20.32.030 Environment Regulations - Uses Permitted.

20.32.010 Definition.

Dredging is the removal of material from the bottom of a stream, river, lake, bay or other water body. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.32.010)

20.32.020 General Regulations.

The following regulations apply to dredging activities in all shoreline environments:

- A. Material dredged in conformance with State and Federal Water Quality Standards may be used in permitted landfill projects.
- B. Where regular navigation maintenance dredging is required, a long-range plan for disposal sites shall be filed with the Planning Department.
- C. Deep-water soil disposal shall be done only at approved disposal sites and only when material meets EPA criteria for deposit in open waters.
- D. When upland disposal and storage sites are selected, consideration shall be given to the effect on wildlife habitat, such site may be approved after consultation with the appropriate state agency/agencies.
- E. Disposal sites shall be protected as necessary by berms and outlets to remove suspended solids and insure that the quality or return water meets State Department of Ecology Standards.
- F. Disposal of dredged material on marshes, swamps or bogs is prohibited except in committed industrial areas having an adopted comprehensive plan.
- G. Gravel removal within the high water flow channel bed on rivers and streams shall be permitted for habitat improvement as requested by the Departments of Fisheries and Game, and for permitted structural installations.
- H. Removal of gravel from the high water flow channel bed for flood prevention purposes shall be permitted. Sand and gravel shall not be removed for the sole purpose of obtaining the materials.

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.32.020)

20.32.030 Environment Regulations - Uses Permitted.

- A. Urban, Rural-Residential and Rural Environments.
 - 1. Uses permitted subject to the general regulations:
 - a. Dredging and disposal of dredged material.

2. Uses permitted upon approval of a Conditional Use Permit:

- a. Dredging for the primary purpose of obtaining fill or construction material.

When deemed necessary, the County may impose such conditions as may be necessary to assure compliance with the purpose of this Chapter.

B. Conservancy Environment.

Dredging shall be permitted subject to general regulatory standards. Disposal of dredged material at other than the approved deep-water site for permitted structural installations and flood control shall be subject to Conditional Use requirements.

C. Natural Environment.

Dredging and material disposal are permitted only for habitat maintenance and improvement in consultation with the State Departments of Fisheries and Game and shall be subject to Conditional Use requirements. An Environmental Impact Statement is required.

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.32.030)

Chapter 20.34

EDUCATIONAL AND ARCHEOLOGICAL AREAS AND HISTORIC SITES

Sections:

- 20.34.010 Definition.
- 20.34.020 General Regulations.
- 20.34.030 Environment Regulations - Uses Permitted.

20.34.010 Definition.

This use activity category includes significant archeological sites or excavations, ghost towns, military forts, old settlers homes, historic trails, kitchen middens, interpretive centers, or any other site, facility, or structure which is educationally significant. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.34.010)

20.34.020 General Regulations.

The following regulations apply to Educational and Archeological sites and Historical areas in all Shoreline environments:

- A. Pierce County shall maintain an inventory of all known or discovered archeological areas, ancient villages, military forts, old settlers homes, ghost towns, and historical trails. The Pierce County Planning and Building Departments and the County Assessor-Treasurer's Office shall maintain an up-to-date file on the above mentioned sites. When preservation of such areas is recommended by consultants such preservation shall be a priority consideration in evaluating Substantial Development permit applications.
- B. Pierce County shall appoint the Pierce County Arts Commission or its successor or an agency committee, or commission as designated by the Pierce County Council to periodically review, investigate, and make recommendations to the Pierce County Council on buildings, structures or places of historic significance located along the shorelines of Pierce County which should be preserved or protected.
- C. All shoreline permits shall contain provisions which require developers to notify local governments if any archeological artifacts or data are uncovered during excavations. Permits issued in areas known to contain archeological artifacts and data shall have provisions providing for a site inspection and evaluation by an archeologist. Cost for inspection and evaluation of the site will be the responsibility of the developer. This condition shall require the approval by the local government before work can begin or resume on a project. Significant archeological data or artifacts shall be recovered before work resumes or begins on a project.
- D. Where possible, sites shall be permanently preserved for scientific study, education, and public observation.
- E. Consideration shall be given to the National Historic Preservation Act of 1966 and Chapter 43.51 RCW to provide

for the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures and objects significant in American and Washington history, architecture, archeology or culture.

F. Access trails to shorelines shall pass protected, educational, historical, and archeological sites and areas.

G. Attempts shall be made in the restoration of sites, to point out the significance of the site and its location in relation to the flora and fauna.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.34.020)

20.34.030 Environment Regulations - Uses Permitted.

A. Urban Environment.

1. Educational and archeological areas and historical sites shall be permitted subject to the general regulatory standards.

2. Interpretive centers are allowed subject to the general regulatory standards and upon obtaining a Conditional Use permit.

B. Rural-Residential Environment.

Same as Urban.

C. Rural Environment.

Same as Urban.

D. Conservancy Environment.

Same as Urban.

E. Natural Environment.

Same as Urban.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.34.030)

Chapter 20.36

EFFLUENT DISPOSAL

Sections:

- 20.36.010 Definition.
- 20.36.020 General Regulations.
- 20.36.030 Environment Regulations - Uses Permitted.

20.36.010 Definition.

The liquid discharge of waste water, i.e., water used in an industrial process or sewage. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.36.010)

20.36.020 General Regulations.

The following regulations apply to sewage disposal facilities in all shoreline environments:

- A. Sewage disposal facilities for any proposed use shall meet all applicable State and local standards and regulations, including those of the Department of Ecology, Department of Social and Health Services, Tacoma-Pierce County Health Department and Pierce County Utilities Department and those found in zoning and subdivision ordinances. These regulations shall be strictly enforced in shoreline areas.
- B. Any use for which a sewage disposal facility using a drainfield is proposed along the shoreline shall be on a lot which at a minimum shall meet applicable State and County regulations.
- C. Outfalls which may result in decertification of shellfish production areas are prohibited.
- D. A Substantial Development permit for an effluent outfall shall not be issued if the State Department of Fisheries determines that it will interfere with the potential of the area involved for commercial aquaculture.
- E. No untreated effluent from an existing use or a proposed use shall be allowed to enter the waters of Pierce County. All regulatory standards shall be met by all County and State agencies listed in A.
- F. Septic tank effluent shall not be directed into storm sewers.

(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.36.020)

20.36.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
Sewage collection and treatment facilities shall be permitted subject to the general regulatory standards.
- B. Rural-Residential Environment.
Same as Urban.
- C. Rural Environment.
Same as Urban.
- D. Conservancy Environment.
 - 1. Sewage treatment for individual single family

residences are permitted subject to the general regulatory standards.

2. Community collection and treatment facilities shall be permitted subject to the general regulatory standards and obtaining a Conditional Use permit.

E. Natural Environment. No sewage treatment facilities shall be permitted except treatment facilities used for individual single family residences. These facilities will be subject to the general regulatory standards where applicable.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.36.030)

Chapter 20.38

FOREST MANAGEMENT PRACTICES

Sections:

- 20.38.010 Definition.
- 20.38.020 General Regulations.
- 20.38.030 Environment Regulations - Uses Permitted.

20.38.010 Definition.

Forest Management Practices are those forestry practices which include:

- A. site preparation and regeneration;
- B. protection from insects, fire and disease;
- C. silvicultural practices such as thinning, release from competing vegetation, and fertilization; and
- D. harvesting including the engineering and road construction necessary for logging and administrative access.

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.38.010)

20.38.020 General Regulations.

The following regulations apply to forest management practices in all shoreline environments:

- A. Roads and Bridges.
The Forest Practices Act RCW 76.09 and its rules and regulations shall apply.
- B. Harvesting Operations.
The Forest Practices Act RCW 76.09 and its rules and regulations shall apply.
- C. Reforestation.
The Forest Practices Act RCW 76.09 and its rules and regulations shall apply.
- D. Chemical Application. The Forest Practices Act RCW 76.09 and its rules and regulations shall apply.

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.38.020)

20.38.030 Environment Regulations - Uses Permitted.

- A. Urban, Rural-Residential, Rural and Conservancy.
The Forest Practices Act RCW 76.09 and its rules and regulations shall govern forest management practices in the Urban, Rural-Residential, Rural and Conservancy Environments.

- B. Natural Environment.

Commercial harvesting of merchantable timber is permitted within the areas designated Natural Environment, only when the following restrictions are satisfied:

- a. Shoreline Management Zone - Special Restrictions.
The removal of all vegetation and trees which are located within 50 feet, measured horizontally from the ordinary high water mark along the shoreline, is prohibited; provided that, tall merchantable trees may

be removed if, in the opinion of the Department of Natural Resources forest practices compliance inspector, said tall merchantable tree is likely to be blown down by winds or otherwise fall into the river.

b. Steep Slopes and Bluffs. Bluffs, cliffs, and slopes which are steeper than 70 degrees as measured from the horizontal plane, shall not be disturbed in any manner during the logging operation. Cables, and other tree removal devices shall not be utilized when they will be touching said slopes.

c. Prevention of Siltation and Slides. Special care shall be taken to prevent siltation and slides. Vegetation and nonmerchantable trees shall not be removed from within 25 feet of any Type 2, 3, 4, and 5 streams as defined by the Washington State Forest Practices Act as measured from the middle of said stream; provided that a small amount of vegetation may be removed in order to replant trees and comply with safety regulations.

d. Notice of Operation in Natural Designated Areas. The operator of a logging operation shall submit copies of all documents required to be submitted to the Department of Natural Resources, to the Pierce County Planning Department at least 30 days prior to the start of any logging operation within an area designated Natural by the Pierce County Shoreline Master Program.

e. Staggering of Harvesting Operations. Clearcut harvesting operations within areas designated as "Natural Environment" must be staggered or staged. Staggering or staging the harvesting means that the operator cannot clearcut a continuous distance of more than 1/2 mile along any shoreline section designated Natural without leaving the same percentage of his adjoining shore line ownership in it unharvested condition for a period of ten (10) years from satisfactory reforestation as defined in the State Forest Practices Regulations.

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.38.030)

Chapter 20.40

HIGH RISE STRUCTURES

Sections:

- 20.40.010 Definitions.
- 20.40.020 Environment Regulations - Uses Permitted.
- 20.40.030 Conditional Use Criteria.

20.40.010 Definitions.

A. High Rise Structures shall mean any building or structure of more than 35 feet in height above average grade level.

B. Average Grade Level shall mean the average of the natural or existing topography at the center of all exterior walls of a building or structure to be placed on a site, PROVIDED that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.

C. Height shall be measured from average grade level to the highest point of the structure, PROVIDED, that appurtenances such as television antennae and chimneys shall not be used in calculating the height.

(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.40.010)

20.40.020 Environment Regulations - Uses Permitted.

A. Urban, Rural-Residential, Rural, Conservancy, and Natural Environments:

1. Uses permitted outright:

High rise buildings and structures related to water dependent uses in committed industrial or terminal areas when views from a substantial number of residences will not be obstructed.

2. Uses permitted upon obtaining a Conditional Use Permit:

All other high rise structures comprising a principal or accessory use of a lot, tract or parcel of land.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.40.020)

20.40.030 Conditional Use Criteria.

The uses listed above as conditional uses will be allowed only after the appropriate County reviewing authority determines that the proposed structure is consistent with the following applicable conditional use criteria and will cause no unreasonable adverse effects on the environment and other uses:

A. Views from adjacent residential properties will not be unduly impaired.

B. Adequate separation will be maintained between the high rise structures and adjacent properties.

C. High rise structures will not interfere with the public use of public shorelines.

D. The uses and enjoyment of adjacent properties will not

be unduly diminished due to the height of the high rise structure or to the size of the lot upon which it is located, or the location of the structure on the site.

When deemed necessary, the County may impose such conditions as may be necessary to assure compliance with the purpose of this Chapter.

(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.40.030)

UNOFFICIAL DOCUMENT

Chapter 20.42

JETTIES AND GROINS

Sections:

- 20.42.010 Definition.
- 20.42.020 General Regulations.
- 20.42.030 Environment Regulations - Uses Permitted.

20.42.010 Definition.

Jetties and Groins are structures designed to modify or control sand movement. They are erected at right angles to the shoreline. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.42.010)

20.42.020 General Regulations.

The following regulations apply to jetties and groins in all shoreline environments:

- A. The construction of jetties and groins shall be permitted only in special cases where social and technical consideration demonstrates overall public benefit.
- B. Sand movement and the effect of proposed jetties or groins on that sand movement shall be considered. Provisions shall be made to minimize potential adverse effects on natural systems caused by jetties and groins. Cost shall be borne by the person who develops the jetty or groin.
- C. Special attention shall be given to the effect these structures will have on wildlife propagation and movement, and to a design of these structures which will not detract from the aesthetic quality of the shoreline.
- D. Jetties and groins shall only be permitted for navigational purposes, industrial activity, marinas and recreational activities, but such structures remain subject to the criteria stated herein.
- E. Design for new jetties shall incorporate provision for public access such as sightseeing and public fishing if the appropriate authority determines such access to be feasible and desirable.

(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.42.020)

20.42.030 Environment Regulations - Uses Permitted.

A. Urban Environment.

Subject to the general regulatory standards of this Chapter, the following uses are permitted:

Uses permitted outright:

Jetties and Groins

B. Rural-Residential Environment.

Subject to the general regulatory standards of this Chapter, the following uses are permitted:

Uses permitted outright:

Same as Urban.

C. Rural Environment.

Subject to the general regulatory standards of this Chapter, the following uses are permitted:

Uses permitted outright:

Same as Urban.

D. Conservancy Environment.

Subject to the general regulatory standards of this Chapter, the following uses are permitted:

Uses permitted upon approval of a Conditional Use Permit:

Jetties and Groins

E. Natural Environment.

Jetties and Groins are prohibited.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.42.030)

Chapter 20.44

LANDFILLS

Sections:

- 20.44.010 Definition.
- 20.44.020 General Regulations.
- 20.44.030 Environment Regulations - Uses Permitted.

20.44.010 Definition.

Landfill is the creation of dry upland area by filling or depositing of sand, soil or gravel into a wetland area. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.44.010)

20.44.020 General Regulations.

The following regulations apply to all landfill projects in all shoreline environments:

- A. Fills which do not extend waterward more than five feet on a horizontal plane from ordinary high water may be permitted upon determination by the County that no environmental harm will result; however, fills located landward of the ordinary high water are preferred.
- B. Landfills extending waterward more than five feet on a horizontal plane from ordinary high water will be allowed as a conditional use, when it can be clearly shown that all the general regulations herein and the Shoreline Management Act are satisfied.
- C. Filling for the purpose of creating new land shall be permitted only for ports and water dependent public and private uses.
- D. Landfills are prohibited in marshes, bogs and swamps except in committed industrial areas, having an adopted comprehensive plan and when there is a demonstrated public benefit as determined by the County and when no significant loss of habitat will result. In other water retention or groundwater recharge areas, the need for fill in such a site must be demonstrated by the applicant.
- E. All perimeters of cuts and fills shall be provided with vegetation, riprap, retaining walls, or other approved means for erosion prevention.
- F. Fill materials shall not cause violation of water quality standards or otherwise be toxic to humans or to fish and wildlife.

(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.44.020)

20.44.030 Environment Regulations - Uses Permitted.

- A. Urban, Rural-Residential, Rural and Conservancy Environments.

Subject to the general regulatory standards of this Chapter, the following uses are permitted:

- 1. Uses permitted subject to the general regulations:
 - a. Landfills extending waterward less than five

feet on a horizontal plane from ordinary high water.

b. Landfills extending waterward more than five feet from ordinary high water only when said landfill constitutes backfill for a bulkhead which ties into an existing adjacent bulkhead as permitted in Chapter 20.28.

2. Uses permitted upon approval of a Conditional Use Permit:

a. Landfills for water dependent or water related uses only, extending waterward more than five feet on a horizontal plane from ordinary high water.

B. Natural Environment.

Landfill is prohibited in the Natural Environment.

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.44.030)

Chapter 20.46

LAUNCHING RAMPS

Sections:

- 20.46.010 Definitions.
- 20.46.020 General Regulations.
- 20.46.030 Environment Regulations - Uses Permitted.

20.46.010 Definitions.

- A. Launching Ramps are areas developed for boating ingress and egress.
 - B. Public Launching Ramps are launching ramps that are used by the public. Ownership of the facilities can be either private or public.
 - C. Private Launching Ramps are launching ramps that are not open to use by the public.
- (Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.46.010)

20.46.020 General Regulations.

The following regulations apply to launching ramps in all shoreline environments:

- A. Private boat launching ramps, associated with single family residences, where appropriate, may be permitted.
 - B. Before granting approval of a permit to allow any launching ramp, the appropriate reviewing authority shall be satisfied that:
 - 1. There is a demonstrated need for the facility in the subject location and that physical conditions such as natural flushing are capable of handling the proposed intensity of use.
 - 2. Adequate facilities for the efficient handling of sewage and litter will be provided.
 - 3. The ramp will be designed not to obstruct the littoral drift.
 - 4. Important navigation routes or recreation areas will not be obstructed.
 - 5. Adequate separation will be maintained between the structure and adjacent properties and structures.
 - 6. There will be no interference with public use of public shorelines.
 - 7. Parking, if required, is provided at a level which is consistent with the desired intensity of use of the facility.
 - 8. Adequate separation and buffers can be maintained between the facility's associated parking area and adjacent properties.
 - 9. Adequate separation will be maintained between associated swimming beaches.
- (Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.46.020)

20.46.030 Environment Regulations - Uses Permitted.

A. Urban Environment.

Launching ramps are permitted subject to the general regulatory standards of this Chapter.

B. Rural-Residential Environment.

Same as Urban.

C. Rural Environment.

Same as Urban.

D. Conservancy Environment.

Same as Urban.

E. Natural Environment.

Launching ramps are prohibited.

(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.46.030)

Chapter 20.48

LOG STORAGE AND RAFTING

Sections:

- 20.48.010 Definition.
- 20.48.020 General Regulations.
- 20.48.030 Environment Regulations - Uses Permitted.

20.48.010 Definition.

Log Storage and Rafting is the temporary storage of commercial timber in the water or on the upland area adjacent to the shoreline. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.48.010)

20.48.020 General Regulations.

The following regulations apply to Log Storage and Rafting in all Shoreline environments:

- A. Log storage and handling shall not be permitted in public waters where State Water Quality Standards cannot be met at all times by the permitted activity.
- B. Easy let-down devices shall be used for placing logs in the water.
- C. Bundled logs shall be secured in bundles on land before being placed in the water. Bundles shall not be opened again except on land or at millside.
- D. Provisions shall be made to securely retain all logs, chunks, end-trimmings and other wood or bark particles of significant size within log dumps, rafting areas, and mill site handling zones.
- E. Accumulations of bark and wood debris on the land and docks around dump sites and upland storage sites shall be kept out of the water. After cleanup disposal shall be at an upland site where leachate will not enter surface or ground waters.
- F. Dry land storage of logs shall be permitted subject to the following minimum regulations:
 - 1. Unpaved storage areas underlain by permeable soils shall have at least a four foot separation between ground surface and the winter water table.
 - 2. Dikes, drains, vegetative buffer strips and other means shall be used to ensure that surface runoff is collected and discharged from the storage area at one point, if possible. Runoff from dryland log storage determined by the State Department of Ecology to be contaminated shall receive appropriate consideration and action as prescribed by the Department of Ecology.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.48.020)

20.48.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.

Log dumping, storage and rafting shall be permitted subject

to the general regulatory standards and Conditional Use requirements.

B. Rural-Residential Environment.

Same as Urban.

C. Rural Environment.

Same as Urban.

D. Conservancy Environment.

Same as Urban.

E. Natural Environment.

Log dumping, storage and rafting are prohibited.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976;
prior Code § 65.48.030)

Chapter 20.50

MARINAS

Sections:

- 20.50.010 Definition.
- 20.50.020 Intent.
- 20.50.030 Environment Regulations - Uses Permitted.
- 20.50.040 Guidelines for Reviewing Substantial Development Permits.

20.50.010 Definition.

A marina is a commercial facility constructed for the purpose of providing rented or leased wet or dry storage for watercraft and providing other services to the tenant and other boaters. The following uses shall be considered accessory to a marina operation:

- A. Minor watercraft repair;
- B. Sale of parts;
- C. Wet moorage or dry storage of watercraft;
- D. Bait and tackle shops;
- E. Marine fueling station;
- F. Launching ramp, elevator, derrick, marine railway, or other launching apparatus;
- G. Administration facilities;
- H. Boat sales and rentals and passenger charter operations;
- I. Food services;
- J. Sewage disposal facilities.

(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.50.010)

20.50.020 Intent.

It is the intent of Pierce County to encourage the construction of sizeable marinas in areas of adequate flushing action so as to secure economies of scale for the benefit of users and so as to minimize the number of shoreline areas which must be commercialized. Because good marina design involves many variables, construction shall require a Substantial Development Permit granted upon a finding by the appropriate County reviewing authority of consistency with the guidelines of Section 20.50.040. Building Permits are also required. (Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; prior Code § 65.50.020)

20.50.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
Marinas are allowed subject to the general regulatory standards and obtaining a Substantial Development Permit.
- B. Rural-Residential Environment.
Same as Urban.
- C. Rural Environment.
Same as Urban.
- D. Conservancy Environment.
Marinas are prohibited.

E. Natural Environment.

Same as Conservancy.

(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.50.030)

20.50.040 Guidelines for Reviewing Substantial Development Permits.

Development Guidelines. In lieu of specific standards relating to design, location, bulk and use, the following guidelines shall be applied by the County's reviewing authority to a site specific project application for Substantial Development Permit in arriving at a satisfactory degree of consistency with the policies and criteria set forth in this Chapter. To this end, the County may extend, restrict, or deny an application to achieve said purposes.

A. Important navigational routes or marine oriented recreation areas will not be obstructed or impaired;

B. Views from surrounding properties will not be unduly impaired;

C. Ingress-egress as well as the use and enjoyment of the water or beach on adjoining property is not unduly restricted or impaired;

D. Public use of the surface waters below ordinary high water shall not be unduly impaired;

E. The intensity of the use or uses of any proposed marina shall be compatible with the surrounding environment and land and water uses;

F. In areas identified by the Department of Fisheries, Game or Natural Resources in accordance with a study in existence at the time of application as having a high environmental value for shellfish, fish life or wildlife, a marina shall not be allowed unless it can be conclusively established that the marina will not be detrimental to the natural habitat.

G. The proposed site must have the flushing capacity required to maintain water quality. Application for a marina shall be approved in a constricted body of salt water (width at the entrance less than half the distance from the entrance to the inner most shoreline) only if 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.

H. Parking areas associated with marinas must be set back from the water and screened with the dual objective of making the area as visually unobjectionable as possible and that they are not located on the upland immediately adjacent to the water. Sufficient spaces must be provided for the parking load normal to a non-holiday summer weekend.

I. All piers, docks, and floats shall be constructed and maintained in a safe and sound condition.

J. Pilings employed in piers or any other structure shall have a minimum vertical clearance of one foot above extreme high water.

K. When plastics or other nondegradable materials are used

- in pier construction, precautions shall be taken to ensure their containment.
- L. The dock facilities should be equipped with adequate lifesaving equipment such as life rings, hook and ropes.
- M. Accessory buildings, such as storage sheds and service repair buildings shall be located away from the mean high water mark and adequately screened.
- N. Any structure, with the exception of derricks or other launching devices, which exceeds a height of 35 feet shall be considered a conditional use.
- O. Adequate facilities for the prevention and control of fuel spillage must be incorporated into the marina proposal.
- P. Marina operators shall post all regulations pertaining to handling and disposal of waste, sewage, or toxic materials where all marina users may easily read them.
- Q. Adequate garbage or litter receptacles shall be provided and maintained by the marina operator at several locations convenient to users.
- R. All marinas should provide restrooms for the boaters' use. They should be kept clean, located within 200 feet from the dock or pier, there should be one toilet and handwashing facility for each sex per 50 moorage sites; signs should be posted such that the restrooms are readily identifiable.
- S. Boaters should not use their marine toilets while moored unless these toilets are self-contained or have an approved treatment device. Signs stating this should be posted where they are readily visible to all boaters.
- T. Marinas may be required to provide facilities for dumping of holding tanks.
- U. Swimming shall be prohibited within marina facilities unless the swimming area is adequately separated and protected.
- V. Proposals for marinas shall indicate how the applicant intends to incorporate launch facilities or shall state why such facilities are not included in the project.
- W. Covered moorages are not permitted in areas determined by the appropriate reviewing authority to be scenic value.
- X. Where covered moorages are utilized, a dock shall be provided to the public for viewing the water and for fishing when feasible and appropriate.
- Y. All marina developments must comply with Department of Fisheries and Department of Social and Health Services regulations pertaining to marina construction and location.
- (Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.50.040)

Chapter 20.52

MINING

Sections:

- 20.52.010 Definition.
- 20.52.020 General Regulations.
- 20.52.030 Environment Regulations - Uses Permitted.

20.52.010 Definition.

Mining is the removal of naturally occurring materials from the earth for beneficial uses. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.52.010)

20.52.020 General Regulations.

The following regulations apply to mining in all environments:

- A. No materials shall be removed from a floodway or lakebed for the primary purpose of obtaining the material.
- B. The removal of naturally occurring inorganic materials from the intertidal area along marine beaches shall be prohibited unless for purposes of fish and wildlife habitat improvement. Excavation for the maintenance, repair or construction of shoreline structures such as bulkheads, piers, jetties and groins are subject to the Master Program regulations governing those activities.
- C. The removal of 10,000 tons or more of naturally occurring inorganic materials or disturbance of more than 2 acres of land within designated wetland areas in one section shall require an Environmental Impact Statement.
- D. Any proposed mining activity within the geographical jurisdiction of the Shoreline Management Act shall maintain public values by:
 - 1. Doing no permanent significant damage to the environment.
 - 2. Providing for restoration subsequent to completion of the project in compliance with the conditions of the Substantial Development permit.
 - 3. Maintaining visual and aural screening of the operation as defined by the conditions of the substantial development permit.
 - 4. Maintaining buffers of at least 50 feet around mining activity, preferably of native vegetation, for additional visual and aural screening and for dust settling.
 - 5. Complying with the provisions of the Washington State Surface Mining Act and the provisions required under the Unclassified Use Permit section of the Pierce County Zoning Code.
- E. Operators shall not leave pits subject to flooding and subsequent stranding of fish.
- F. When rock, sand, gravel and other minerals are removed from the shoreline areas, protection against sediment and silt production shall be provided in compliance with the conditions of the Shoreline Substantial Development permit.

G. The exploration for and subsequent production of petroleum products within the geographical jurisdiction of the Shoreline Management Act shall be considered incompatible with the intent of the Act.

H. Removal of any inorganic material from a floodway or lakebed should be for stream or habitat improvement purposes or for structural installations performed by this Master Program and shall be in conformance with the technical provisions of the Departments of Fisheries and Game under jurisdiction of the Hydraulics Act.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.52.020)

20.52.030 Environment Regulations - Uses Permitted.

A. Urban Environment.

Mining shall be permitted subject to the general regulatory standards and upon obtaining a Conditional Use permit.

B. Rural-Residential Environment.

Same as Urban.

C. Rural Environment.

Same as Urban.

D. Conservancy Environment.

Same as Urban.

E. Natural Environment.

Mining shall not be permitted.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.52.030)

Chapter 20.54

OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS

Sections:

- 20.54.010 Definition.**
- 20.54.020 General Regulations.**
- 20.54.030 Environment Regulations - Uses Permitted.**

20.54.010 Definition.

Signs are public displays whose purpose is to provide information, direction, or advertising. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.54.010)

20.54.020 General Regulations.

The following regulations apply to outdoor advertising, signs and billboards in all shoreline environments.

- A. The location, erection and maintenance of all signs must comply with the Pierce County Sign Code.
- B. Off-premise outdoor advertising signs, displays and billboards are prohibited in all shoreline environments.
- C. The appropriate reviewing authority must be satisfied that proposed commercial signs, warning signs, informational signs, etc. will be designed, located, and maintained in a manner that will not restrict the enjoyment of the shoreline resource.
- D. No signs will be erected or maintained upon trees, or drawn or painted upon rocks or other natural features.
- E. The height of any building mounted sign shall not extend above the highest exterior wall of the building to which the sign relates.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.54.020)

20.54.030 Environment Regulations - Uses Permitted.

A. Urban Environment.

- 1. Commercial signs, warning signs, and informational signs are permitted subject to the general regulatory standards.
- 2. Signs may be illuminated; however, signs which blink or flash, or which have changing images, or which in any way give an appearance of movement are prohibited.
- 3. Strings of pennants, banners or streamers, festoons of lights, clusters of flags, wind-animated objects, balloons, and similar devices of a carnival nature are prohibited. Not prohibited are National, State and institutional flags properly displayed or temporary decorations customary for special holidays such as Independence Day, Christmas and similar events of a public nature.

B. Rural-Residential Environment. Same as Urban.

C. Rural Environment.

Same as Urban.

D. Conservancy Environment.

1. Warning signs and informational signs are permitted in the Conservancy and Natural environments subject to the general regulatory standards.

2. Not prohibited are National, State and institutional flags properly displayed or temporary decorations customary for special holidays such as Independence Day, Christmas and similar events of a public nature.

E. Natural Environment.

Same as Conservancy.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.54.030)

Chapter 20.56

PIERS AND DOCKS

Sections:

- 20.56.010 Definitions.
- 20.56.020 Intent.
- 20.56.030 Environment Regulations - Uses Permitted.
- 20.56.040 General Criteria and Guidelines for Reviewing Substantial Development Permits.

20.56.010 Definitions.

- A. Dock. A "Dock" shall mean a structure which abuts the shoreline and floats upon the water and is used as a landing or moorage place for marine transport or for recreational purposes.
- B. Pier. A "Pier" shall mean a structure which abuts the shoreline and is built over the water on pilings and is used as a landing or moorage place for marine transport or for recreational purposes.
- C. Float. A "Float" shall mean a structure comprised of a number of logs, boards, barrels, etc., fastened together into a platform capable of floating on water, used as a landing or moorage structure for marine transport or for swimming purposes. Floats are either attached to a pier or are anchored to the bedlands so as to allow free movement up or down with the rising or falling water levels.
- D. Gangway. A "Gangway" shall mean a sloping structure which provides access from a pier to a float.
- E. Intrusion into the Water. "Intrusion into the Water" shall mean the length of a dock or pier together with any attached structures such as a gangway and/or float measured along a perpendicular line from the ordinary high water line or lawfully established bulkhead to the most seaward projection of the structure.
- F. Length Parallel to Shore. "Length Parallel to Shore" shall mean the width of a pier or dock at its widest point measured parallel to the shoreline or the combined width of a pier, dock, and any attached structures such as a float at the widest point.
- G. Fetch. "Fetch" shall mean the horizontal distance across a body of water measured in a straight line from the most seaward point along the ordinary high water line or lawfully established bulkhead on a given stretch of shoreline to the closest point on the ordinary high water line or lawfully established bulkhead on the opposite shoreline.
- H. Opposite Shore. "Opposite Shore" shall mean the area of shoreline across a body of water, from a given lot or tract of land that lies within an arc, the centerpoint of the arc being the mid-point of a base line which is a straight line drawn between the point of intersection of one lot sideline with the shoreline and the intersection of the opposite side lot line with the shoreline; the length of said radius being

the distance between the mid-point of said line and the intersection of said radius line with the shoreline across the body of water measured perpendicular to the base line.

I. Single Use Pier or Dock. "Single Use Pier or Dock" shall mean a dock or pier including a gangway and/or float which is intended for the private noncommercial use of one individual or family.

J. Joint Use Pier or Dock. "Joint Use Pier or Dock" shall mean a pier or dock including a gangway and/or float which is intended for the private, noncommercial use of not more than four waterfront building lot owners, at least one boundary of whose building lots lies within 1,000 feet of the boundary of the lot on which the joint use pier or dock is to be constructed.

K. Community Pier or Dock. "Community Pier or Dock" shall mean a pier or dock including a gangway and/or float which is intended for use in common by lot owners or residents of a subdivision or residential planned development district.

L. Public Recreational Pier or Dock. "Public Recreational Pier or Dock" shall mean a pier or dock including a gangway and/or float either publicly or privately owned and maintained intended for use by the general public for recreational purposes, but not to include docks constructed as part of a marine development.

M. Private Recreational Pier or Dock. "Private Recreational Pier or Dock" shall mean a pier or dock including a gangway and/or float which is owned and maintained by a private group, club, association or other organization and is intended for use by its members.

N. Commercial-Industrial Pier or Dock. "Commercial-Industrial Pier or Dock" shall mean a pier or dock including a gangway and/or float which is intended for any commercial or industrial use other than storage or moorage of boats used for recreational purposes.

O. Constricted Body of Water. "Constricted Body of Water" shall mean any tidal basin having a width at the entrance which is less than half of the inner distance, measured from the entrance to the innermost shoreline.

(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 19562-A § 1 (part), 1976; prior Code § 65.56.010)

20.56.020 Intent.

It is the intent of Pierce County to encourage the construction of joint use or community use docks and piers whenever feasible so as to lessen the number of structures projecting into the water. To this end, waterfront property owners are encouraged to explore the advantages of increased dock dimensions which are afforded by the construction of a joint or community use structure. (Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; prior Code § 65.56.020)

20.56.030 Environment Regulations - Uses Permitted.

A. Urban Environment.

1. Uses permitted outright: (The issuance of a building permit may be required.)

ILLUSTRATIONS OF MEASUREMENTS

W = Length Parallel to Shore

L = Intrusion into the Water

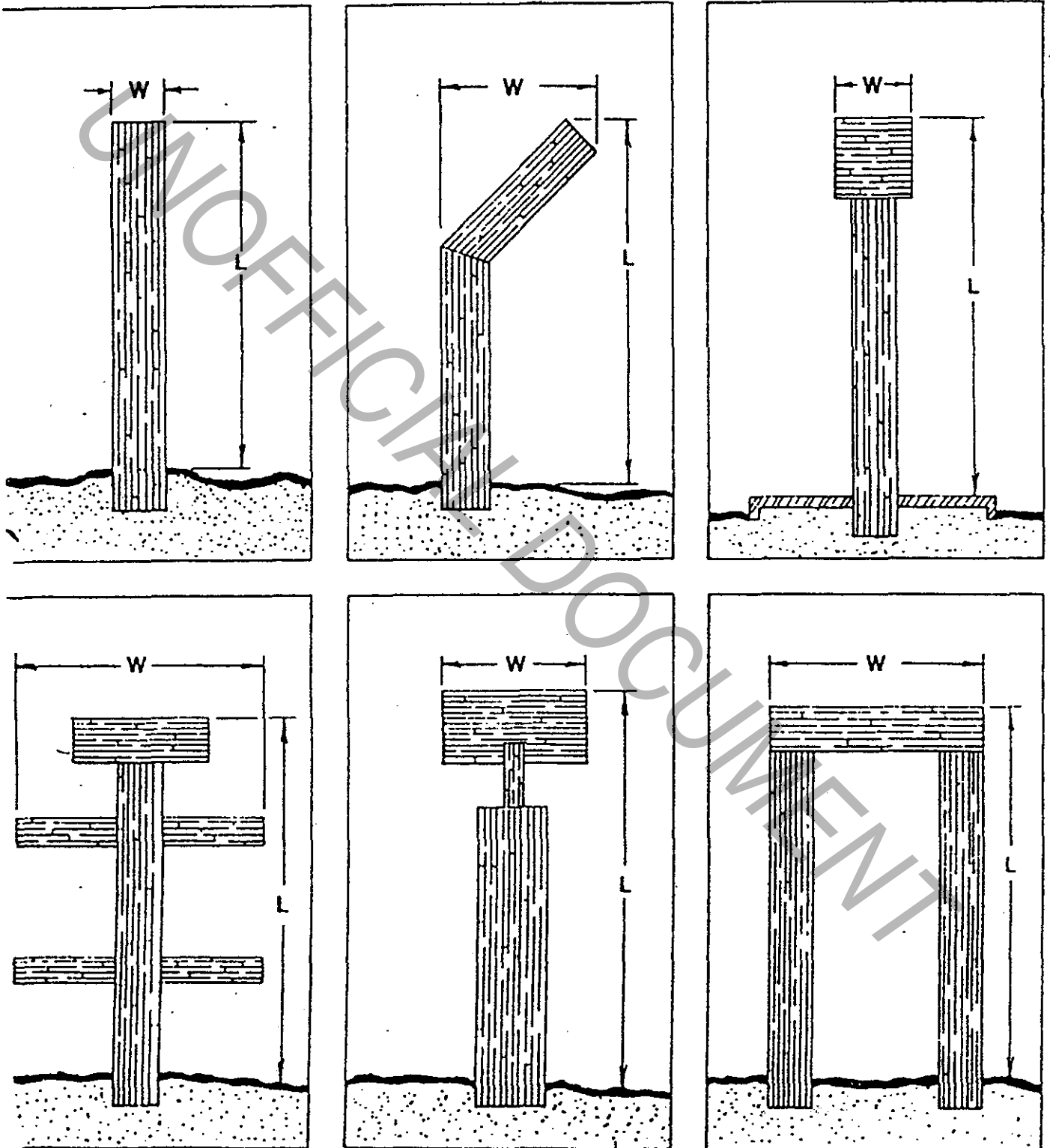
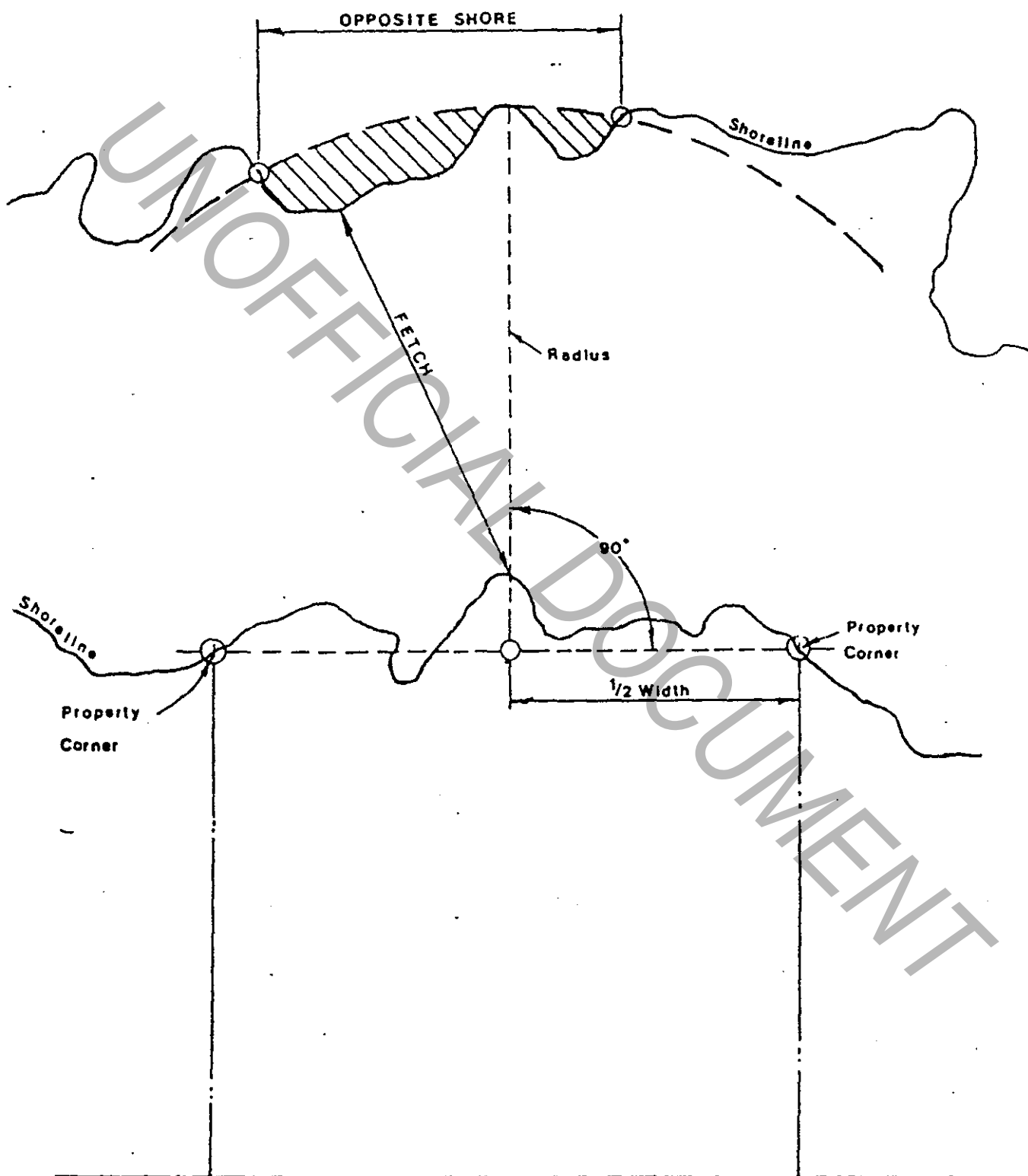


Figure 1

OPPOSITE SHORE



- a. Floating type navigation aids such as channel markers.
- b. Anchor buoys limited to one per lot owner or one per 100 feet of shoreline frontage.
- c. One uncovered float, pier and float, or dock as an accessory use and located on, or in front of the same lot, tract or parcel of land as a single family dwelling.

(1) The dock, pier or float shall be designed for swimming and/or mooring pleasure craft only, for the private noncommercial use of the owners, lessee or contract purchaser or the single family residence to which the float or dock is accessory provided the cost or fair market value, whichever is higher, does not exceed \$2,500.

(2) Floats shall be so anchored as to allow clear passage on all sides by small watercraft and shall extend at least eight inches above the water surface.

(3) Floats shall have an overall area not exceeding 100 square feet.

(4) Floats, piers, and docks shall be located not closer than ten feet to a side property line except for docks intended for joint use.

(5) Saltwater docks and piers shall have an intrusion into the water of not more than 50 feet or only so long as to obtain a depth of eight feet, whichever is less as measured at mean lower low water, except that the intrusion into water of any pier or dock on saltwater shall not exceed 15 percent of the fetch. Maximum length parallel to shore shall be eight feet.

(6) Fresh water docks and piers shall have an intrusion into the water of not more than 30 feet or only so long as to obtain a depth of eight feet, whichever is less as measured at ordinary high water; except that the intrusion into water of any dock or pier on fresh water shall not exceed 15 percent of the fetch. Maximum length parallel to shore shall be eight feet.

2. Uses permitted subject to the granting of a Shoreline Management Substantial Development Permit upon a finding by the appropriate County reviewing authority, of consistency with the criteria and guidelines of Section 20.56.040; and subject also to the granting of a building permit.

- a. Uses permitted outright in Subsection A.1., but which exceed the limitations set forth in Subsection A.1.;
- b. Joint use pier or dock, uncovered;
- c. Community pier or dock, uncovered;
- d. Recreational pier or dock, uncovered;

- e. Commercial and industrial pier, covered or uncovered;
 - f. Navigational aids, non-floating.
 - B. Rural-Residential Environment.
Same as Urban Environment.
 - C. Rural Environment.
Same as Urban Environment.
 - D. Conservancy Environment.
Same as Urban Environment, except only water dependent and water related commercial and light industrial piers are allowed as a conditional use.
 - E. Natural Environment.
Piers, docks and floats are prohibited.
- (Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 19562-A § 1 (part), 1976; prior Code § 65.56.030)

20.56.040 General Criteria and Guidelines for Reviewing Substantial Development Permits.

- A. Criteria. The granting of a Substantial Development Permit is dependent upon the County reviewing authority's determination that the proposed project is consistent with the policies of the Master Program and with the following criteria:
 - 1. Important navigational routes or marine oriented recreation areas will not be obstructed or impaired;
 - 2. Views from surrounding properties will not be unduly impaired;
 - 3. Ingress-Egress as well as the use and enjoyment of the water or beach on adjoining property is not unduly restricted or impaired;
 - 4. Public use of the surface waters below ordinary high water shall not be unduly impaired;
 - 5. A reasonable alternative such as joint use, commercial or public moorage facilities does not exist or is not likely to exist in the near future;
 - 6. The use or uses of any proposed dock, pier or float requires, by common and acceptable practice, a Shoreline location in order to function;
 - 7. The intensity of the use or uses of any proposed dock, pier and/or float shall be compatible with the surrounding environment and land and water uses.
- B. Development Guidelines - In lieu of specific standards relating to design, location, bulk and use, the following guidelines shall be applied by the County's reviewing authority to a site specific project application for Substantial Development Permit in arriving at a satisfactory degree of consistency with the policies and criteria set forth in this Chapter. To this end, the County may extend, restrict, or deny an application to achieve said purposes.
 - 1. All subdivisions containing ten or more lots proposed after the effective date of this amended Chapter which abut the shorelines of any saltwater body or lake, should make provision for a community dock. Individual docks shall not be permitted.
 - 2. In areas identified by the Department of Fisheries,

Game or Natural Resources in accordance with a study in existence at the time of application as having a high environmental value for shellfish, fish life or wildlife, piers, docks and floats shall not be allowed unless functionally necessary to the propagation, harvesting, testing or experimentation of said marine or wildlife, unless it can be conclusively established that the dock, pier or float will not be detrimental to the natural habitat.

3. All piers and docks shall be constructed and maintained in a safe and sound condition.

4. Pilings employed in piers or any other structure shall have a minimum vertical clearance of one foot above extreme high tide.

5. When plastics or other nondegradable materials are used in pier construction, precautions shall be taken to ensure their containment.

6. Single use piers and docks.

a. Maximum intrusion into water should be only so long as to obtain a depth of eight feet of water as measured at mean lower low water 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 should not exceed the lesser of 15 percent of the fetch or 150 feet on saltwater shorelines and 40 feet on freshwater shorelines.

b. Maximum length parallel to shore should not exceed eight feet.

c. A minimum separation of ten feet should be maintained between the structure and the side property lines extended at a right angle to the shoreline.

7. Joint use piers and docks.

a. Maximum intrusion into water should be only so long as to obtain a depth of eight feet of water as measured at mean lower low water on saltwater shorelines, or as measured at ordinary high water on freshwater shorelines, except that the intrusion into water of any pier or dock should not exceed the lesser of 15 percent of the fetch or 150 feet on saltwater shorelines and 40 feet on freshwater shorelines.

b. Maximum length parallel to shore shall be as determined by the appropriate reviewing authority.

c. Minimum separation between the structure and the side property lines extended at a right angle to the shoreline of any property not sharing in the use of the structure shall be as required by the appropriate reviewing authority.

d. Joint use piers and docks can be located on, or straddling the property line of adjacent waterfront property owners when mutually agreed to by the owners in a contract, a copy of which must be filed with the application for permit.

- e. Joint dock facilities should have no more moorage spaces than one space per waterfront owner using the dock.
- 8. Community and recreational piers and docks.
 - a. Maximum intrusion into water should be only so long as to obtain a depth of eight feet of water as measured at mean lower low water on saltwater shorelines, or as measured at ordinary high water on freshwater shorelines, except that the intrusion into water of any pier or dock should not exceed 15 percent of the fetch or 150 feet whichever is less.
 - b. Maximum length parallel to shore shall be as determined by the appropriate reviewing authority.
 - c. Minimum separation between the structure and the side property lines extended at a right angle to the shoreline shall be as determined by the appropriate reviewing authority.
 - d. Density of usage should not exceed the following:
 - (1) Public recreational pier or dock. One moorage for each ten feet of waterfront up to 200 front feet plus one moorage for each additional five front feet (e.g., a 50 boat public recreational pier or dock would require 350 front feet). For piers associated with marinas, see Marinas Section.
 - (2) Community pier or dock. One moorage for each 20 feet of waterfront up to 200 front feet plus one moorage for each additional ten front feet (e.g., a 20 boat community pier or dock would require 300 front feet).
 - (3) Private recreational pier or dock - One moorage for each 30 feet of waterfront up to 210 front feet plus one moorage for each additional 15 front feet (e.g., a 20 boat club pier and dock would require 405 front feet).
 - e. Applications for a community pier or dock, or a public or private recreational pier or dock should be approved in a constricted body of saltwater only if 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.
 - f. Developers of community or recreational piers and docks should provide some means of maintenance of the structure and the associated upland area to assure that the facility and associated ground will be adequately maintained.
 - g. Any parking area associated with a community or recreational pier or dock should provide parking spaces at a level which is consistent with the desired intensity of use of the pier or dock. Adequate separation and buffers should be

maintained between said parking area and adjacent properties.

h. In addition, all recreational piers or docks which are intended for use by the general public should comply with the following regulations:

- (1) An adequate number of approved sanitary waste containers should be located conveniently for boater utilization.
 - (2) The dock facilities should be equipped with adequate lifesaving equipment such as life rings, hook and ropes.
 - (3) Every facility should be in good repair and free from other safety hazards.
 - (4) All piers/docks with 25 or more moorage spaces should provide restrooms for the boaters' use. They should be kept clean, located within 200 feet from the dock or pier; there should be one toilet and handwashing facility for each sex per 25 moorage sites; signs should be posted such that the restrooms are readily identifiable.
 - (5) Boaters should not use their marine toilets while moored unless these toilets are self-contained or have an approved treatment device. Signs stating this should be posted where they are readily visible to all boaters.
 - (6) All community and recreational piers and docks may be required to provide facilities for dumping of holding tanks.
9. Commercial-Industrial pier or dock.
- a. Piers/docks will be permitted to the outer harbor line or combined U.S. Pierhead/Bulkhead Line for water dependent or water related uses.
 - b. Piers/docks extending to the outer harbor or combined U.S. Pierhead/Bulkhead Line will be permitted for multi-use facilities if the majority use is water dependent and public access is provided (when public safety can be assured).
 - c. Joint or shared use of piers and other saltwater structures is preferred over single purpose use.
 - d. The maximum intrusion of the water should be no more than that required for the draft of the largest vessel expected to moor at the facility and in no case should intrusion extend beyond the outer harbor line.
 - e. Any parking area associated with a commercial or industrial pier or dock should maintain adequate separation and buffers between adjacent properties and uses.
10. Floats. The design and placement of floats exceeding the limits of 20.56.030 A.1. shall be as determined by the appropriate County reviewing authority. Compliance with the general criteria and

guidelines for reviewing Substantial Development
Permits (20.56.040) is required.
(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res.
19562-A § 1 (part), 1976; prior Code § 65.56.040)

UNOFFICIAL DOCUMENT

Chapter 20.58

PORTS AND WATER RELATED INDUSTRY

Sections:

- 20.58.010 Definition.
- 20.58.020 General Regulations.
- 20.58.030 Environment Regulations - Uses Permitted.

20.58.010 Definition.

Ports are centers which provide services and facilities for the transfer of commodities to and from vehicles (water, air or land) of commerce and may provide the means for their protection, storage, maintenance and operation. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.58.010)

20.58.020 General Regulations.

The following regulations apply to port and water related industrial development in all shoreline environments:

- A. New ports and water related industry shall not be located in estuaries or on sites vital to maintenance of vital resources.
- B. New or expanded facilities for water transport of bulk crude petroleum shall be prohibited.
- C. Petroleum sump ponds shall be covered, screened and sheltered to prevent wildlife kill.
- D. Developers of port facilities or water related industry must be able to demonstrate the following:
 - 1. That the proposed use is dependent on a shoreline location.
 - 2. That the proposed development site is suited for port or industrial use and will not require large scale alterations thus causing severe negative impacts on the environment if the project is completed.
 - 3. That any proposed expansion will not occur on Class II agriculture land as determined by the Soil Conservation Service and consistent with greatest public need.
 - 4. That adequate means will be employed for the safe handling of toxic materials and fuels to prevent them from entering the water, and that adequate means will be employed for those spills that do occur.
 - 5. That proposed new piers, storage and parking areas are required for purposes that cannot be accommodated through shared use of existing facilities.
 - 6. That consideration has been given to and plans made to mitigate negative external effects on adjacent communities including but not limited to air, water and noise pollution, and loss of fish and wildlife habitat.
- E. Proposed port developments, expansions, alterations, or any phase thereof shall be consistent with an officially adopted long-range port development plan and shall be compatible with State and County land use plans, including the Shorelines Management Master Program.

F. Copies of the draft long-range development plans, or amendments, must be made available to the public through the County Planning Department at least thirty days prior to adoption.

G. Sewage treatment, water reclamation, desalinization, and power plants shall be located where they do not interfere with and are compatible with recreational, residential or other public uses of the water and shorelands.

H. In the development of new or expanded port facilities, consideration shall be given to resources and amenities existing on the proposed site. It shall be the developers' responsibility to prove that the value of the proposed port development, to the people of the State, is greater than the tangible and intangible values which the public will be required to forfeit.

I. Piers/docks will be permitted to the outer harbor line or combined U.S. pierhead/bulkhead line for water dependent or water related uses.

J. Piers/docks extending to the outer harbor or combined U.S. pierhead/bulkhead line will be permitted for multi-use facilities if the majority use is water dependent and public access is provided (when public safety can be assured).

K. Joint or shared use of piers and other saltwater structures is preferred over single purpose use.

L. The maximum intrusion into the water shall be no more than that required for the draft of the largest vessel expected to moor at the facility and in no case shall intrusion extend beyond the outer harbor line.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.58.020)

20.58.030 Environment Regulations - Uses Permitted.

A. Urban Environment.

Ports and water related industry are permitted subject to the general regulatory standards and Conditional Use requirements.

B. Rural-Residential Environment.

Same as Urban.

C. Rural Environment.

Same as Urban.

D. Conservancy Environment.

Ports and water related industries are prohibited.

E. Natural Environment.

Same as Conservancy.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.58.030)

Chapter 20.60

RECREATIONAL PRACTICES

Sections:

- 20.60.010 Definitions.
- 20.60.020 General Regulations.
- 20.60.030 Environment Regulations - Uses Permitted.

20.60.010 Definitions.

A. Recreation. Recreation is the refreshment of body and mind through forms of play, amusement or relaxation. This Section applies to publicly and privately owned shoreline facilities intended for use either by the public or a private club, group, association, or a facility constructed accessory to a multifamily residential development.

B. Water Dependent Uses. (Marinas and Boat Launch Facilities are considered under those titles).

All uses that are dependent on the water by reason of their intrinsic nature and cannot exist in any other location. Examples of water dependent uses include but are not limited to the following:

1. Swimming;
2. Boating;
3. Water skiing;
4. Skin diving;
5. Fishing;
6. Recreational shellfish harvesting;
7. Waterfowl hunting and observation;
8. Beachcombing;
9. Scenic viewing (including picnicking activities).

C. Water Related Uses. Recreational activities not intrinsically dependent on a shoreline location but which are made aesthetically more enjoyable by such location. Examples of water related uses include but are not limited to the following:

1. Hiking trails;
2. Bicycle paths;
3. Bridle paths;
4. Golf courses.

D. Nonwater Related Uses. Those uses which do not need a shoreline location although access easements to the shoreline may be required. Examples of nonwater related uses include but are not limited to the following:

1. Parking lots;
2. Food concessions;
3. Facilities for non-aquatic sports.

E. Low Intensity Park and Campground. Those parks and campgrounds not exceeding the following design criteria shall be considered low intensity:

1. Campsites shall be designed for single use only and shall be limited to a maximum density of five (5) units per acre;
2. Roads allowed within 200 feet of the line of

ordinary high water shall be single lane only and shall not be closer than 100 feet from ordinary high water;

3. Visitor information services shall be limited to information signs and trailhead markers constructed of natural materials;

4. Restroom and shower facilities associated with swimming beaches may not be located within the shoreline 200 foot zone except when these facilities are of a vault type construction or they are connected with a properly constructed and maintained sewer system. In these cases, such facilities may be located in the 200 foot zone, but shall be no closer than 100 feet from the ordinary high water mark, provided that the above provision shall not apply to sewage pump out-stations;

5. All nonwater related structures except picnic shelters shall be set back at least 200 feet from ordinary high water;

6. The removal of onsite native vegetation shall be limited to only that which is necessary for the development of campsites or other permitted structures or facilities.

(Ord. 88-76S § 1 (part), 1988; Res. 22859 § 1 (part), 1981; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.60.010)

20.60.020 General Regulations.

The following regulations apply to recreational practices in all shoreline environments:

A. In approving shoreline recreational developments, the appropriate County reviewing authority shall ensure that the development will maintain, enhance or restore desirable shoreline features including scenic views. To this end, the appropriate reviewing authority may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, parking requirements, and setbacks, as deemed appropriate to achieve this intent.

B. Sewage. Proposals for recreational developments must include plans for sewage disposal. All disposal facilities including privies and dry wells shall meet all applicable State and local standards and regulations. Where treatment facilities are not available, the appropriate reviewing authority shall limit the intensity of development to meet County and State requirements for onsite sewage disposal.

C. Proposals for recreational developments which would in the judgment of the appropriate reviewing authority substantially alter the natural characteristics of the shoreline will be considered a Conditional Use.

D. Underwater parks and artificial reefs established in cooperation with State agencies shall include safety provisions to warn boating traffic of their location.

E. Artificial reefs shall not contain materials toxic or otherwise hazardous to persons or to fish and wildlife.

F. Recreational beaches shall be retained in their natural state for water dependent multiple uses such as swimming,

clamming and beachcombing. Structural modifications which might cause erosion are prohibited.

G. Recreational developers who propose to use fertilizers, pesticides or other chemicals toxic to humans or to fish and wildlife must submit plans describing methods of preventing leachate from entering adjoining water bodies.

These plans should include the siting of buffer strips and where practical, the location of shade trees. The appropriate reviewing authority shall determine the maximum width necessary for buffer strips but in no case shall the buffer strip be less than 10 feet.

H. Public parking areas shall be provided wherever needed for off-road recreation user parking.

I. Motor vehicular traffic on beach and roadless shoreline areas is prohibited.

J. No recreational development shall unnecessarily interfere with public use of navigable waters.

K. No recreational building or structure excluding docks and boathouses shall be built over water.

L. Accesses for boats shall allow safe and convenient passage to the public water, dictated by the class of boats using the access.

(Ord. 88-76S § 1 (part), 1988; Res. 22859 § 1 (part), 1981; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.60.020)

20.60.030 Environment Regulations - Uses Permitted.

A. Urban, Rural-Residential, Rural and Conservancy Environments - The following specific regulations are applicable to the Urban, Rural-Residential, Rural and Conservancy Environments:

1. Recreational activities and facilities allowed in the Urban, Rural-Residential, Rural and Conservancy Environments shall be limited to those which are either water dependent or water related with the following exceptions:

a. ORV trails and areas shall be specifically prohibited.

b. Fishing piers in the Conservancy Environments are considered a Conditional Use.

c. Park and campground development allowed within 200 feet of the line of ordinary high water in the Conservancy Environment shall be limited to low intensity park and campground development; provided that high intensity uses are allowed in any park or campground beyond the 200 foot shoreline zone (see Section 20.60.010 for definition of low intensity park and campground).

d. Nonwater related activities and facilities may be allowed in the Urban, Rural-Residential and Rural Environments as Conditional Uses, provided it can be shown that:

(1) A water dependent or water related use cannot be reasonably expected to locate on the proposed site, due to topography,

surrounding land uses, physical features or other conditions; and

(2) The proposed use will be of appreciable public or community benefit by increasing public use, enjoyment, or access to the shoreline.

B. Natural Environment.

1. The following recreational activities and developments are permitted subject to the general regulatory standards contained herein:

- a. Bridle, bicycling and hiking trails;
- b. Viewpoints;
- c. Fishing and hunting access areas not requiring structural facilities.

2. Conditional Uses.

Walk-in campgrounds.

3. The following recreational activities are specifically prohibited:

- a. Golf courses;
- b. Structures for recreational purposes;
- c. ORV trails and areas;
- d. Resorts;
- e. High intensity parks;
- f. Paved trails.

(Ord. 88-76S § 1 (part), 1988; Res. 22859 § 1 (part), 1981; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.60.030)

Chapter 20.62

RESIDENTIAL DEVELOPMENT

Sections:

- 20.62.010 Definition.
- 20.62.020 Permit Exemptions.
- 20.62.030 General Regulations.
- 20.62.040 Environment Regulations - Uses Permitted.
- 20.62.050 Bulk Regulations.

20.62.010 Definition.

Residential development shall mean one or more buildings or structures or portions thereof which are designed for and used to provide a place of abode for human beings, including one and two family detached dwellings, multifamily residences, row houses, townhouses, mobile home parks and other similar group housing, together with accessory uses and structures normally common to residential uses including but not limited to garages, sheds, boat storage facilities, tennis courts, and swimming pools. Residential development shall not include hotels, motels, or any other type of overnight or transient housing or camping facilities. (Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.62.010)

20.62.020 Permit Exemptions.

The Shoreline Management Act exempts from obtaining a Substantial Development Permit the construction of any structure with a fair market value less than \$1,000, and the construction of a single family residence by an owner, lessee, or contract purchaser for his own use or the use of his family, if said residence does not exceed a height of thirty-five (35) feet above average grade level. Although these structures are exempt from obtaining a Substantial Development Permit, compliance with the prohibitions, regulations, and development standards of this Chapter is still required. (Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; prior Code § 65.62.020)

20.62.030 General Regulations.

Prior to the granting of a Substantial Development Permit, the appropriate County reviewing authority shall make a determination that the proposed project is consistent with the policies of the Master Program and the following regulatory standards:

- A. Prior to the approval of any residential development and associated roads and utilities pursuant to this Chapter, the appropriate reviewing authority shall be satisfied that:
 - 1. The proposed development site is suited for residential use and is not located in areas having significant hazard to life and property and likely to require future public funds to protect and rehabilitate.
 - 2. Adequate methods of erosion control will be utilized during and after project construction.

3. Disturbance of shoreline vegetation will be minimized.

4. Solutions will be provided to the problem of contamination of surface waters, depletion and contamination of ground water supplies and generation of increased runoff into water bodies.

5. All residential structures shall be landward of the extreme high water mark.

B. Bulkheading, filling, substantial regrading or any other similar structure or activity shall not be permitted when such structures or activities are clearly non-essential for the reasonable use or production of the lot or tract upon which it is located.

C. In any development project containing five or more residential sites, a commonly owned natural open space area shall be provided and maintained between the shoreline and the first tier of lots adjacent to the shoreline for the benefit, use and enjoyment of all lots within said subdivision and for the purpose of maintaining the natural visual appearance of the waterfront. However, if due to topography or other significant site characteristics, another site would be more appropriately used as open space, and it is determined that linear access is not required, the appropriate reviewing authority may allow an equivalent area to be utilized as open space.

D. All new platting on rivers of statewide significance shall include a pedestrian easement along the stream bank for the use of the public. Said easement shall be a minimum width on a horizontal plane from ordinary high water as necessary for a practical trail which will not damage stream banks.

E. All new platting on lakes and marine shorelines shall include pedestrian easements to public waters if the appropriate reviewing authority determines that adequate public access does not presently exist in the area.

(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.62.030)

20.62.040 Environment Regulations - Uses Permitted.

NOTE: The Pierce County Zoning Code and other County regulations also contain density, setback, and lot width requirements which are applicable in shoreline areas. These regulations must also be consulted, when appropriate, when developing on the shoreline. In case of a discrepancy between the requirements of this Code and the Zoning Code, or other regulations, the most restrictive regulation shall prevail.

A. Urban, Rural-Residential and Rural Environments. The following specific regulations are applicable to the Urban, Rural-Residential and Rural Environments.

1. The following uses are permitted outright in the Urban, Rural-Residential, and Rural Environments. The issuance of a building permit may be required:

a. Construction, within the prescribed setback, bulk and height limitations of a single family residence by an owner, lessee or contract

purchaser for his own or the use of his family.
b. The construction of single family residences within a subdivision for the purpose of sale where the construction of said residences and the subdivision meet all applicable Master Program requirements.

c. The following uses commonly accessory to single family residences constructed within the prescribed setback and height limitations:

- (1) Garages;
- (2) Sheds and storage facilities;
- (3) Bulkheads (see Chapter 20.28);
- (4) Piers, docks, buoys and floats (see Chapter 20.56).

d. Residential subdivisions, determined not to be substantial developments.

2. The following uses are permitted upon the issuance of a Substantial Development Permit and building permit, if appropriate:

a. The construction of single family residences for the purpose of sale which are not within a subdivision which has received prior approval of a Substantial Development Permit.

b. Two family detached dwellings (duplexes).

c. Residential subdivisions determined to be substantial developments.

d. Structures commonly accessory to dwellings other than those listed in Subsection A.1.c.

3. The following uses are permitted upon the issuance of a Substantial Development Permit, building permit as appropriate, and final approval of a development project pursuant to the County PDD ordinances:

a. Multifamily housing;

b. Residential subdivisions;

c. Row housing, townhouses, and other similar cluster type development;

d. Uses commonly accessory to dwellings.

4. The following use is permitted upon the issuance of a Shoreline Management Conditional Use Permit and building permits, as appropriate:

a. Mobile home parks: This use will be allowed only after the appropriate County reviewing authority determines that the proposed structure is compatible with surrounding uses and is consistent with the intent of the Master Program.

Note: When deemed necessary, the County may impose such conditions as may be necessary to assure compatibility with surrounding uses such as, but not limited to, screening, landscaping, and setbacks.

5. Density Requirements:

TYPE	MAXIMUM DWELLING UNITS PER NET ACRE (30,000 sq. ft.) OR PROPORTIONATELY FOR A FRACTION THEREOF*		
	URBAN	RURAL-RESIDENTIAL	RURAL
a. Subdivision, single family detached	3.33	3.1	1.5
b. Duplexes	4.4	4.0	2.0
c. Subdivision, group or cluster, prepared under PDD ordinance	5.5	5.0	5.0
d. Multifamily, prepared under PDD ordinance	15.0	10.0	8.0
e. Mobile home parks	5.5	5.0	5.0

- B. Conservancy Environment. The following specific requirements are applicable to the Conservancy Environment:
1. The following uses are permitted outright in the Conservancy Environment. The issuance of a building permit may be required:
Same as Urban Environment.
 2. The following uses are permitted upon the issuance of a Substantial Development Permit and a building permit, if appropriate:
 - a. The construction of single family residences for the purpose of sale which are not within a subdivision which has received prior approval of a Substantial Development Permit.
 - b. Subdivision of single family residences determined to be a substantial development.
 - c. Structures commonly accessory to dwellings other than those listed in Subsection A.1.c.
 3. Density requirements:

TYPE	MAXIMUM DWELLING UNITS PER NET ACRE (30,000 sq. ft.) OR PROPORTIONATELY FOR A FRACTION THEREOF*	
	URBAN	RURAL-RESIDENTIAL
a. Subdivision, single family detached		1.0
b. Subdivision, group or cluster, prepared under PDD ordinance		1.0

C. Natural Environment.
Residential development is prohibited in the Natural Environment.

*NOTE: Residential density is the average waterfront density which is based upon the net acre (e.g., 30,000 sq. ft.) for each lot being located within the two hundred foot horizontal plane distance measured from the ordinary high water mark or lawfully established bulkhead, or upland limit of any associated wetland as defined by Section 90.50.030(2)(f) of the Shoreline Management

Act; provided, that residential density may be based on total lot area in any subdivision or portion thereof, if as a condition of plat approval, all principal structures and uses in said subdivision or portion thereof are set back a distance of 125 feet or more from the ordinary high water mark, lawfully established bulkhead, or upland limit of an associated wetland. (Ord. 88-76S § 1 (part), 1988; Res. 22859 § 1 (part), 1981; Res. 21328 § 1 (part), 1979; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.62.040)

20.62.050 Bulk Regulations.

The following lot coverage, setback and height limitations shall be applicable to residential development in all shoreline environments. Exceptions may be made to the lot coverage and setback requirements if a project is developed pursuant to the Planned Development Ordinance.

A. Lot Coverage. Not more than 33-1/3 percent of the gross lot area shall be covered by impervious material including parking areas but excluding driveways.

B. Setbacks. All setbacks, with the exception of the setbacks from the ordinary high water line or lawfully established bulkhead, shall be as required by the Pierce County Zoning Code or other County regulations.

C. Special Setbacks for Shoreline Sites. The required setback for buildings and structures from any lot line or lines abutting the ordinary high water line or lawfully constructed bulkhead shall be 50 feet except that the special shoreline setback shall not apply to docks, floats, buoys, bulkheads, launching ramps, jetties and groins.

D. Exceptions to the Special Setbacks for Shoreline Sites.

1. The shoreline setback for any proposed buildings or structures on a vacant lot that has a common property line with one or more lots which is/are developed with a principal use/uses and which abut the ordinary high water line shall be as follows:

a. Not less than the average of the setbacks of the principal uses on the adjacent properties. (In determining the average, a vacant parcel shall be considered a 50 foot setback.) However, no building or structure will be required to be set back more than 50 feet from nor allowed closer than 15 feet to the ordinary high water line or the lawfully established bulkhead.

2. Any water dependent accessory use may be allowed within the 50 foot setback upon the issuance of a Conditional Use Permit. The issuance of a Conditional Use Permit shall be predicated upon a determination that the project will be consistent with the following Conditional Use criteria, and the Conditional Use criteria listed in WAC 173-14-140, and will cause no reasonable adverse effects on the environment and other uses.

Conditional Use Criteria:

a. Views from surrounding properties will not be unduly impaired.

- b. Adequate separation will be maintained between the structure and adjacent properties and structures.
 - c. Screening and/or vegetation will be provided to the extent necessary to insure aesthetic quality.
 - d. Design and construction materials shall be chosen so as to blend with the surrounding environment.
 - e. No additional harm to the aquatic environment will result from the reduced setback.
3. The shoreline setback for lots of record as of April 4, 1975 having a depth of less than 115 feet may be reduced, if appropriate by one foot for each foot that the lot is less than 115 feet deep, but in no case shall such adjustment result in a setback of less than 15 feet.
4. Existing buildings and structures in existence on or before the effective date of this Title may be remodeled or rebuilt in the same location, provided the ground floor lot area of the said building is not increased and further provided that the building or use thereof shall have been and continues to be conforming to these regulations and shall be for the same use.
- a. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, sun shades and gutters may project into a required yard a distance not to exceed one and one-half feet.
 - b. Uncovered porches or decks may project into a required setback, provided that such porches or decks are no higher than four feet from the finished ground level; and further provided that in no case shall they be closer than five feet to any lot line nor closer than 15 feet to ordinary high water or the lawfully established bulkheads.
5. Offstreet Parking. At least one but not more than three offstreet parking spaces shall be provided for each dwelling unit on a site or tract of land subject to the limitations of total lot coverage. No parking area shall be located within 30 feet of the ordinary high water mark.
6. Site Preparation. It shall be the intent of this Chapter to require the maintenance, enhancement, and preservation of the natural site amenities. To this end, the County may limit the extent of grading and clearing to the extent deemed necessary for the reasonable and necessary use of the site or tract.
- E. Height Limitations. The maximum height above average grade level of any residential structure shall be 35 feet unless a Conditional Use Permit is obtained pursuant to Chapter 20.40, High Rise Structures.

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.62.050)

Chapter 20.64

ROADS AND RAILROADS

Sections:

- 20.64.010 Definitions.
- 20.64.020 General Regulations.
- 20.64.030 Environment Regulations - Uses Permitted.

20.64.010 Definitions.

A road is a linear passageway, usually for motor vehicles, and a railroad is a linear passageway with tracks for train traffic. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.64.010)

20.64.020 General Regulations.

The following regulations apply to the building or alteration of roads and railroads in all shoreline environments:

- A. Developers of roads and railroads must be able to demonstrate the following to the appropriate reviewing authority:
 - 1. The need for a shoreline location and that no reasonable upland alternative exists.
 - 2. The construction is designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction.
 - 3. That the project will be planned to fit the existing topography as much as possible thus minimizing alterations to the natural environment.
 - 4. That all debris, overburden and other waste materials from construction will be disposed of in such a way as to prevent their entry by erosion from drainage into water body.
 - 5. That proposed bridges will be built high enough to allow the passage of debris and anticipated high water flows.
 - 6. That when new roads will afford scenic vistas, viewpoint areas will be provided. Scenic corridors shall have sufficient provision for safe pedestrian and non-motorized vehicular travel. Where regulations require a sixty foot right-of-way, the road bed may be placed on one side of the right-of-way.
 - 7. That public road rights-of-way, view areas, rest and picnic areas will maintain the natural shoreline vegetation and topography.
 - 8. That efforts have been made to coordinate with existing land use plans including the Shoreline Master Program.
 - 9. That roads in an industrial area are essential to the industrial operation.
- B. Developers of roads and railroads must also be able to demonstrate the following to the appropriate reviewing authority to insure access to the shorelines from upland areas.

1. That roads and railroads are located on grade rather than elevated unless crossing wetlands. Road and railroad designs must provide appropriate pedestrian and non-motorized vehicular crossings where public access to shorelines is intended.
 2. That where bridges cross streams or rivers, pedestrian linear access along the rivers will be provided except where precluded by safety factors. Pedestrian and bicycle passage across water shall be provided except on limited access highways.
 3. That financing is available and is secured for view points and picnic areas along highways having high scenic value before County approval of funds for road construction.
- C. All cut and fill slopes shall be stabilized and planted with native and/or appropriately introduced grasses, shrubs and/or trees which shall be maintained by the installing agency until established.
- D. Roads and railroads shall not be located so as to require large portions of streams to be routed into and through culverts.
- E. To the extent possible, developers of roads and railroads shall attempt to minimize locations which parallel the shoreline.
- F. Bridges shall be used when crossing marshes, swamps, bogs, ponds, natural recharge areas and other wetlands to avoid obstructing movement of surface and ground-water.
- G. Major roads and railroads shall cross shoreline areas by the shortest most direct route feasible, unless such route would cause significant additional environmental damage.
- H. Private access roads providing ingress and egress for individual single family residences or lots shall be limited to one lane with turnouts and may not exceed a maximum width of fifteen (15) feet.
- I. Private access roads serving two or more families may be two lanes in width.

(Ord. 88-76S § 1 (part), 1988; Res. 19803 (part), 1977; Res. 18562-A § 1 (part), 1976; prior Code § 65.64.020)

20.64.030 Environment Regulations - Uses Permitted.

- A. Urban, Rural-Residential and Rural Environments.
Subject to the general regulatory standards of this Chapter, the following uses are permitted in the Urban, Rural-Residential and Rural Environment:
1. Uses permitted outright:
 - a. Roads;
 - b. Railroads.
- B. Conservancy Environment.
Subject to the general regulatory standards of this Chapter, the following uses are permitted in the Conservancy Environment:
1. Uses permitted outright:
 - a. Roads with paved surface of 30 feet or less;
 - b. Railroads.

2. Uses permitted upon approval of Conditional Use Permit:

Roads with a paved surface exceeding 30 feet.

C. Natural Environment.

Subject to the general regulatory standards of this Chapter, the following uses are permitted in the Natural Environment:

1. Uses permitted outright:

- a. Roads necessary to protect the Natural Environment and adjoining lands from major disasters.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976;
prior Code § 65.64.030)

Chapter 20.66

SHORELINE PROTECTION ACTIONS

Sections:

- 20.66.010 Definition.
- 20.66.020 General Regulations.
- 20.66.030 Environment Regulations - Uses Permitted.

20.66.010 Definition.

Flood protection and streamway modifications are those activities occurring within the streamway and wetland areas which are designed to reduce overbank flow of high waters and stabilize eroding streambanks. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.66.010)

20.66.020 General Regulations.

The following regulations apply to shoreline protection actions in all environments:

The following use regulations are applicable to the areas within the 100-year floodplain under the jurisdiction of the Shoreline Management Act and are recommended policies for management of adjacent land also located in the flood hazard zone.

- A. In the rare instances in which structural flood controls are permitted to protect private property, the cost of such devices shall not be subsidized by the taxpayers of Pierce County unless there are demonstrated public benefits which are greater than the harm to the environment caused by said structures, as determined by the County.
- B. Approval or denial of shoreline protection permits shall not be based on the availability of funding.
- C. No permanent nonwater dependent structures shall be placed in the floodway zone.
- D. Permanent structures placed within the 100-year floodplain shall be designed and constructed to resist a 100-year flood.
- E. Stormwaters from new developments shall be controlled on site so that runoff entering surface waters is no greater than it would be if the land were left undeveloped.
- F. Riprapping and other bank stabilization measures, when permitted, shall be located, designed and constructed so as to avoid the need for channelization and to protect the natural character of the streamway.
- G. All bank protection material shall be placed from the bank. There shall be no dumping of bank protection material directly from a truck bed onto the bank face.
- H. Bank protection material shall be clean and shall be of a sufficient size to prevent its being washed away by high water or by wave action.
- I. When riprap is washed out of place into the river and presents a hazard to the safety of recreational users, it shall be removed by the owner of such material.

- J. Trees shading streams and rivers shall be retained or replanted when riprap is placed.
- K. Dikes, levees, berms and similar flood control structures shall be placed landward of the floodway as determined by the U.S. Army Corps of Engineers and the State of Washington, Department of Ecology.
- L. Structural flood control devices shall not be placed between swamps, marshes and other wetlands associated with the stream and the stream proper.
- M. Dikes, levees, berms and similar flood control structures shall be shaped and planted with vegetation suitable for wildlife habitat.
- N. Whenever bank stabilization is allowed, materials used for such action shall consist of rock or other materials of the earth. Automobile bodies or other junk or solid waste materials shall not be used.
- O. When application is made for structural flood controls on shorelines of statewide significance, primary consideration shall be given to the effect of the structures on the statutory preferred uses of such shorelines.
- P. Linear access along dikes shall be encouraged and incorporated into the County Shoreline Access Program.
- Q. The County shall require linear access along new dikes when the appropriate reviewing authority determines such access to be in the public interest.
- R. Flood Control Zone permits may be required by the Department of Ecology within the Puyallup and Nisqually Flood Control Zones.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.66.020)

20.66.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
 - 1. Straightening or channelizing rivers is prohibited unless there is a demonstrated public benefit which outweighs the harm to the environment as determined by the County.
 - 2. Dams and holding basins are encouraged and permitted subject to the general regulatory standards and Conditional Use requirements.
 - 3. Other shoreline protection actions are permitted subject to the general regulatory standards.
- B. Rural-Residential Environment.
 - 1. Straightening or channelizing rivers is prohibited.
 - 2. Dams and holding basins are encouraged and permitted subject to the general regulatory standards and Conditional Use requirements.
 - 3. Other shoreline protection actions are permitted subject to the general regulatory standards.
- C. Rural Environment.
 - 1. Straightening or channelizing rivers is prohibited.
 - 2. Dams and holding basins are permitted subject to the general regulatory standards and Conditional Use requirements.

3. Bank stabilization by means of berms and vegetation is preferred and permitted subject to the general regulatory standards.
4. Other shoreline protection actions shall be permitted only when necessary to protect life, buildings in existence on the date of final adoption of this Master Program, or land committed to agricultural use.

Exception: Bank protection associated with bridge construction and maintenance may be permitted and shall conform to provisions of the State Hydraulics Act.

D. Conservancy Environment.

1. Straightening or channelizing rivers is prohibited.
2. Dams and holding basins are permitted subject to the general regulatory standards and Conditional Use requirements.
3. Bank stabilization by means of berms and vegetation is preferred and permitted subject to the general regulatory standards.
4. Structural shoreline protection is permitted subject to the general regulatory standards and Conditional Use requirements.
5. Nonstructural shoreline protection shall be permitted subject to the general regulatory standards.
6. Shoreline protection actions shall be permitted only when necessary to protect life, buildings in existence on the date of final adoption of this Master Program, or land committed to agricultural use.

Exception: Bank protection associated with bridge construction and maintenance may be permitted and shall conform to provisions of the State Hydraulics Act.

E. Natural Environment.

1. Structural shoreline protection is prohibited.
2. Straightening or channelizing rivers is prohibited.
3. Dams and holding basins are prohibited.
4. Nonstructural shoreline protection shall be permitted subject to the general regulatory standards and upon obtaining a Conditional Use Permit.
5. Only protection by vegetation shall be permitted.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.66.030)

Chapter 20.68

SOLID WASTE DISPOSAL

Sections:

- 20.68.010 Definition.
- 20.68.020 General Regulations.
- 20.68.030 Environment Regulations - Uses Permitted.

20.68.010 Definition.

Solid waste disposal is the disposal of garbage, refuse and solid waste materials resulting from domestic, agricultural and industrial activities, construction and demolition debris. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.68.010)

20.68.020 General Regulations.

The following regulations apply to the disposal of solid waste in all shoreline environments.

- A. Shoreline areas shall not be considered for solid waste disposal or transfer.
- B. Existing shoreline solid waste disposal and transfer facilities shall be expeditiously phased out and rehabilitated.
- C. Solid waste disposal policies and regulations shall be consistent with the adopted Pierce County Solid Waste Management Plan and with applicable State regulations.
- D. All developments, public and private, shall provide for solid waste disposal facilities adequate for maximum estimated usage. Department of Ecology regulations shall be followed.
- E. The Washington State Litter Law (RCW 70.93) shall be strictly enforced in shoreline areas.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.68.020)

20.68.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
Solid waste disposal sites are prohibited.
- B. Rural-Residential Environment
Same as Urban.
- C. Rural Environment.
Same as Urban.
- D. Conservancy Environment.
Same as Urban.
- E. Natural Environment.
Same as Urban.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.68.030)

Chapter 20.70

UTILITIES

Sections:

- 20.70.010 Definition.
- 20.70.020 General Regulations.
- 20.70.030 Environment Regulations - Uses Permitted.

20.70.010 Definition.

Utilities are services which produce and carry or transmit electric power, water, gas, sewage, communications, and oil. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.70.010)

20.70.020 General Regulations.

The following regulations apply to utility installations in all shoreline environments.

- A. Applications for installation of utility facilities shall include the following:
 - 1. Reason why utility facility requires a shoreline location;
 - 2. Alternative locations considered and reasons for their elimination;
 - 3. Location of other utility facilities in the vicinity of the proposed project to include the facilities of other types of utilities;
 - 4. Plans for reclamation of areas disturbed during construction;
 - 5. Plans for control of erosion and turbidity during construction;
 - 6. Possibility for consideration of the proposed facility within existing utility right-of-way.
- B. Utilities shall be located to re-enforce goals and policies of comprehensive long-range planning.
- C. The State of Washington Departments of Fisheries and Ecology shall be notified of any utility proposal which would require withdrawals of water from any body of water under shoreline management jurisdiction.
- D. The location and construction of outfalls shall comply with all appropriate Federal, State, and County regulations.
- E. Water discharged to rivers or marine waters which is determined by the Department of Ecology to be contaminated shall receive appropriate treatment as determined by the Department of Ecology and shall not present a thermal barrier to fish migration.
- F. Construction of underwater utilities or those within the wetted perimeter shall be timed to avoid major fish migratory runs.
- G. Distribution lines shall be placed underground in all residential developments.
- H. Underground utility lines shall be completely buried under the river bed in all river or stream crossings.

- I. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited unless no other alternative exists. In those limited instances when permitted, automatic shut off valves shall be provided at both sides of the water body.
 - J. Upon completion of utility installation/maintenance projects on shorelines, banks shall be restored to pre-project configuration, replanted and provided with maintenance care until the newly planted vegetation is established. Plantings shall be native species and/or be similar to vegetation in the surrounding area.
 - K. Above ground generating facilities, switching complexes, pumping stations, treatment plants, storage tanks, and substations shall be located at least 200 feet from the ordinary high water mark unless the developer can show the need for a shoreline location.
 - L. Where major generating facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views.
 - M. Shoreline crossings by transmission and distribution facilities shall be minimized.
 - N. Transmission and distribution facilities shall cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
 - O. Where overhead transmission lines must parallel the shoreline, they shall be outside of the two hundred foot or wetland designation unless topography or safety factors would make it unfeasible.
 - P. When minimum flow requirements are established on major rivers by the Washington State Department of Fisheries, utilities requiring withdrawals of water should be located only where such minimum flows can be maintained.
 - Q. In cooperation with landowners, the County shall attempt to incorporate major transmission line rights-of-way on shorelines into its program for public access to and along water bodies.
 - R. State Board of Health Public Water Supply rules and regulations shall be adhered to.
- (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.70.020)

20.70.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
Utilities are permitted subject to the general regulatory standards.
- B. Rural-Residential Environment.
Same as Urban.
- C. Rural Environment.
Same as Urban.
- D. Conservancy Environment.
Same as Urban.

E. Natural Environment.

1. Utilities are prohibited except where unavoidably necessary to cross a body of water.
2. Utilities in the limited instances when allowed shall be considered a Conditional Use and shall be placed underground.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976;
prior Code § 65.70.030)

UNOFFICIAL DOCUMENT

Chapter 20.72

IMPLEMENTATION

Sections:

- 20.72.010 Purpose.
- 20.72.020 Variances.
- 20.72.030 Conditional Uses.
- 20.72.040 Unclassified Uses.
- 20.72.050 Expansion of a Nonconforming Use.
- 20.72.060 Discontinuance of Nonconforming Uses.

20.72.010 Purpose.

To insure that strict implementation of the Master Program will not create unnecessary hardships or thwart the policy enumerated in Section 90.58.020 RCW; variance, conditional use, and nonconforming use provisions are provided to help implement the Master Program.

Any such variance or conditional use shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effects.

Nonconforming use provisions apply to any use which became nonconforming on the effective date of this Title, and whose expansion would make the use more conforming.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.72.010)

20.72.020 Variances.

It is understood that the regulations may cause unnecessary hardships in particular situations, or that the regulations might be unreasonable in light of new evidence, technology, or other special circumstances, and the goals and policies of the Master Program may not necessarily be served by the strict application of the regulations. The property owner must show that if he complies with the provisions he cannot make any reasonable use of his property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of the program is not a sufficient reason for a Variance.

A Variance will be granted only after the applicant can demonstrate the following:

- A. There are conditions or circumstances involved with the particular project that make strict application of the regulations unnecessary or unreasonable for the applicant's proposal.
- B. That granting the Variance will not violate, abrogate, or ignore the goals, policies, or individual environment purposes spelled out in the Master Program.
- C. That no other applicable regulations will be violated, abrogated, or ignored.
- D. That the public health, safety and welfare will not be adversely affected.
- E. That the specific provision or provisions to be relaxed clearly did not foresee or consider the particular situation the applicant is facing.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.72.020)

20.72.030 Conditional Uses.

The objective of a Conditional Use provision is to provide more control and flexibility for implementing the regulations of the Master Program. With provisions to control undesirable effects, the scope of uses within each of the five environments can be expanded to include many uses.

Uses considered to be Conditional Uses are those which may be permitted provided all of the following criteria are met:

- A. That there is some necessity for a shoreline site for the proposed use or that the particular site applied for is essential for this use.
- B. The use will cause no unreasonably adverse effects on the environment or other uses.
- C. That water, air, noise and other classes of pollution will not exceed the level customarily found in that particular environment.
- D. Design of the site will be compatible with the Master Program.
- E. The use will not interfere with public use or public shorelines.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.72.030)

20.72.040 Unclassified Uses.

All proposed uses not classified under one or more of the Master Program use activities shall be considered a Conditional Use and will be permitted provided the Conditional Use criteria are met. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.72.040)

20.72.050 Expansion of a Nonconforming Use.

Any proposed expansion of a use determined by the Planning Department or the appropriate reviewing authority to be nonconforming shall be permitted provided all of the following criteria are met:

- A. The proposed change will make the use more compatible with the environment in which it is located.
- B. That water, air, noise and other classes of pollution will not exceed the level customarily found in that particular environment.
- C. That the public health, safety and welfare will not be adversely affected.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.72.050)

20.72.060 Discontinuance of Nonconforming Uses.

Should a nonconforming use be discontinued for a period of one year or more, the use of said property and structures shall thereafter conform to a use permitted in the environment designation in which it is located. If any structure or use thus becomes an illegal structure or use, the owner of the property in

issue shall within two months of notification of such remove said illegal structure or use. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.72.060)

UNOFFICIAL DOCUMENT

Chapter 20.74

PROCEDURE FOR AMENDMENTS TO THE SHORELINE MASTER PROGRAM AND OFFICIAL CONTROLS

Sections:

- 20.74.010 Purpose.
- 20.74.020 Adoption Required by the Council.
- 20.74.030 Initiation of Amendments.
- 20.74.040 Applications Required.
- 20.74.050 Prefiling.
- 20.74.060 Public Hearing Required by Commission.
- 20.74.070 Setting of Hearing.
- 20.74.080 Filing Fees.
- 20.74.090 Filing Fees - Nonrefundable.
- 20.74.100 Multiple Fees.
- 20.74.110 Fee Exemption.
- 20.74.120 Notices.
- 20.74.130 Planning Department Report - Transmittal.
- 20.74.140 Changes to an Amendment Authorized at a Hearing.
- 20.74.150 Hearings may be Continued Without Recourse to Additional Public Notice.
- 20.74.160 Required Vote by the Commission.
- 20.74.170 Planning Agency's Report to the Council.
- 20.74.180 Right of Appeal.
- 20.74.190 Action by the Council Upon Receipt of Planning Agency's Report.
- 20.74.200 Remand - Notice and Hearing Required.
- 20.74.210 Action by the Council - Remand Matters.
- 20.74.220 Reversal - Council to Prepare Separate Findings.
- 20.74.230 Decision of the Council Final.
- 20.74.240 Transmittal to the Department of Ecology.
- 20.74.250 Appeals - Cost of Preparing Transcript.
- 20.74.260 Permanent Files Shall Include Summary of Testimony.

20.74.010 Purpose.

The purpose of this Chapter is to set forth the procedures to be followed when proposals are made to:

- A. Amend the Shoreline Master Program, or
- B. Adopt or amend the official controls of area-wide applicability which implement the Shoreline Master Program, i.e., the Shoreline Use Regulations and maps made a part thereof.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.010)

20.74.020 Adoption Required by the Council.

Adoption of an amendment to the Shoreline Master Program or adoption of or amendment to the official controls shall be adopted by the Council by ordinance after a public hearing and report by the Planning Commission. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.020)

20.74.030 Initiation of Amendments.

The Shoreline Master Program, official controls or amendments thereto may be initiated by:

- A. The adoption of a motion by the Council requesting the Planning Agency to set a matter for hearing and recommendation.
- B. The adoption of a motion by the Planning Commission with the concurrence of the Planning Department.
- C. Application of one (1) or more owners of property which are directly affected by the proposal.
- D. A department or agency of the County or a municipal or governmental entity.
- E. The adoption of a motion by the majority of those members of the Shoreline Management Citizens Advisory Committee present and entitled to vote at a meeting of the Committee where a quorum is present.

(Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.030)

20.74.040 Applications Required.

The Planning Department shall prescribe the form in which applications are made for amendments to the Shoreline Master Program and/or official controls. It may prepare and provide blanks for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements. Applications that do not meet the filing requirements of the Planning Department shall become null and void sixty (60) days from the date the application was issued by the Department, provided, the Department, for good cause, may extend said period. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.040)

20.74.050 Prefiling.

For the purpose of advising and informing an applicant of the procedural requirements and to insure that an application is in satisfactory form, the Planning Department may require a prefiling conference and may request the submission of general plans or other descriptive data relative to the proposal. Unless determined to be exempt, an Environmental Assessment shall be required as a part of the prefiling procedures. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.050)

20.74.060 Public Hearing Required by Commission.

Whenever an amendment to the Shoreline Master Program or official controls is initiated under Section 20.74.030 above, the Commission shall hold at least one (1) public hearing thereon, and notice of such hearing shall be given. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.060)

20.74.070 Setting of Hearing.

The date, or dates, for public hearings on matters relating to the Shoreline Master Program or official controls shall be set by the Planning Department when such hearings are to be held before the Planning Commission and by the Clerk of the Council for hearings to be held before the Council. The date of the hearings before the Commission or the Council shall be not less than ten (10) days from the time of the filing of a verified application or the adoption of a motion of intention by the Planning Commission or the Council. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.070)

20.74.080 Filing Fees.

Fees, as set forth in Chapter 2.05, shall be paid upon the filing of any application. Additional review fees may be assessed by other County departments. (Ord. 92-93 § 4 (part), 1992; Ord. 91-167 § 4 (part), 1991; Ord. 91-50S § 4 (part), 1991; Ord. 88-76S § 1 (part), 1988; Ord. 87-201 § 4 (part), 1988; Res. 20633 § 1 (part), 1978; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.080)

20.74.090 Filing Fees - Nonrefundable.

Filing fees shall not be refunded after acceptance of a properly filed application by the Planning Department. (Ord. 92-93 § 4 (part), 1992; Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.090)

20.74.100 Multiple Fees.

When any proposal requires more than one (1) application pursuant to this Code or other land use regulatory codes, the highest of the several required filing fees plus one-half (1/2) of all other fees shall be paid. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.100)

20.74.110 Fee Exemptions.

Filing fees shall not be required when a matter has been initiated by the Council or a department or agency of Pierce County, or the Shoreline Management Citizen Advisory Committee. (Ord. 92-93 § 4 (part), 1992; Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.110)

20.74.120 Notices.

Notice shall be given by at least one (1) publication in a newspaper of general circulation in the County and in the official gazette, if any, of the County, not less than ten (10) days before the date of said public hearing, and such notice shall set forth the date of the hearing, the time and the place and the matter to be considered. Both published and written notice of any hearing may be employed at the direction of the Planning Department. In the event a proposed amendment is specifically related to a community geographical area of the County, notice, as provided above, shall also be published in a newspaper particularly oriented to that community, if there be one. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.120)

20.74.130 Planning Department Report - Transmittal.

The Planning Department shall prepare a written report on each application pending before the Planning Commission which shall contain the factual findings by the department having a bearing on the application and the department's recommendation, if such is to be made. The report shall also include the comments by other departments. The Environmental Worksheet together with the Determination of No Significant Impact or a Final Environmental Impact Statement shall also be forwarded to the Planning Commission. Not less than five (5) working days prior to the date of the public hearing on an application, the Planning Department staff report shall be transmitted to the Planning Commission and the applicant. Copies of the staff report shall be made available in the Chambers on the date of public hearing. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.130)

20.74.140 Changes to an Amendment Authorized at a Hearing.

A proposed amendment may be changed or modified at the prescribed hearing without further legal notice being given; provided, any such change or modification does not exceed the scope of the legal notice provided thereto. When changes are proposed which exceed the scope of the legal notice given said matter, no further action shall be taken on the matter until such time as further legal notice can be given in the manner provided in this Chapter. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.140)

20.74.150 Hearings May be Continued Without Recourse to Additional Public Notice.

If for any reason the hearing on any matter set for public hearing cannot be completed on the date set for such hearing, the person presiding at such public hearing may direct that the hearing on the matter be continued. If the date, time and place at which the continued hearing will be held is publicly announced at the hearing from which the continuance is made, then no further notice of the continued hearing is required. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.150)

20.74.160 Required Vote by the Commission.

A recommendation for approval of any amendment of official control before the Commission shall be by the affirmative vote of not less than a majority of the total members of the Commission. When a motion before the Commission to recommend approval of an amendment fails to carry by the required vote, or a motion to deny the proposed amendment is carried, said amendment shall be considered disapproved and the action of the Commission final and conclusive unless appealed, except when the matter has been referred to the Planning Agency by the Council. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.160)

20.74.170 Planning Agency's Report to the Council.

Not later than ten (10) working days after the final action by the Commission to recommend approval of an amendment or an official control, the Planning Agency shall file with the Council a report which shall set forth the motion on the amendment, the vote of said motion, together with the findings of fact, conclusions reached by the Commission and the reason for their action. Said report shall be accompanied by written or illustrative evidence considered by the Commission together with a summary of pertinent oral testimony on the amendment. The indication of approval by the Commission shall be recorded on the map and/or descriptive matter by the signature of the Chairman and Secretary of the Commission, when applicable, be forwarded with the report and shall be signed by the Chairman and Secretary of the Commission signifying approval. If the recommendation of the Commission differs from that of the Planning Department, a copy of the Department's recommendation shall also be forwarded to the Council. A copy of that part of the Agency's report(s) containing the Commission's findings and conclusions shall be sent to the applicant of record and to other parties of record upon request. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.170)

20.74.180 Right of Appeal.

The action by the Commission on an amendment shall be considered advisory to the Council. Final and conclusive action on an amendment shall be taken only by the Council, except where the Commission has disapproved an amendment and appeal has not been taken. The action of the Commission recommending approval or disapproval of an amendment may be appealed to the Council by an aggrieved person or by the Planning Department by filing written notice of appeal within ten (10) working days of the date of mailing of the Commission's recommendation. Any such appeal shall be limited to the facts in evidence before the Commission, and the appellant shall set forth the reasons upon which the appeal is based. An appeal which alleges new evidence not available to the Commission at its hearing on the matter shall be referred to the Commission for consideration of the new evidence at a public hearing, and the Council shall take no action in the matter until it receives a further report from the Agency on the Commission's further consideration of the matter. Any appeal which is filed later than the time limitation herein imposed shall not be considered valid. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.180)

20.74.190 Action by the Council Upon Receipt of Planning Agency's Report.

At the next regular meeting of the Council after receipt of the report from the Planning Agency recommending approval of an amendment or official control and where no appeal has been filed pursuant thereto, the Council shall set a date of public meeting not less than seven (7) days thereafter where final action may be taken concurring in the recommendation of the Planning Agency.

At the next regular meeting of the Council after receipt of a report from the Planning Agency recommending denial of an amendment or official control, or if an appeal of the decision by the Planning Commission has been filed, or if it is deemed that further consideration is necessary, the Council shall set a date for, and after giving legal notice thereto, conduct a public hearing on the matter. At the conclusion of the public hearing or hearings, the Council may affirm, modify and affirm, or reverse the decision of the Commission or remand the matter back to the Agency for a further report.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.190)

20.74.200 Remand - Notice and Hearing Required.

Prior to taking action on any matter remanded by the Council, notice shall be given as in the first instance, and the Planning Commission shall conduct a public hearing. At the conclusion of the hearing on a remanded matter, the Planning Commission shall transmit notice sustaining the original decision or in the event of a change or modified decision, the Planning Commission shall transmit additional amended findings. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.200)

20.74.210 Action by the Council - Remanded Matters.

Upon receipt of a notice from the Planning Commission sustaining the original decision or amended findings and decision, notice shall be given in the same manner as for an appeal and the Council shall conduct a hearing and make a final decision. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.210)

20.74.220 Reversal - Council to Prepare Separate Findings.

If the action by the Council on an appeal of the decision of the Planning Commission is to reverse the Planning Commission, the Council shall prepare a written decision giving their findings of fact and conclusions insofar as they may differ from those of the Planning Commission. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.220)

20.74.230 Decision of the Council Final.

The decision by the Council on an appeal of the decision by the Planning Commission shall be final and conclusive unless appealed to a court of competent jurisdiction within thirty (30) days of the date of final action by the Council. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.230)

20.74.240 Transmittal to the Department of Ecology.

Subsequent to final action by the Council adopting or amending the Shoreline Master Program or official control, said Master Program, official control or amendment thereto shall be submitted to the Department of Ecology for approval. No such Master Program, official control or amendment thereto shall become

effective until approval by the Department of Ecology is obtained. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.240)

20.74.250 Appeals - Cost of Preparing Transcript.

Appeals from the decision of the Council to the Superior Court shall be made as provided by law but must be filed within thirty (30) days of the Council's final action. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant.

If a court reporter has taken and preserved the record, then the appellant shall make arrangements with said reporter for transcriptions and payment thereof. When the County Staff is required to transcribe any record, the actual transcribing cost shall be determined by the Pierce County Budget Director and shall be paid prior to said case being reviewed.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.250)

20.74.260 Permanent Files Shall Include Summary of Testimony.

A summary of all pertinent testimony offered at public hearings held in connection with an application filed pursuant to this Chapter, and the names of persons testifying, shall be recorded and made a part of the permanent files in the case. The proceedings shall be recorded either manually or by machine and the recording shall become a part of the permanent file of the matter being heard. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.74.260)

Chapter 20.76

SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS, VARIANCES, CONDITIONAL USES AND EXPANSION OF NONCONFORMING USE PERMITS

Sections:

- 20.76.010 Purpose.
- 20.76.020 Permits Required.
- 20.76.030 Exemptions From Substantial Development Permit.
- 20.76.040 Examiner May Grant Shoreline Substantial Development Permits, Variances, Conditional Use Permits and Permits to Allow the Expansion of Nonconforming Uses.
- 20.76.050 Initiation of a Permit.
- 20.76.060 Applications Required.
- 20.76.070 Prefiling.
- 20.76.080 Pertinency of Signatures.
- 20.76.090 Applications a Part of Permanent Record.
- 20.76.100 Filing Fee.
- 20.76.110 Filing Fees - Nonrefundable.
- 20.76.120 Multiple Fees.
- 20.76.130 Fee Exemptions.
- 20.76.140 Setting of Hearing.
- 20.76.150 Public Notices Required.
- 20.76.160 Notices - Affidavits Required.
- 20.76.170 Investigations.
- 20.76.180 Planning Department Report - Transmittal.
- 20.76.190 Public Hearing Required by the Examiner.
- 20.76.200 Hearings May be Continued Without Recourse to Additional Public Notice.
- 20.76.210 Examiner May Prescribe Conditions.
- 20.76.220 Examiner's Decision and Recommendation - Findings Required.
- 20.76.230 Reconsideration.
- 20.76.240 Appeal of Examiner's Decision.
- 20.76.250 Council Action on Appeals.
- 20.76.260 Reconsideration by the Council.
- 20.76.270 Remand - Notice and Hearing Required.
- 20.76.280 Action by the Council - Remanded Matters.
- 20.76.290 Amendment or Reversal - Council to Prepare Separate Findings.
- 20.76.300 Permits - Filing with the Department of Ecology.
- 20.76.310 Approved Applications - Review by the State.
- 20.76.320 Appeals to the State.
- 20.76.330 Time Limitations on Permits.
- 20.76.340 Revision to Permit - Filing by Applicant.
- 20.76.350 Revision to Permit - Decision Criteria.
- 20.76.360 Revision to Permit - Submittal to the State.
- 20.76.370 Revision to Permit - Notice of Appeal.
- 20.76.380 Revocation of Permits - Hearings Required.
- 20.76.390 Grounds for Revocation.
- 20.76.400 Revocation of Permit - Public Notice Required.
- 20.76.410 Revocation of Permit - Notice of Final Action.

- 20.76.420 The Examiner Shall Hear and Decide Appeals of an Administrative Decision.
- 20.76.430 Appeals - Time Limit.
- 20.76.440 Appeal - Notice of Time and Place.
- 20.76.450 Scope of Authority on Appeal.
- 20.76.460 Appeals to the Council.
- 20.76.470 Permanent Files Shall Include Summary of Testimony.
- 20.76.480 Limitation on Refiling of Applications.
- 20.76.490 Enforcement.
- 20.76.500 Severability.

20.76.010 Purpose.

The purpose of this Chapter is to set forth the procedures to be followed when applications are made for:

- A. Shoreline Management Substantial Development Permits;
- B. Shoreline Management Variances;
- C. Shoreline Management Conditional Use Permits;
- D. Shoreline Management Expansion of Nonconforming Use Permits;
- E. Appeals from the Decisions and Rulings of an Administrative Officer in the Administration or Enforcement of the Shoreline Management Use Regulations.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.010)

20.76.020 Permits Required.

A permit authorized by the Examiner must be obtained pursuant to the Shoreline Management Act and the County Shoreline Master Program and Regulations for the following:

- A. Substantial Development with the exception of those permit exemptions listed below in Section 20.76.030. Substantial Development Permit shall be obtained for any development or use consisting of the construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel or mineral, bulkheading, driving of piling, placing of obstructions, or any project of a permanent or temporary nature which interferes with the normal public use of the surface of waters overlying lands subject to the Shoreline Management Act at any state of water level, and which development or use exceeds a cost or fair market value of \$2,500.00.
- B. Variance. Any application for a Variance to the regulations of the Master Program.
- C. Conditional Use. Any application for a use classified in the Master Program as a Conditional Use.
- D. Expansion of a Nonconforming Use. Any application for the expansion of a use subject to the Shoreline Management Act determined by the Planning Department to be nonconforming.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.020)

20.76.030 Exemptions From Substantial Development Permit.

The following shall not require Substantial Development Permits for the purposes of the Shoreline Management Act and this Chapter:

UNOFFICIAL DOCUMENT

- A. Any development of which the total cost or fair market value does not exceed \$2,500.00, if such development does not materially interfere with the normal public use of the water or shorelines of the state.
 - B. Normal maintenance or the repair of existing structures or developments, including damage by accident, fire or elements.
 - C. Construction of the normal protective bulkhead common to single family residences.
 - D. Emergency construction necessary to protect property from damage by the elements.
 - E. Construction or modification of navigational aids such as channel markers and anchor buoys.
 - F. Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Chapter.
 - G. Construction of a dock, designed for pleasure craft only, for the private, noncommercial use of the owners, lessee, or contract purchaser of a single family residence, the cost or fair market value, whichever is lower, does not exceed \$2,500.00
 - H. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
 - I. Any project with a certification from the governor pursuant to Chapter 80.50 RCW
 - J. Those agricultural and irrigation practices specified in WAC 173-14-040.
 - K. The construction of a forest road as specified in WAC 173-14-040.
- (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.030)

20.76.040 Examiner May Grant Shoreline Substantial Development Permits, Variances, Conditional Use Permits and Permits to Allow the Expansion of Nonconforming Uses.

The Examiner may grant Shoreline Management Substantial Development Permits, Variances, Conditional Use Permits and Expansion of Nonconforming Use Permits when, in the opinion of the Examiner, the proposal is consistent with the purpose and intent of the Shoreline Master Program and Regulations, the provisions of Chapter 90.58 RCW.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.040)

20.76.050 Initiation of a Permit.

An application for a Substantial Development Permit, Variance, Conditional Use Permit, or Expansion of a Nonconforming Use Permit may be initiated by:

- A. The verified application of one or more owners of property which is subject to the Shoreline Management Act and these Use Regulations;
- B. A governmental agency or department having an interest in a portion of the unincorporated area of Pierce County subject to the Shoreline Management Act and these Use Regulations.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.050)

20.76.060 Application Required.

The Planning Department shall prescribe the form in which applications are made for Shoreline Substantial Development Permits, Variances, Conditional Use Permits and Nonconforming Use Permits. It may prepare and provide forms for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements. Applications that do not meet the filing requirements of the Planning Department shall become null and void sixty (60) days from the date the application was issued by the Department, provided, the Department, for good cause, may extend said period. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.060)

20.76.070 Prefiling.

For the purpose of advising and informing an applicant of the procedural requirements and to insure that an application is in satisfactory form, the Planning Department may require a prefiling conference and may request the submission of general plans or other descriptive data relative to the project. Unless determined to be exempt, an Environmental Worksheet is required as a part of the prefiling procedures. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.070)

20.76.080 Pertinency of Signatures.

If signatures of persons other than the owners making the application are offered in support of or in opposition to an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in Pierce County as represented by the Examiner. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.080)

20.76.090 Applications a Part of Permanent Record.

Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing, and shall become a part of the permanent official records of the agency to which application is made. Also, there shall be attached thereto and permanently filed therewith copies of all notices and orders, together with certificates and affidavits of posting, mailing or publications pertaining thereto. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.090)

20.76.100 Filing Fee.

A filing fee, as set forth in Chapter 2.05, shall be paid to the Planning Department at the time an application is filed. (Ord. 92-93 § 4 (part), 1992; Ord. 91-167 § 4 (part), 1991; Ord. 91-50S § 4 (part), 1991; Ord. 88-76S § 1 (part), 1988; Ord. 87-201 § 4 (part), 1988; Ord. 85-182S § 4, 1985; Res. 21328 § 1 (part), 1979; Res. 20633 § 1 (part), 1978; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.100)

20.76.110 Filing Fees - Nonrefundable.

The filing fees shall not be refunded after acceptance of a properly filed application by the Planning Department. (Ord. 92-93 § 4 (part), 1992; Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.110)

20.76.120 Multiple Fees.

When any proposal requires more than one application pursuant to land use regulatory codes, the highest of the several required filing fees plus 1/2 of all other fees shall be paid. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.120)

20.76.130 Fee Exemptions.

Filing fees shall not be required when a matter has been initiated by the Council or a department or agency of Pierce County. (Ord. 92-93 § 4 (part), 1992; Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.130)

20.76.140 Setting of Hearing.

The date or dates, for public hearings on Shoreline Substantial Development Permits, Variances, Conditional Use Permits, or Permits for the Expansion of Nonconforming Uses shall be set by the Planning Department when such hearings are to be held before the Examiner, and by the Clerk of the Council for hearings to be held before the Council. The date of hearings before the Examiner or the Council shall not be less than ten (10) days, nor more than ninety (90) days from the time of the last published notice given pursuant to WAC 173-14-070. (Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 20633 § 1 (part), 1978; Res. 18562 § 1 (part), 1976; prior Code § 65.76.140)

20.76.150 Public Notices Required.

- A. Substantial Development Permits. Notice of a public hearing before the Examiner on any Shoreline Substantial Development Permit shall be given in accordance with the following provisions or the provisions of WAC 173-14-070 as may be hereafter amended.
 - 1. POSTING REQUIREMENTS. After acceptance of a Substantial Development Permit, notice of application shall be posted by the applicant on the property at its principal entry point to the nearest right-of-way, as determined by the Planning and Land Services Department. Notice will be posted on a 3 foot by 4 foot waterproof sign. The sign shall be

- made of corrugated plastic to specifications provided by Pierce County. If desired, a sign may be purchased from Pierce County at a cost to be determined by the manufacturing cost at the time of purchase. The sign(s) shall be located so as to be easily visible from the abutting road. When more than one road abuts the property, the sign(s) shall be easily visible from the road having the greatest traffic volume as determined by the Planning and Land Services Department. When a proposal is within an existing subdivision, planned development district or planned unit development, an additional sign shall be posted at each major roadway entrance to the development as determined by the Planning and Land Services Department. When the sign(s) is posted, the applicant shall complete and return a notarized affidavit of posting to the Planning and Land Services Department. The sign(s) shall be erected and maintained by the applicant for a minimum of thirty (30) days prior to the public hearing and until a decision is rendered on the application or appeal. The sign(s) shall be removed by the applicant within one (1) week following the decision by the Hearing Examiner or County Council.
2. Upon receipt of a proper application for a Shoreline Management Substantial Development Permit, the applicant shall cause to have published at his own expense, notice of said application. Notice shall be published at least once a week in a newspaper of general circulation within the area in which the development is proposed; provided, that the last notice must be published not less than thirty (30) days prior to the scheduled hearing date before the Examiner.

Required Wording of Notice. Published notice of a Shoreline Substantial Development Permit application as required by this Chapter and Chapter 173-14-070 WAC shall be worded consistent with the following. The Planning Department shall provide forms for this purpose.

Notice of Application For
Shoreline Management
Substantial Development Permit

Notice is hereby given that (state full name), who is (describe relationship to property, such as owner, purchaser, lessee, etc.) of the below-described property has filed an application for a Substantial Development Permit for the development of (describe development, including uses) located at (give street address, if known, otherwise give distance and direction to nearest town) within (quarter section) of Section (section) of Township (township) N., Range (range) W.M., in city or town,

(county), Washington. Said development is proposed to be within (name of water area) and/or its associated wetlands. Any person desiring to express his views or to be notified of the action taken on this application should notify (name of local government official) in writing of his interest within thirty (30) days of the final date of publication of this notice which is (date).

Written comments must be received by (date).

The applicant shall verify by affidavit to the Planning Department that additional notice of such application is given by at least one of the following methods:

- a. Mailing of the notice to the latest recorded real property owners as shown by the records of the County Assessor-Treasurer within at least three hundred (300) feet, but not less than two (2) parcels deep, around the perimeter of the subject site plan area (and beyond the applicant's ownership); or
 - b. Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.
- B. Variance, Conditional Uses, and Expansion of Nonconforming Uses. Upon receipt of a proper application for a Variance, Conditional Use or Expansion of a Nonconforming Use Permit, when a Substantial Development Permit is not required, the Planning Department shall, as a minimum, require posting notification as described in Section 20.76.150 A. and notice of the application by at least one (1) additional method defined above in Section 20.76.150 A.

(Ord. 90-31S § 2, 1990; Ord. 88-76S § 1 (part), 1988; Res. 21328 § 1 (part), 1979; Res. 20633 § 1 (part), 1978; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.150)

20.76.160 Notices - Affidavits Required.

An affidavit that the notice has been properly published, and/or as applicable, posted in the U.S. Mail pursuant to this Section shall be affixed to the application. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.160)

20.76.170 Investigations.

The Planning Department or the Examiner, as the case may be, shall cause to be made such investigation of facts bearing upon a matter set for hearing as will assure action on each case consistent with the purpose of this Code and previous action taken. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.170)

20.76.180 Planning Department Report - Transmittal.

The Planning Department shall prepare a written report on each application pending before the Examiner which shall contain the factual findings by the department having a bearing on the application and the department's recommendation, if such is to be made. The report shall also include the comments by other departments. The Environmental Worksheet together with the determination of no significant impact or a Final Environmental Impact Statement shall also be forwarded to the Examiner. Not less than five (5) working days prior to the date of public hearing on an application, the Planning Department Staff Report shall be transmitted to the Examiner and the applicant. Copies of the Staff Report shall be made available in the Chambers on the date of public hearing. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.180)

20.76.190 Public Hearing Required by the Examiner.

Whenever a Substantial Development Permit, Variance, Conditional Use Permit or Expansion of a Nonconforming Use Permit is proposed, at least one (1) public hearing on the matter shall be held by the Examiner at the conclusion of which final action may be taken. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.190)

20.76.200 Hearings May be Continued Without Recourse to Additional Public Notice.

If, for any reason, the hearing on any matter set for public hearing cannot be completed on the date set for such hearing, the person presiding at such public hearing may direct that the hearing on the matter be continued. If the date, time and place at which the continued hearing will be held is publicly announced at the hearing from which the continuance is made, then no further notice of the continued hearing is required. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.200)

20.76.210 Examiner May Prescribe Conditions.

When deemed necessary, the Examiner may impose conditions upon the approval of a Substantial Development Permit, Variance, Conditional Use Permit, or Expansion of a Nonconforming Use Permit. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.210)

20.76.220 Examiner's Decision and Recommendation - Findings Required.

When the Examiner renders a decision, the Examiner shall make and enter findings from the record and conclusions thereof which support such decision, and the findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation carries out and helps to implement the goals and policies of the Shoreline Master Program and the standards set forth in the various land use regulatory codes.

All decisions of the Examiner, unless a longer period is mutually agreed to by the applicant and the Examiner, shall be rendered within ten (10) working days following the conclusion of

all testimony and hearings. Upon issuance of the Examiner's decision, the Planning Department shall transmit by certified mail a copy of the decision to the applicant by regular mail to other parties of record requesting the same.

The Examiner's decision is final and conclusive but is subject to appeal to the Council as set forth herein. Said decision, if not appealed, is forwarded to the Department of Ecology pursuant to Chapter 90.58 RCW.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.220)

20.76.230 Reconsideration.

Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or errors or misinterpretation of fact may make a written request for review by the Examiner filed with the Planning Department within seven (7) working days of the date of the written decision. This request shall set forth the alleged errors or misinterpretations, and the Examiner may, after review of the record, take such further action as he deems proper and may render a revised decision. Only one request for reconsideration may be filed by any one person or party even if the Examiner reverses or modifies his original decision or changes the language in the decision originally rendered. (Ord. 88-76S § 1 (part), 1988; Res. 22487 § 5 (part), 1980; Res. 20633 § 1 (part), 1978; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.230)

20.76.240 Appeal of Examiner's Decision.

The final action by the Examiner on any land use matter within his jurisdiction may be appealed to the Council by an aggrieved person directly affected by the Examiner's decision. Said appeal procedure is as follows:

- A. The appellant must file written notice of appeal with the Planning Department and pay the appeal fee within ten (10) working days of the date of mailing of the Examiner's final written decision; provided that if the Examiner was requested to reconsider the decision, then the appeal must be filed within ten (10) working days of the mailing of the Examiner's final written order or decision on the reconsideration request.
- B. The notice of appeal shall concisely specify each error and/or issue which the Council is asked to consider on appeal.
- C. Upon the filing of an appeal, the Planning Department shall forward to the Council the original tape containing the verbatim record of the proceedings before the Examiner. An appeal shall stay the effective date of the Examiner's decision until final resolution has been made by the Council.

(Ord. 88-76S § 1 (part), 1988; Res. 22487 § 5 (part), 1980; Res. 20633 § 1 (part), 1978; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.240)

20.76.250 Council Action on Appeals.

- A. General. For Examiner decisions which an appeal is properly filed, the Planning Department shall forthwith forward three copies of the Examiner's decision plus a copy of the official file and the recorded record, to the Clerk of the Council. The Clerk of the Council shall schedule a public meeting date for the Council on the appealed matter.
- B. Public Notice on Appeals. The Clerk of the Council shall cause written notice to be mailed to all "parties of record" and the Examiner, to appraise them of the meeting date before the Council. Parties of record are those persons who have:
 - 1. Testified before the Examiner, or
 - 2. Listed their names on a sign up sheet which is available during the Examiner's hearings, or
 - 3. Advised the Planning Department in writing of their desire to be a party of record.
- C. Council Action on Appeals. Whenever a decision by the Examiner is reviewed by the Council pursuant to this Section, the appellant or other parties of record may submit written memoranda in support of their positions. The Council shall allow the appellant(s) or their representatives no more than (10) minutes of oral presentation. No new evidence or testimony shall be presented to the Council during the oral presentation. The Council may view the site either individually or together, provided that unless all parties of record are given reasonable notice of the time of the view, no one other than County staff can accompany the Councilmembers during the view.
- D. Council Decision on Appeal. The Council's decision on an appeal of all land use matters may adopt, amend and adopt, reject, reverse, amend and reverse the findings, conclusions and decision of the Examiner or remand the matter for further consideration. Any decision by the Council shall be based on the record of the hearing held by the Examiner; however, the Council may by motion, publicly request additional information of the appellant or the Examiner. The Council's decision shall be in writing and shall specify by amended findings and conclusions, whenever said decision is different from the appealed decision. Said findings and conclusions shall set forth and demonstrate the manner in which the action carries out and helps to implement the goals and policies of the Land Use Management Plan and any appropriate regulations.
- E. Council Action is Final. The action of the Council, approving or rejecting a decision of the Examiner, is final and conclusive County action, PROVIDED, HOWEVER, appeals from the Council decisions on Shoreline Permits shall be taken to the Shoreline Hearings Board pursuant to the provisions of Chapter 90.58 RCW.

(Ord. 88-76S § 1 (part), 1988; Res. 22487 § 5 (part), 1980; Res. 20633 § 1 (part), 1978; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.250)

20.76.260 Reconsideration by the Council.

Any aggrieved party or person affected by the action may, within seven (7) working days of the Council's oral decision, file with the Clerk of the Council a written request for reconsideration based on any one of the following grounds materially affecting the substantial rights of said party or person:

- A. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration.
- B. Irregularity in the proceedings before the Council by which such party was prevented from having a fair hearing.
- C. Clerical mistakes in the official file or record transmitted to the Council, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Council's decision on the matter.

Upon receipt of a request for reconsideration, the Council shall review said request and take such further action as the Council deems proper, including, but not limited to, the right to deny said request for reconsideration without a hearing, or the right to rehear and render a revised decision on the matter if deemed appropriate by the Council. Only one request for reconsideration may be filed by any one person or party, even if the Council reverses or modifies its original decision or changes the language in the decision originally rendered.

In the event that a request for reconsideration is filed with the Council, the thirty (30) day appeal period to Superior Court as set forth in this Title shall be deemed to commence on the date of the Council's final action relative to the request for reconsideration. (Ord. 88-76S § 1 (part), 1988; Res. 22487 § 5 (part), 1980; prior Code § 65.76.255)

20.76.270 Remand - Notice and Hearing Required.

Prior to taking action on any matter remanded by the Council, notice shall be given as in the first instance, and the Examiner shall conduct a public hearing. At the conclusion of the hearing on a remanded matter, the Examiner shall transmit notice sustaining the original decision or in the event of a changed or modified decision, the Examiner shall transmit additional amended findings. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.260)

20.76.280 Action by the Council - Remanded Matters.

Upon receipt of a notice from the Examiner sustaining the original decision or amended findings and decision, notice shall be given in the same manner as for an appeal and the Council shall conduct a hearing and make a final decision. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.270)

20.76.290 Amendment or Reversal - Council to Prepare Separate Findings.

If the action by the Council on an appeal of the decision of the Examiner is to amend or reverse the Examiner, the Council shall prepare a written decision giving their findings of fact and conclusions insofar as they may differ from those of the Examiner. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.280)

20.76.300 Permits - Filing With the Department of Ecology.

Copies of the original application and other pertinent materials used in the final decision pursuant to either the Shoreline Management Act or the State Environmental Procedures Act, the permit, and any other written evidence of the final order of Pierce County relative to the application, whether it be for approval or denial, shall be filed with the Department of Ecology and Attorney General within eight (8) days of the final decision. Filing shall not be complete until the final order has actually been received by the Regional Office of the Department of Ecology, and by the Attorney General. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.290)

20.76.310 Approved Applications - Review by the State.

No person shall begin development pursuant to an approved permit on any part of the shoreline of the County until thirty (30) days after the approved permit has been filed with the Department of Ecology and Attorney General or until all review proceedings initiated within such thirty (30) day period are terminated. Nothing in the approved permit shall be construed as excusing the applicant from compliance with any other local, State or Federal statutes, resolutions, or regulations applicable to the proposed development. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.300)

20.76.320 Appeals to the State.

Any person aggrieved by the granting, denying or rescinding of a Shoreline Substantial Development Permit, Variance, or Expansion of a Nonconforming Use Permit by the County Council may seek review by filing a request for review with the Shoreline Hearings Council, the Department of Ecology and the Attorney General within thirty (30) days of receipt of the final order. A person who fails to appeal the Examiner's decision to the County Council is precluded from appealing to the Shoreline Hearings Board. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.310)

20.76.330 Time Limitations on Permits.

The following time requirements shall apply to all Substantial Development Permits, Conditional Uses and Variances, and Expansion of Nonconforming Use Permits:

- A. Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to the Act must be undertaken within two (2) years after the approval of the permit. Substantial

progress toward construction shall include, but not be limited to the letting of bids, making of contracts, purchase of materials involved in development, but shall not include development or uses which are inconsistent with the criteria set forth in WAC 173-14-100. Provided, that in determining the running of the two (2) year period hereof, there shall not be included the time during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue; provided further, that local government may, at its discretion extend the two (2) year time period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.

B. If a project for which a permit has been granted pursuant to the Act has not been completed within five (5) years after the approval of the permit by local government, the local government that granted the permit shall, at the expiration of the five (5) year period, review the permit, and upon a showing of good cause, do either of the following:

1. Extend the permit for one (1) year; or
2. Terminate the permit; provided that nothing herein shall preclude local government from issuing Substantial Development Permits with a fixed termination date of less than five (5) years.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.320)

20.76.340 Revision to Permit - Filing by Applicant.

When an applicant seeks to revise any permit issued pursuant to this Chapter, the Planning Department shall request from the applicant detailed plans and text describing the proposed changes in the permit. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.330)

20.76.350 Revision to Permit - Decision Criteria.

If the Planning Department determines that the proposed changes are within the scope and intent of the original application as defined in Section 173-14-064 WAC, the Department shall approve a change. The Planning Department shall notify the applicant by mail of its decision. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.340)

20.76.360 Revision to Permit - Submittal to the State.

The approved revision along with copies of the revised site plan and text, shall be submitted, by certified mail, to the appropriate Department of Ecology Regional Office, and Attorney General. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.350)

20.76.370 Revision to Permit - Notice of Appeal.

The approved revision along with copies of the revised site plan and text, shall also be submitted by certified mail to persons who have previously notified Pierce County relative to the original application pursuant to WAC 173-14-070. The copy of the approved revision shall include notice that appeal may be filed within fifteen (15) days from the date of certified mailing, and shall be in accordance with RCW 90.58.180, and shall further advise that the party seeking review shall have the burden of proving the revision granted was not within the scope and intent of the original permit. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.360)

20.76.380 Revocation of Permits - Hearings Required.

Any permit may, after a public hearing by the Examiner, be rescinded by Pierce County. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.370)

20.76.390 Grounds for Revocation.

Any permit may, after a public hearing by the Examiner, be rescinded if it is found that any one (1) or more of the following conditions exists:

- A. That the approval was obtained by fraud;
- B. That the use for which such approval was granted is not being exercised;
- C. That the use for which such approval was granted has ceased to exist or has been suspended for one (1) year or more;
- D. That the permit or variance granted is being, or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any Statute, Resolution, Code, Law, or Regulation;
- E. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.380)

20.76.400 Revocation of Permit - Public Notice Required.

Prior to a public hearing by the Examiner on the revocation of a permit, the Planning Department shall publish notice of the time, place, and matter to be considered in a newspaper of general circulation in the County, at least ten (10) days prior to the date of public hearing. In addition thereto, the Planning Department shall mail public notice to the applicant and to all persons who received public notice of the original permit application. Said notice shall include the location, date and particulars of the hearing. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.390)

20.76.410 Revocation of Permit - Notice of Final Action.

All persons who have previously submitted their views in writing on the original permit application to the Planning Department, shall be notified within fourteen (14) days of the action taken to revoke the permit. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.400)

20.76.420 The Examiner Shall Hear and Decide Appeals of an Administrative Decision.

The Examiner shall have the authority to hear and decide appeals from any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this Chapter. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.410)

20.76.430 Appeals - Time Limit.

Appeals may be taken to the Examiner by any person aggrieved, or by any officer, department, board, or bureau of the County affected by any decision of an administrative official in the administration or enforcement of this Code. Such appeals shall be filed in writing in duplicate with the Planning Department within twenty (20) days of the date of the action being appealed. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.420)

20.76.440 Appeal - Notice of Time and Place.

Upon the filing of an appeal with the Planning Department, the matter shall be set for consideration, and notice given as follows:

On appeals from administrative decisions, written notices of the time and place of the public hearing at which the matter will be considered by the Examiner shall be mailed to the appellant, to the adverse parties of record in the case and to the officer whose decision is being appealed, together with a copy of the written appeal. Such notice shall be mailed not less than ten (10) days prior to the date of the meeting.

Upon receiving notice of the appeal, the officer from whom the appeal is being taken shall forthwith transmit to the Examiner all of the records pertinent to the decision being appealed from, together with such additional written report as he deems pertinent.

(Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.430)

20.76.450 Scope of Authority on Appeal.

The Examiner may, in conformity with this Chapter, reverse or affirm, wholly or in part or may modify the order, requirement, decision, or determination appealed from and may take such order, requirement, decision, or determination as should be made and, to that end, shall have all powers of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned, and in making its determination the Examiner may hear any pertinent facts bearing on the case. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.440)

20.76.460 Appeals to the Council.

The decision of the Examiner on an appeal of an administrative decision may be further appealed to the Council in the same manner as are appeals of Substantial Development Permits, Variances, etc. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.450)

20.76.470 Permanent Files Shall Include Summary of Testimony.

A summary of all pertinent testimony offered at public hearings held in connection with an application filed pursuant to this Chapter, and the names of persons testifying, shall be recorded and made a part of the permanent files in the case. The proceedings shall be recorded either manually or by machine and the recording shall become a part of the permanent file of the matter being heard. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.460)

20.76.480 Limitation on Refiling of Applications.

No application for a Substantial Development Permit, Variance, Conditional Use Permit or Expansion of a Nonconforming Use Permit shall be accepted for filing by the Planning Director within one (1) year following final action in denying an application for a similar permit or approval for the same property. In determining whether an application for a permit or approval is similar to the permit which was denied, the Director shall be guided by the following standards:

An application for a permit shall be deemed similar if the proposed Substantial Development Permit, Variance, Conditional Use Permit, or Expansion of a Nonconforming Use Permit will permit uses, building or project locations or the relaxation of bulk requirements which are the same or substantially the same as those considered and disallowed by the earlier final action.

In every instance, the burden of proving dissimilarity to the Director's satisfaction shall be upon the applicant. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.470)

20.76.490 Enforcement.

Enforcement Orders by Pierce County or Department of Ecology:

- A. Pierce County and the Department of Ecology shall have the authority to serve upon a person undertaking, or about to undertake development as defined in RCW 90.58.030(3)(d), a regulatory order if:
 - 1. The development constitutes an integral part of substantial development being undertaken, or about to be undertaken, on the shoreline of the State in the absence of a Substantial Development Permit, or
 - 2. The development being undertaken, although an integral part of a project approved by an existing, valid Substantial Development Permit is outside the scope and intent of said permit, or
 - 3. The development being undertaken on the shoreline of the State is in violation of RCW 90.58.020, and the Pierce County Master Program.
- B. The regulatory order shall set forth or contain:
 - 1. The specific nature, extent and time of violation, and the damage or potential damage;
 - 2. An order that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a specific and reasonable time; and

3. The right of the person to whom the order is directed to a hearing before the Shoreline Hearings Board.
- C. A regulatory order issued pursuant hereto shall become effective immediately upon receipt by the person to whom the order is directed and shall become final unless review is requested pursuant to WAC 173-14-210.
- D. Hearings on Regulatory Orders.
 1. The person to whom the order is directed may request review to the Shoreline Hearings Board within thirty (30) days after being served. The requirements of RCW 90.58.180(1) and Chapter 461-08 WAC shall apply to all said requests for review, provided, however, that there shall be no requirement for such requests to be filed with and certified by the Department of Ecology and the Attorney General.
 2. All hearings held pursuant to this provision and judicial review thereof shall be in accordance with the rules establishing the Shorelines Hearings Board contained in Chapter 90.58 RCW and to Chapter 461-08 WAC.
- E. Civil Infractions.

In addition to any other sanction or penalty, or any remedial or administrative procedure available under the Pierce County Code or state law, violation of any provision of this Chapter or failure to comply with any permit or other written order or decision issued pursuant to this Chapter constitutes a Class 1 civil infraction as defined in PCC 1.16.120 A.
- F. Penalty.

Any person, firm, corporation or association of any agent thereof who violates any provision of this Title and Master Program, adopted pursuant to State law, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to not more than a \$250.00 fine and/or ninety (90) days in the Pierce County Jail.

(Ord. 93-26 § 7, 1993; Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.480)

20.76.500 Severability.

If any provision of this Title or its application to any person or circumstances is held invalid, the remainder of this Title or the application of the provision to other persons or circumstances, shall not be affected. (Ord. 88-76S § 1 (part), 1988; Res. 18562-A § 1 (part), 1976; prior Code § 65.76.490)