



Appendix G
Summary of Plans and Policies

Pierce County Public Works and Utilities – Sewer Utility
Unified Sewer Plan Update



Appendix G provides a synopsis of various Federal, state, and local, rules, regulations, acts, and court decisions germane to the Unified Sewer Plan. In some instances hypertext links are provided to be able to read the entire text of a decision or act. The Pierce County Sewer Utility and Pierce County Public Works and Utilities Department have no control over the content of information provided by those other than Pierce County Departments.

To access a document through a hyperlink choose “**Click Here**”

Federal Rules, Regulations, and Court Decisions

National Historic Preservation Act Section 106 Review

[Click Here](#)

The Act requires review by the State Office of Archaeology and Historic Preservation for all federal undertakings, and projects that receive funding, a license, or permit from a federal agency. The Act requires that the proponent consider the effect of its action on historic properties. The Office of Archaeology and Historic Preservation will determine if a site requires a Historic Survey, and if there are historical resources on-site.

National Historic Preservation Act Archaeological Excavation Permit

[Click Here](#)

The Washington State Office of Archaeology and Historic Preservation is contacted prior to the start of all projects to determine if historic or archaeological sites may be affected and if an excavation assessment may be required. A permit from the Office of Archaeology and Historic Preservation must be obtained prior to any excavation that will alter or remove a Native Indian grave site or archaeological resource.

Coastal Zone Management Act of 1972

[Click Here](#)

The Coastal Zone Management Act of 1972 seeks to preserve, protect, develop, restore, or enhance the resources of the Nation’s coastal plain. Amendments made in 1976 (P.L. 94370) require a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural value. This requirement is to be accomplished through cooperation with state, local, and regional governments. The Washington State, Shoreline Management Act of 1971 established the policies for this process and gives local government authority to implement these policies through local Shoreline Master Programs.

The Rivers and Harbors Act of 1899

[Click Here](#)

The Rivers and Harbor Act of 1899 govern the construction of bridges with the potential of obstructing or otherwise affecting navigable waters of the United States. Provisions in the Act require that construction or removal of any such structure may only take place after the plans for such a change have been approved by the U.S. Army Corps of Engineers. Approval is based on the determination that navigation would not be impaired and environmental impacts are acceptable.

United States v. State of Washington 1974 “Boldt Decision”

[Click Here](#)

Tribal governments brought suit in 1970 in United States v. State of Washington seeking a declaration and enforcement of treaty fishing rights established by the 1854 Treaty of Medicine Creek. Commonly known as the Boldt Decision it determined that tribal fishermen are entitled to 50 percent of the catch of returning salmon that migrate through their usual and accustomed tribal fishing areas. Basic harvest rights were affirmed by the United States Supreme Court in 1979, and the federal court has retained jurisdiction to fully implement those fishing rights.

In Phase II the tribes alleged that state agencies had been unsuccessful in properly protecting fishery habitat. The tribes sought a declaration that the treaties guarantee habitat protection and alleged first, that state agencies have an obligation to protect the supply of fish, and second, that agency actions which damage, degrade, or destroy habitat or current levels of harvestable fish violate treaty rights. The state has committed to cooperatively resolve environmental concerns, protect fisheries resources, and avoid costly litigation.

Court Orders Pertaining to Treaty Indian Shellfish Harvest

On May 19, 1989, fifteen tribes in the Puget Sound area and the Yakima Tribe initiated a new proceeding to determine the extent of their off-reservation treaty rights to shellfish. They sought a declaration that the treaty provides a right to take all species of shellfish from any tidelands or bedlands, regardless of ownership. They also sought a declaration of rights to deep-water shellfish, such as geoduck, crab, sea urchins, and shrimp. The Attorney General's Office defended the case, along with attorneys for the commercial shellfish industry and intervening private tideland owners. The defendants argued that any right to harvest shellfish does not extend to private tidelands, or to any artificial or cultivated shellfish beds. The State asserted that a treaty right would not include harvests from deep water places that were not used at treaty time (i.e., geoducks, sea urchins, shrimp, and crab) Finally, the State argued that the tribal share of shellfish should be less than 50%, based on the Supreme Court's holding that treaty Indians are entitled to "up to 50%" but "no more than is necessary to provide the Indians with a livelihood -- that is to say, *a moderate living.*" Fishing Vessel Association, 443 U.S., at 686-87.

On December 20, 1994, U.S. District Court ruled that the usual and accustomed fishing areas found and set forth in the Boldt Decision of 1974 for salmon, would also be applied to all shellfish species. The decision also ruled that the tribes would be entitled to take up to 50 percent of all shellfish species. His ruling included intertidal shellfish, like clams and oysters, plus deep water shellfish, like crabs and sea urchins. The only new issue arose from the shellfish proviso in the treaties ("*Provided*, that said Indians shall not take shellfish from beds staked or cultivated by citizens"). The decision also stated that while the treaty right applied to shellfish on private tidelands, it did not apply to shellfish on artificial or cultivated shellfish beds. Despite some agreements to the form of parts of the order, there were substantial disputes over the court's December 20 opinion. In response to the disputes, the court scheduled a second trial for May 8, 1995. On August 28 1995, the federal district court ruled that Indian Tribes in Puget Sound and Olympic Peninsula have treaty rights to take shellfish on certain private tidelands. The court's rulings, however, also imposed limits on Indian use of private lands.

33 CFR Chapter II Corps of Engineers Part 320 - General Regulatory Policies

[Click Here](#)

From 320.4 General policies for evaluating permit applications:

The following policies shall be applicable to the review of all applications for Department permits.

- (a) Public Interest Reviews
- (b) Effect on wetlands
- (c) Fish and wildlife
- (m) Water supply and conservation
- (p) Environmental benefits
- (q) Economics
- (r) Mitigation

State and Local Codes and Regulations, Agreements and Management Plans

Revised Code of Washington (RCW) and Washington Administrative Code (WAC)

Revised Code of Washington

Sewerage, Water and Drainage Systems - Chapter 36.94 [Click Here](#)

Growth Management Act Planning Goals - Chapter 36.70A.020 [Click Here](#)

Shoreline Management Act - Chapter 90.58 [Click Here](#)
Administered through Pierce County Code Title 20 - Shoreline Regulations

Washington Administrative Code

State Environmental Policy Act Rules - Chapter 197-11 WAC [Click Here](#)

On-Site Sewage Systems Rules and Regulations - Chapter 246-272 WAC [Click Here](#)

Pierce County Comprehensive Plan and County-wide Planning Policies

Title 19A - Pierce County Comprehensive Plan [Click Here](#)

Pierce County County-Wide Planning Policies [Click Here](#)

Pierce County Planning Documents

Title 13 - Pierce County Sanitary Sewer [Click Here](#)

Title 18A - Development Regulations [Click Here](#)

Title 20 - Shoreline Regulations [Click Here](#)

Pierce County Economic Development Documents

Pierce County Strategic Economic Development Plan [Click Here](#)

Pierce County Economic Stimulus Report [Click Here](#)

Other Pierce County Planning Documents

Chambers Creek Properties Master Site Plan [Click Here](#)

Pierce County Coordinated Water System Plan 2001 [Click Here](#)

Pierce County Comprehensive Basin Planning [Click Here](#)

Tacoma-Pierce County Health Department

On-Site and Community Sewage Systems within the Urban Growth Area [Click Here](#)

Water Quality Management Plans

Chambers-Clover Creek Watershed Action Plan,	Click Here
Upper Puyallup Watershed Water Characterization and Action Plan	Click Here
Lower Puyallup Watershed Action Plan	Click Here
Nisqually River Watershed Characterization Plan	Click Here
White River Watershed Characterization Plan	Click Here

Comprehensive Plan Sections, and/or Code Sections of Pierce County Cities and Towns

Note:

Local codes and ordinance sections other than Pierce County’s are included as provided to the County as excerpts or titles of individual sections. There is a hypertext link that may be used to access the various codes and plans from the CD or from the CD included with the printed copy of the Unified Sewer Plan. The inclusion of these code sections and comprehensive plan excerpts does not impose a mandate or requirement for the Utility to meet in the dispensation of the Unified Sewer Plan. The information is included for informational purposes only. The full body of the individual City and Town comments and responses by the Utility can be found at the end of Appendix H – *Coordination with Cities and Towns*.

City of Bonney Lake

**Comprehensive Plan
Municipal Code**

[Click Here](#)
[Click Here](#)

Comments from the City of Bonney Lake are located in Appendix H – Coordination with Cities and Towns.

City of DuPont

**Comprehensive Plan
Municipal Code**

[Click Here](#)
[Click Here](#)

Comments from the City of DuPont were obtained through meetings and are incorporated into the USP.

Excerpts from the City of DuPont Comprehensive Plan and Municipal Code as submitted:

Natural Environmental and Sensitive Areas

Goals:

To attain no net loss to high value natural systems within the City and mitigate losses of low and moderate value through enhancements in areas to be saved.

To exercise responsible environmental stewardship by directing development towards areas of the City where natural systems and amenities present the fewest environmental constraints.

To institute measures which promote development and construction practices that minimize impact on the City's natural systems.

Policies:

- ESA-9 Establish grading, storm water, and erosion controls consistent with Department of Ecology and Pierce County guidelines.
- ESA-16 Maintain no net loss in the functioning, values and area of lakes, marshes, streams, wetlands, and bluffs recognizing the potential for passive public access on or at Old Fort Lake.
- ESA-17 Protect significant ecological areas and retain a maximum percentage of native vegetation during the development of the City.
- ESA-18 Maintain important wildlife habitats and functional wildlife corridors to link important natural areas such as Edmonds Marsh and Sequelichew Creek.
- ESA-19 Minimize the potential for adverse impacts on the Nisqually Wildlife Refuge.
- ESA-20 Protect the biological productivity of Sequelichew Creek, Edmonds Marsh and other wetland areas by permanently preserving these areas as natural open space
- ESA23 Protect near-shore habitats for aquatic plants, fish, shellfish and crustaceans by limiting activities allowed along the DuPont shoreline.

Capital Facilities

Goals:

To plan for the provision and development of roads, water system, wastewater and storm drainage systems, parks, civic facilities, schools, police, and fire protection that are adequate to meet the needs of the City at full development.

To ensure that needed public facilities and improvements will be provided in a manner that is concurrent with the development of the City. The funding of those civic facilities requiring concurrency shall be the responsibility of the Developer.

Policies:

- CF-1 Concurrency for the provision of roads, water system extensions, wastewater system extensions, schools, police and fire protection services, and parks shall mean that they are in place at the time of occupancy of the housing and/or business to be served.
- CF-3 Require all development projects, both public and private, to demonstrate there are adequate public facilities and infrastructure to support the project or to demonstrate how such facilities will be provided as part of the project.
- CF-4 Require projects that demand large amounts of water to demonstrate that their use will not increase costs, degrade water quality or system dependability to existing and future users.
- CF-5 Require wastewater system extensions to continue to connect to the County's treatment facility to accommodate new development.

- CF-7 Water, wastewater, and storm drainage lines are to be developed within public rights-of-way.
- CF-8 Public Facilities shall be located to protect natural areas.
- CF-13 The City will place substantive reliance on the following facilities plans when reviewing development proposals and undertaking public improvements: DuPont Water Comprehensive Plan, Pierce County (Unified) Sewer Plan, DuPont Storm Drainage Plan, DuPont Fire Service Resource Allocation and Public Fire Safety Plan, and DuPont Street Standards.

Utility Element:

Goal:

To facilitate the development and maintenance of all utilities at levels that insure adequacy to meet DuPont's projected population and employment growth.

City of Edgewood

Comprehensive Plan

[Click Here](#)

Municipal Code

[Click Here](#)

Title 11 Sewers

[Click Here](#)

Comments from the City of Edgewood are located in Appendix H – Coordination with Cities and Towns.

City of Fife

Comprehensive Plan Element 5 Utility Update

[Click Here](#)

Municipal Code

[Click Here](#)

City of Lakewood

Comprehensive Plan

[Click Here](#)

Municipal Code

[Click Here](#)

Comments from the City of Lakewood are located in Appendix H – Coordination with Cities and Towns.

Excerpts from the City of Lakewood Comprehensive Plan and Municipal Code as submitted.

7.1.1 General Goals and Policies

GOAL U-1: Provide an adequate level of public utilities in response to and consistent with land use, environmental protection, and redevelopment.

Policies:

U-1.1: Utility services and facilities must be consistent with the growth and development concepts directed by the comprehensive plan.

U-1.2: Where appropriate, encourage conservation in coordination with other utility providers and jurisdictions.

U-1.3: Encourage the appropriate siting, construction, operation, and decommissioning of all utility systems in a manner that reasonably minimizes impacts on adjacent land uses.

GOAL U-2: Provide and maintain safe, reliable, and adequate utility facilities and services for the city's current and future service area to meet anticipated peak demands in an efficient, economically, and environmentally responsible manner.

Policies:

U-2.1: Condition development approval on capacity of utility systems to serve the development without decreasing established LOS, or on a financial commitment to provide service within a specified time frame.

U-2.2: Coordinate the extension of utility services with expected growth and development.

U-2.3: Coordinate with service providers and other utilities using rights-of-way on the timing of improvements to reduce impacts to communities and to lower the cost of improvements.

7.3 Sanitary Sewers

Sewer service in the City of Lakewood is almost entirely provided by Pierce County Public Works and Utilities. The Town of Steilacoom provides sewer service to Western State Hospital. Steilacoom has indicated that its facilities serving the Western State Hospital currently have additional growth capacity. The City of Tacoma provides sewer service to the Flett subdivision located near the northern city limits.

The Tillicum and American Lake Gardens neighborhoods do not have sewer service and rely on individual septic systems. The area immediately north of Pierce College and north of 101st SW, as well as the area along Clover Creek near Cochise Lane, are unsewered as well. To increase residential density in Tillicum and convert American Lake Gardens to the industrial use directed in this plan, both neighborhoods will require sewer systems.

GOAL U-6: Ensure efficient, cost-effective, and environmentally sound sewage collection and treatment to protect public health and maintain safe and high quality groundwater reserves and protect riparian and other wildlife habitat.

Policies:

U-6.1: Provide leadership to Pierce County to ensure that sewer connection fees and monthly charges are adequate to fund maintenance of existing facilities, and collect monies toward operation, maintenance, repair, and replacement of existing facilities.

U-6.2: Provide leadership to Pierce County in evaluating and accommodating increased demand by upgrading existing facilities and/or constructing new collection and treatment improvements.

GOAL U-7: Ensure that new growth is served by sewers, and pursue a citywide system to eliminate current service deficits.

Policies:

U-7.1: Ensure that public sewage treatment and collection systems are installed and available for use coincident with new development.

U-7.2: Work with Pierce County to establish a priority for sewerage bypassed urban areas located within the city (American Lake Gardens and Tillicum).

U-7.3: Require projects located beyond the reasonable reach of existing sewer service construct dryline sewers within roadways and adopt covenants requiring that they connect to sewers when available.

U-7.4: Issue building permits in sewer areas only when sewer capacity is available.

U-7.5: Enable existing uses to continue utilizing individual and/or community septic systems, provided that soil conditions will support their use, until sewers are available.

U-7.6: Ensure that sewer permits are processed in a timely manner by Pierce County.

U-7.7: Encourage extension of sewer service to American Lake Gardens and portions of Tillicum slated for density increases (see Policy LU-61.5).

LU-61.5: Work cooperatively with development interests to protect aquifers and surface water by the gradual extension of sanitary sewers to unsewered areas of Lakewood with priority for those areas bordering or hydrologically related to American Lake.

U-7.8: Solicit private industrial developers willing and able to finance the extension of sanitary sewers to American Lake Gardens.

City of Lakewood Shoreline Use Regulations - Introduction to Environments Section 14.14.000

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 city 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.

- | | |
|--|----------------------------|
| 14.18.000 - The Urban Environment | Click Here |
| 14.22.000 - The Conservancy Environment | Click Here |
| 14.26.000 - The Natural Environment | Click Here |
| 14.30.000 - Shoreline Environments for City of Lakewood | Click Here |

**City of Puyallup
Comprehensive Plan
Municipal Code – Chapter 14 Water and Sewers**

[Click Here](#)
[Click Here](#)

City of Tacoma

**Comprehensive Plan – Utilities Element
Municipal Code - Title 12 Section 8**

[Click Here](#)
[Click Here](#)

Comments from the City of Tacoma are located in Appendix H – Coordination with Cities and Towns.

City of University Place

**Comprehensive Plan
Municipal Code**

[Click Here](#)
[Click Here](#)

Comments from the City of University Place are located in Appendix H – Coordination with Cities and Towns.
