

PROPOSED NEW

TITLE 18S

DEVELOPMENT REGULATIONS – SHORELINES



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Chapter 18S.10: INTRODUCTION

Sections:

- 18S.10.010 Title.**
- 18S.10.020 Purpose.**
- 18S.10.030 Applicability.**
- 18S.10.040 Exemption.**
- 18S.10.050 Interpretation.**
- 18S.10.060 Coordination with Other Titles.**
- 18S.10.070 Compliance.**
- 18S.10.080 Severability.**
- 18S.10.090 Warning and Disclaimer of Liability.**

18S.10.010 Title.

Title 18S PCC shall be officially cited as Title 18S PCC, Development Regulations – Shorelines and may be referred to as Title 18S PCC. Title 18S PCC, which includes the shoreline policies, regulations, and shoreline environment designation maps is the Pierce County Shoreline Master Program (SMP). Additionally, [Title 18E](#) PCC, Development Regulations – Critical Areas¹ is incorporated by reference, in whole, as a part of the SMP.

18S.10.020 Purpose.

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

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

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

The overarching policy is that, “The public’s opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible, consistent with the overall best interest of the State and the people. Alterations of the natural

¹ The Directions Package, Ordinance Nos. 2004-56s, 2004-57s, and 2004-58s, and amended by Ordinance 2006-103s, and Ordinance 2012-xxx.

conditions of the shorelines of the State, in those limited instances when authorized, shall be given priority for development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the State.

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

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

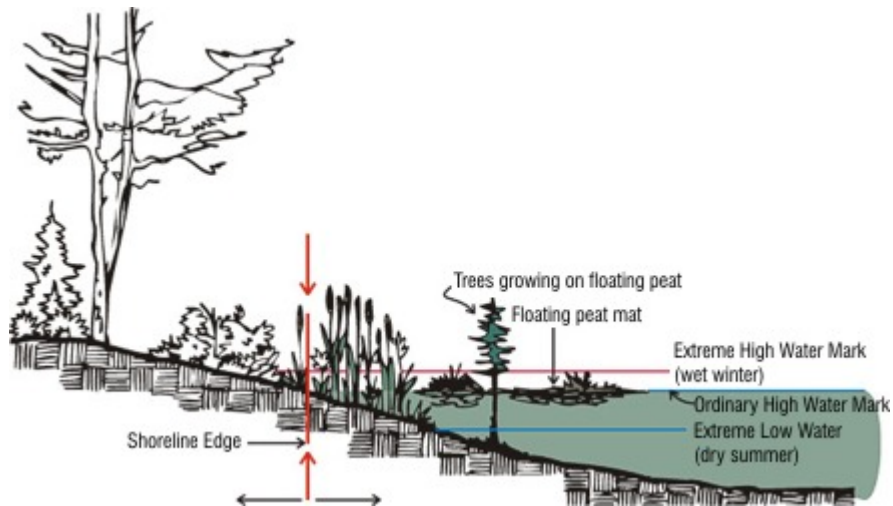
- A. **General Purpose.** The general purpose of Title 18S PCC shall be to implement the following:
 - 1. Washington State Shoreline Management Act (Chapter 90.58 RCW) which governs the development of Washington's shorelines. The Act requires the County to prepare and adopt a Shoreline Master Program (SMP); and
 - 2. Washington State Department of Ecology (Ecology) Rules (Chapters 173-26 and 27 WAC) that guide, along with the SMA, the required contents of the SMP.
- B. **Specific Purpose.** In implementing the above general purpose, the more specific purpose of Title 18S PCC is to:
 - 1. Regulate the development of shorelines;
 - 2. Protect critical areas from the impacts of development;
 - 3. Protect development from the impacts of hazards areas;
 - 4. Achieve no net loss of ecological functions of shorelines; and
 - 5. Promote the public health, safety, and general welfare of the community.

18S.10.030 Applicability.

- A. Title 18S PCC applies to all shoreline development occurring in unincorporated Pierce County. For purposes of Title 18S PCC "shorelines" consist of:
 - 1. All marine waters;
 - 2. All rivers and streams downstream from a point where the mean annual flow is 20 cubic feet per second; and
 - 3. All lakes which are 20 acres in size or larger.
 - 4. For the shorelines listed in subsections 1-3 above, Title 18S PCC shall apply to the following:
 - a. The waters themselves;
 - b. Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM) of the water body;
 - c. Associated wetlands; and
 - d. River deltas.
 - 5. Floodways and contiguous floodplain areas landward two hundred feet from such floodways.
 - 6. For the shorelines listed in subsections 1-5 above, Title 18S PCC shall also apply to the following:

- a. The air above the shoreline area; and
 - b. The land below the shoreline area.
7. Shorelines do not include land necessary for critical area buffers when the buffer is located outside areas identified in 4-5 above.
 8. The shoreline jurisdiction does not include land owned by tribal members or tribes within their tribal reservation, or lands held in trust by the federal government for tribes or tribal members within their tribal reservation.

**Figure 18S.10-1
Ordinary High Water Mark**



18S.10.040 Exemptions.

For development exempt from the requirement to obtain a Shoreline Substantial Development Permit, see PCC 18S.60.030, Shoreline Minor Development.

18S.10.050 Interpretation.

- A. Any inconsistencies between the State Shoreline Management Act (SMA) and Title 18S PCC shall be resolved in accordance with the SMA. Within Title 18S PCC, any ambiguities between the policies and the regulations shall be resolved in accordance with the policies. Furthermore, the provisions of other applicable County, State, and Federal regulations shall control when they establish more protective restrictions than are established in Title 18S PCC, provided such regulations are consistent with the State Shoreline Management Act and Title 18S PCC.
- B. When a provision of County Code conflicts with another provision in County Code, the more restrictive shall apply.
- C. In case of any ambiguity or difference of meaning or inconsistencies between the text and any illustrations or other graphics and maps, the text throughout Title 18S PCC, including text within tables, shall control.

- D. Many terms that appear in Title 18S PCC and one or more other Titles in the [Title 18 PCC](#) series are defined in Chapter 18.25 PCC. In instances where a specific term has one definition in Chapter 18.25 PCC and a different definition appears in Title 18S PCC, the term in Title 18S PCC shall apply.
1. The term “shall” means a mandate and the action is required. The term “should” means that the particular action is required unless there is a demonstrated, compelling reason, based on a policy of the Shoreline Management Act and Title 18S PCC, for not taking the action. The term “may” indicates that the action is discretionary, provided it satisfies all other applicable regulations.
- E. Formal written administrative interpretations of Title 18S require consultation with Ecology to insure consistency with the purpose and intent of Chapter 90.58 RCW and the applicable guidelines.
- F. When a site contains more than one regulated critical area, the minimum standards and requirements for each identified feature shall be applied.
- G. All normal utilities associated with a principal use shall be reviewed as part of the principal use.
- H. **Maps.** The County Geographic Information System (GIS) includes the shoreline environment designation (SED) maps.
1. Changes to County designated SED boundaries require a Shoreline Master Program (SMP) Amendment which requires approval of the County Council and the Washington State Department of Ecology (Ecology). The SED of a shoreline cannot be changed with a Shoreline Variance permit or any other process addressed in Title 18S PCC.
 2. Associated wetlands have the same designation as the adjacent SED. However, the exact boundary of an associated wetland, and corresponding shoreline jurisdiction boundary, would occur at the time of project review.
 3. If a shoreline has not been assigned an SED, it shall automatically be designated “Conservancy” until it can be designated through a Pierce County Shoreline Master Program Amendment.
 4. Divided Parcels.
 - a. Where the County Council, as part of an ordinance approving Title 18S PCC, approves SEDs that divide a parcel, the parcel shall be so divided, provided such boundaries are shown on the approved map and the parcel split is acknowledged in the findings of fact of the ordinance. However, for parcels split by an Aquatic SED, the parcel shall be divided at the OHWM.
 - b. Where the County Council, as part of an ordinance approving Title 18S PCC, inadvertently approves SEDs that divide a parcel, the entire parcel shall be considered to be within the classification of the majority of the parcel; i.e., the portion which is greater than 50% of the lot area, except for those split by the Aquatic SED.
 - c. Where SED boundaries are established by a road or railroad right-of-way, the center of the road right-of-way or railroad line will act as a boundary line between the SED classifications.
- H. As provided for in RCW 90.58.900, the SMA is exempted from the rule of strict construction; the SMA and Title 18S PCC shall therefore be liberally-construed to give

full effect to the purposes, goals, objectives, and policies and regulations for which the SMA and Title 18S PCC were adopted.

18S.10.060 Coordination with Other Titles.

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

- A. **Title 1** PCC. General Provisions.
 - 1. Hearing Examiner Code. The provisions for public hearings, decisions, reconsiderations, and appeals, are found in Chapter 1.22 PCC.
- B. **Title 2** PCC. Administration.
 - 1. Fees. Fees for applications filed pursuant to Title 18S PCC are found in Chapter 2.05 PCC.
 - 2. Current Use Assessment. Section 2.114, defines the process by which a property owner may apply for current use property tax assessment, allowed pursuant to Chapter 84.34 RCW, provides an opportunity for certain categories of lands to have the tax structure based upon the “current use” rather than on the traditional fair market value system of “highest and best use.
- C. **Title 13** PCC. Public Sanitary Sewer Systems.
- D. **Title 17A** PCC. Construction and Infrastructure Regulations – Site Development and Stormwater Drainage.
- E. **Title 17C** PCC. Construction and Infrastructure Regulations – Building and Fire Codes.
- F. **Title 18** PCC. Development Regulations – General Provisions.
 - 1. Definitions. Except for words and terms defined in Title 18S PCC and in Chapter 18.25 PCC, all words and terms used in Title 18S PCC shall have their customary meanings.
 - 2. Application Filing. The provisions for filing of applications, including preliminary reviews prior to filing, are found in Chapter 18.40 PCC.
 - 3. Review Process. The provisions for the review of applications are found in Chapter 18.60 PCC.
 - 4. Notice. The provisions for providing notice of application submittal, SEPA determinations, hearings, and decisions are found in Chapter 18.80 PCC.
 - 5. Time Period for Final Decision. The provisions for issuing a notice of final decision on any application filed pursuant to Title 18S PCC are found in Chapter 18.100 PCC.
 - 6. Code Interpretations. The provisions for interpreting ambiguous provisions of Title 18S PCC are found in Chapter 18.120 PCC.
 - 7. Compliance. The enforcement regulations for Title 18S PCC are found in Chapter 18.140 PCC.
 - 8. Revocation, Modification and Expiration. The provisions for establishing the authority and procedures for the revocation, modification and expiration of permits and approvals granted pursuant to Title 18S PCC are found in Chapter 18.150 PCC.

9. Vesting. The provisions for the vesting of applications, duration of approvals, modifications to applications, expiration of applications, and waiver of vesting are found in Chapter 18.160 PCC.
- G. **Title 18A** PCC. Development Regulations – Zoning. Zone Classifications, Use Category Tables and Use Category Descriptions are found in Title 18A PCC.
- H. **Title 18D** PCC. Development Regulations – Environmental. The provisions for submittal and review of an environmental checklist to conform with the State Environmental Policy Act (SEPA) are found in Chapter 18D.40 PCC.
- I. **Title 18E** PCC. Development Regulations – Critical Areas.
 1. Wetlands. Regulations that apply to Wetlands are found in Chapter 18E.30 PCC.
 2. Fish and Wildlife Species and Habitat Conservation Areas. Regulations that apply to Fish and Wildlife Species and Habitat Conservation Areas are found in Chapter 18E.40 PCC.
 3. Flood Hazard Areas. Regulations that apply to Flood Hazard Areas are found in Chapter 18E.70 PCC.
 4. Landslide Hazard Areas. Regulations that apply to Landslide Hazard Areas are found in Chapter 18E.80 PCC.
 5. Erosion Hazard Areas. Regulations that apply to Erosion Hazard Areas are found in Chapter 18E.110 PCC.
- J. **Title 18G** PCC. Development Regulations – Conservation Programs, includes the process for the Transfer of Density Credit process.
- K. **Title 18H** PCC. Development Regulations – Forest Practices. Class IV-General Forest Practices identified in WAC 222-16-050(2) also are subject to the requirements of Title 18H, Pierce County Development Regulations – Forest Practices.

18S.10.070 Compliance.

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

- A. Within shorelines, all proposed development meeting the definition of development shall conform to the Washington State Shoreline Management Act (SMA) (Chapter 90.58 RCW) and the Title 18S PCC.
- B. No person may commence any shoreline development without first obtaining all permits and approvals required pursuant to Title 18S PCC. A person may be required to obtain multiple permits and approvals, including critical area permits and approvals.
- C. The SMA requires that critical areas located within shorelines be addressed through the Pierce County Shoreline Master Program (SMP). To meet the requirement, Title 18S PCC adopts by reference the existing County Critical Areas Regulations (Title 18E PCC). Title 18S PCC contains additional regulations that apply to shorelines.
- D. Shoreline development shall comply with the Zoning Code, Title 18A, Development Regulations – Zoning PCC.
- E. Permits and approvals may also be required pursuant to other County codes, other governmental agencies, and/or entities such as other County agencies, State agencies such as the Department of Ecology; the Department of Fish and Wildlife; the Department of Natural Resources; and the Department of Archaeology/Historic

- Preservation, and Federal agencies such as the Army Corps of Engineers and Coast Guard.
- F. It shall be the sole responsibility of the applicant(s) to contact all applicable agencies to secure any required permits and approvals.
 - G. Rights reserved or otherwise held by Indian Tribes pursuant to treaties, executive orders, or statutes shall not be impaired or limited by any action taken or authorized by the County under its Shoreline Master Program, and all such rights shall be accommodated.
 - H. Other entities may have rules, guidelines, or restrictions on the use of the shoreline, such as homeowners' associations.
 - I. Any departure from the conditions of a County permit or approved plans constitutes a violation of Title 18S PCC, and is subject to enforcement actions, penalties, and rescission of the original permit or approval.

18S.10.080 Severability.

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

18S.10.090 Warning and Disclaimer of Liability.

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

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

Sections:

- 18S.20.010 Purpose.**
- 18S.20.020 Shorelines of Statewide Significance.**
- 18S.20.030 Natural Shoreline Environment Designations.**
- 18S.20.040 Conservancy Shoreline Environment Designations.**
- 18S.20.050 Residential Shoreline Environment Designations.**
- 18S.20.060 High Intensity Shoreline Environment Designations.**
- 18S.20.070 Aquatic Shoreline Environment Designations.**

18S.20.010 Purpose.

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

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

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

18S.20.020 Shorelines of Statewide Significance.

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

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

18S.20.030 Natural Shoreline Environment Designation.

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

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



Figure 18S.20- 1
Example of Natural Shoreline Environment

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

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

B. Management Policies.

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

18S.20.040 Conservancy Shoreline Environment Designation.

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

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

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



Figure 18S.20- 2
Example of Conservancy Shoreline Environment

B. Management Policies.

1. Active and passive outdoor recreation activities and resource-based uses such as timber harvesting, aquaculture, and passive agricultural uses such as pasture and range lands shall receive priority.
2. Opportunities for ecological restoration should be pursued, giving priority to the areas with the greatest potential to restore ecosystem-wide processes (the site of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions) and functions.
3. Development should be limited to that which sustains the shoreline area’s physical and biological resources and temporary uses that do not substantially degrade ecological functions or the natural character.
4. Agriculture, forestry, and aquaculture should be allowed.
5. Mining, as a unique use due to its inherent relationship to geology, may be an appropriate use when conducted in a manner consistent with the Conservancy SED,

and located consistent with mineral resource lands' designation criteria pursuant to applicable provisions of the Growth Management Act, RCW 36.70A.170, and WAC 365-190-070.

6. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, including but not limited to boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, may be allowed.
7. Commercial and industrial development should be limited to, water-oriented commercial and industrial development in instances where those uses have been located there in the past, or at unique sites that possess shoreline conditions and services necessary to support the development.
8. Outstanding recreational or scenic values should be protected from incompatible development.

18S.20.050 Residential Shoreline Environment Designation.

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

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

- B. **Management Policies.**

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



Figure 18S.20- 3
Example of Residential Shoreline Environment

18S.20.060 High Intensity Shoreline Environment Designation.

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

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

B. **Management Policies.**

1. The first priority for development shall be intensive water-dependent uses. The second priority shall be water-related and recreational uses.
2. Development shall be designed to ensure no net loss of ecological functions. Some instances may involve off-site mitigation outside of the High Intensity SED due to site limitations and the need for effective mitigation measures.
3. Visual and physical access should be required where feasible and where public safety can be assured.
4. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate location of development, screening and architectural standards, and maintenance of natural vegetative buffers.
5. Non water-oriented uses should not be allowed except as part of a mixed-use development.
6. Non water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the water's edge. Such situations should be identified in shoreline use analysis or special area planning, as described in WAC 173-26-200(3)(d).
7. Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with any relevant State and Federal law.



**Figure 18S.20- 4
Example of High Intensity Shoreline
Environment**

18S.20.070 Aquatic Shoreline Environment Designation.

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

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

B. **Management Policies.**

1. All development on navigable waters and submerged lands should be located and designed to minimize interference with surface navigation, to reduce impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

2. Development that adversely impacts the ecological functions of marine and freshwater habitats should not be permitted except where necessary to achieve the objectives of RCW 90.58.020, and then only when all identified impacts are mitigated as necessary to assure maintenance of shoreline ecological functions and processes.
3. Shoreline development and modifications should be designed and managed to prevent degradation of water quality and alteration of natural conditions.
4. New over-water structures should only be permitted for water-dependent uses or public access. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
5. Multiple uses of the same over-water facility should be encouraged.
6. Overwater linear public transportation and utility facilities may be allowed when it is the most technically, economically, and environmentally feasible option.

Chapter 18S.30: GENERAL POLICIES AND REGULATIONS

Sections:

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

18S.30.010 Purpose.

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

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

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

- A. **Applicability.** The policies and regulations of this Section shall apply to all development, within all shoreline environment designations.
- B. **Policies.**
 - 1. Locate, design, and operate developments to be compatible with the protection of any adjacent identified archeological, cultural, or historic site. Where appropriate, locate access trails near protected, educational, historical, and archeological sites and areas.
 - 2. Encourage private and public owners of archeological, cultural, or historic sites to provide public access and educational opportunities in a manner consistent with long term protection of both historic values and shoreline ecological functions.
- C. **Regulations.**
 - 1. Should archaeological materials (e.g., bones, shells, stone tools, beads, ceramics, bottles, hearths, etc.) or human remains be observed during project activities on shorelines, all work in the immediate vicinity shall cease.
 - a. Upon discovery of such resources, the applicant shall immediately contact the State Department of Archaeology and Historic Preservation, the County, the affected Tribe(s), and the County coroner (if applicable) to help assess the situation and determine how to preserve the resource(s).

- b. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53 Archaeological Sites and Resources, 27.44 Indian Graves and Records, and WAC 25-48 Archaeological Excavation and Removal Permit) is required.
- 2. Known archaeological, cultural, and historic resources are those resources identified within a State, Federal, or local process for historic places or recorded as cultural resource sites. An archeological, cultural, or historic resource management plan for the site shall be prepared by an archaeologist or historic preservation professional as a part of the shoreline approval process.
 - a. For development within shorelines on a site with known historic buildings, the following items shall be included in the historical resource management plan:
 - (1) The purpose of the proposed development;
 - (2) A site plan for the proposed development;
 - (3) An assessment of any known or likely adverse impacts to the historic resources or building, including but not limited to structural stability, historic character of the resources including buildings and surrounding area, views of or from the resources including buildings considered to be historically significant as a result of the proposed development;
 - (4) If impacts will occur, an analysis of how these impacts will be avoided, or where avoidance is not possible; and
 - (5) A recommendation of appropriate mitigation measures for any adverse impacts to the historic resources including buildings.
 - b. For development within shorelines on the same site as a known historical, cultural, or archaeological resource, the following items shall be included in the historic, cultural, or archaeological resource management plan:
 - (1) The purpose of the proposed development;
 - (2) A site plan for the proposed development;
 - (3) Identification of the location of any known historic, cultural, or archaeological resources;
 - (4) Likelihood of discovery of resources not yet identified on or surrounding the project site;
 - (5) Depth and location of all ground disturbing activities including, but not limited to utilities, driveways, clearing, and grading;
 - (6) An examination of project on-site design alternatives;
 - (7) An explanation of the need for the proposed development in the proposed location, or access across and/or through a historic, cultural, or archaeological resource;
 - (8) An assessment of the on-site resources and an analysis of the potential adverse impacts as a result of the development;
 - (9) If impacts will occur, an analysis of how these impacts have been avoided, or where avoidance is not possible; and
 - (10) A recommendation of appropriate mitigation measures.

18S.30.030 Ecological Protection.

The intent of the Ecological Protection policies and regulations is to ensure that shoreline development is established and managed in a manner that protects existing ecological functions

and ecosystem-wide process and that mitigates adverse impacts to ecological function. This means assuring no net loss of ecological functions and processes in shorelines, and protecting critical areas designated in this Title and in Title 18E PCC.

Shoreline ecological functions refers to the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem and includes, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance.

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

- A. **Applicability.** The policies and regulations of this Section shall apply to all development, within all shoreline environment designations.
- B. **Policies.**
 - 1. Establish and manage shoreline development in a manner that mitigates adverse impacts so that the resulting ecological condition is maintained or improved.
 - 2. All shoreline development should avoid and minimize adverse impacts on the shoreline environment.
 - 3. Recognize the value of adaptive management as a means of providing for flexibility in the administration of the ecological protection provisions of Title 18S PCC.
 - 4. Avoid and reduce significant ecological impacts according to mitigation sequencing. See PCC 18E.40.050 Mitigation Requirements, Table 18E.40-2, Mitigation Sequencing. Apply mitigation sequencing to achieve no net loss of ecological functions and processes of shorelines.
 - 5. Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modification.
 - 6. Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted development. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
- C. **Regulations.**
 - 1. Ecological protection regulations are located in [Title 18E](#) PCC, Development Regulations - Critical Areas.

18S.30.040 Excavation, Dredging, Filling, and/or Grading.

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

- A. **Applicability.** The policies and regulations of this Section shall apply to all development, within all shoreline environment designations.
- B. **Policies.**
1. Prohibit fill waterward of the ordinary high watermark (OHWM) except for restoration projects or when necessary to support a water dependent use, public access, or alteration of a transportation facility of statewide significance.
 2. Locate and design new development to avoid the need for fill. When fill is deemed necessary, its use should be minimized and environmental impacts mitigated.
 3. Evaluate fill projects for:
 - a. Total water surface reduction;
 - b. Navigation restriction;
 - c. Impediment to water flow, circulation, and currents;
 - d. Reduction of water quality;
 - e. Destruction of habitat and natural resources systems; and,
 - f. Creation of hazard to the public and adjacent properties.
 4. Locate and design new development to avoid or minimize the need for maintenance dredging.
 5. Allow dredging only for water-dependent uses and only to the extent necessary to support those uses.
 6. Allow dredging for the purpose of establishing, expanding, relocating, or reconfiguring navigation channels and basins to ensure safe and efficient accommodation of existing navigational uses.
 7. Restrict maintenance dredging of established navigation channels and basins to the minimum necessary, and limit such dredging to the historic or a previously dredged location, depth, and width.
 8. Encourage the recycling of clean, drained, dredged material, for uses that benefit shoreline resources, and agricultural, forest land, and landscaping uses.
 9. Prohibit dredging waterward of the OHWM for the purpose of obtaining fill material.
- C. **Regulations.** These regulations are in addition to those in Title 17A PCC, Construction and Infrastructure Regulations – Site Development and Stormwater Drainage, Pierce County Stormwater Management and Site Development Manual.
1. The following activities are prohibited:
 - a. Filling in locations that will cut off or isolate hydrologic features, except for public utility projects approved in accordance with an adopted transportation or utility plan or program;
 - b. Solid waste landfills; and
 - c. Dredging for the purpose of obtaining fill material.
 2. Filling waterward of the OHWM is prohibited for the purpose of creating upland, but may be allowed when necessary to support:
 - a. Water-dependent uses;
 - b. Public access;
 - c. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;

- d. Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington State Department of Natural Resources (DNR);
 - e. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline, and then only upon a demonstration that alternatives to fill are not feasible;
 - f. Mitigation action, environmental restoration, beach nourishment, or enhancement project; or
 - g. Public utility projects approved in accordance with an adopted transportation or utility plan.
3. Excavation, dredging, filling, and/or grading shall not occur without an authorized principal use or development.
 4. Excavation, dredging, filling, and/or grading shall be limited to the minimum amount necessary for the specific use or development proposed.
 5. Activities waterward of the OHWM shall only be allowed after the proponent has demonstrated that alternative locations and designs have been considered and found to be infeasible, and the dump site or destination and staging area for dredged material has been provided.
 6. Excavation, dredging, filling, and/or grading shall not unnecessarily impact natural processes such as water flow, circulation, currents, channel migration, erosion, sediment transport, and floodwater storage, and shall not cut off or isolate hydrologic features.
 7. Dredging material (if suitable) should be utilized for beneficial shoreline resources.
 8. Stabilization measures should be designed to blend physically and visually with existing topography.

18S.30.050 Shoreline Access.

The intent of the shoreline access policies and regulations is to recognize the rights of the general public to reach, touch, and enjoy the water's edge, to travel the waters of the State, and to view the water and the shoreline from adjacent locations and that these rights are a fundamental element of the shoreline policies and regulations.

A. Applicability. The policies and regulations of this section shall apply to:

1. Public projects, except for public linear infrastructure projects where the amount of land and/or legal authority of the project preclude the ability to provide shoreline access;
2. Residential developments containing five or more units;
3. Non-residential recreational, commercial, industrial, and civic development with a project site of one acre or greater in size that abuts the water's edge where tidelands are publicly owned, or are owned by the developer; and
4. Marinas.

B. Policies.

1. Protect the rights of the general public with regard to navigation.
2. Provide the space necessary for water-dependent uses.

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

- a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means.
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
 - c. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
 - d. Adverse impacts to shoreline ecological processes and functions will result from the public access.
 - e. Significant unavoidable conflict between any access provision and the proposed development and adjacent development would occur.
 - f. A public entity has enacted a program for effective public access to shorelines in lieu of project-specific access.
3. To meet any of the conditions in Regulation 2, above, the applicant shall demonstrate that all reasonable alternatives to providing on-site public access have been exhausted, including, but not limited to:
 - a. Regulating access by such means as maintaining a gate and/or limiting hours of use.
 - b. Separating uses and activities (e.g., fences, terracing, use of one-way glazings, hedges, landscaping, etc.).
 4. If on-site public shoreline access cannot be provided, off-site public access shall be provided consisting of a dedication of land, physical improvement, and/or equivalent financial contribution to a local public access fund for a specific public access project.
 5. Off-site public shoreline access should be located in the general vicinity of the project.
 6. The County shall not vacate a county road or part thereof which abuts on a body of salt or freshwater unless the purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes, or unless the property is zoned for industrial uses, pursuant to RCW 36.87.130.
 7. Public shoreline access sites (on or off site) should be fully developed and available for public use at the time of use or occupancy of the shoreline development. If a financial contribution to a parks department, agency, or entity furthering public access is allowed, the payment shall be received prior to occupancy, although the specific project it is funding need not be initiated.
 8. Public shoreline access provisions shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the County Auditor's Office prior to the time of building permit approval, occupancy, or plat approval, whichever comes first pursuant to RCW 58.17.110. Future actions by the applicant's successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
 9. Maintenance of the public shoreline access facility over the life of the use or development shall be the responsibility of the owner unless otherwise accepted by a

- public or non-profit agency through a formal agreement recorded with the County Auditor's Office.
10. Shoreline access should be available to the public from dawn to dusk unless specific hours of operation are established through a shoreline approval.
 11. Public shoreline access sites shall be made barrier-free for the physically disabled and in accordance with the Americans with Disabilities Act (ADA).
 12. Signs that indicate the public's right of shoreline access shall be constructed, installed, and maintained by the applicant or owner in conspicuous locations at public access sites.
 13. Public shoreline access shall incorporate the following location and design criteria:
 - a. Public pedestrian access is required where open space, including critical areas, is provided along the water's edge, and public access can be provided in a manner that will not adversely impact shoreline ecological processes and functions. The access shall be buffered from sensitive ecological features and provide limited and controlled access to the water's edge where appropriate. Fencing may be used to control damage to plants and other sensitive ecological features. Pedestrian access shall be constructed of permeable materials to reduce impacts to ecologically-sensitive resources.
 - b. Public areas and shoreline access points shall connect to abutting public sidewalks, walkways, trails and streets.
 - c. Where views of the water or shoreline are available and physical access to the water's edge is not present or appropriate, a public viewing area shall be provided.
 - d. Intrusions on privacy shall be minimized by avoiding locations adjacent to windows and outdoor private open spaces or by screening or other separation techniques.
 - e. Public shoreline access design shall provide for the safety of users to the extent feasible. Appropriate amenities such as benches, picnic tables, and public parking sufficient to serve the users shall be provided.

18S.30.060 Scenic Protection and Compatibility Consideration.

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

- A. **Applicability.** The policies and regulations of this Section shall apply to all development, within all shoreline environment designations. For private property view enhancement by way of tree trimming, see PCC 18E.20.030 AE.
- B. **Policies.**
 1. Encourage sustainable residential development through restrictions on the scale of development, preservation of vegetation and topography, and preservation of views.
 2. Locate new residential structures with respect to views and with a height limit of 35-feet.
 3. Design development, except linear public utilities, to fit the natural topography and vegetation to preserve the natural landscape. Design linear public utilities to preserve the natural landscape.

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

C. Regulations - General.

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

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

1. Residential structures shall not exceed a height of 35-feet.
2. Non-residential structures should be limited to 35-feet, but may exceed a height of 35-feet if the following standards are met:

- a. The increased height provides greater protection to ecological functions; and
- b. A visual impact analysis demonstrates that the increased height does not obscure the view of the water body on another property by more than 33% of the predevelopment view from that property.

18S.30.070 Shoreline Stabilization.

The intent of the Shoreline Stabilization policies and regulations is to accommodate development along the shorelines, while preserving and improving ecological functions of the shoreline and while protecting the shoreline environment from impacts caused by development within and adjacent to geologically hazardous areas.

A. **Applicability.** The policies and regulations of this section apply to all development on shorelines.

B. **Policies.**

- 1. Allow structural shoreline stabilization only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, or are necessary for reconfiguration of the shoreline for mitigation or enhancement.
- 2. Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
- 3. Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
- 4. Protect shoreline ecological functions and mitigate the direct, indirect, and cumulative impacts of shoreline development where development is proposed.
- 5. Avoid new development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development.
- 6. Avoid new development that would require structural shoreline stabilization over the life of the development.
- 7. Avoid development in areas where engineering cannot reduce risks to acceptable levels.
- 8. Maintain existing bank stabilization conditions to reduce the occurrence or severity of landslides.
- 9. Provide adequate storm drainage controls to prevent runoff from increasing the occurrence or severity of landslides.
- 10. Allow stabilization structures or measures where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible.

C. **Regulations.**

- 1. Shoreline stabilization regulations are located in [Title 18E PCC](#), Development Regulations - Critical Areas, Chapter 18E.110 PCC, Erosion Hazard Areas.

18S.30.080 Vegetation Conservation.

The intent of the Vegetation Conservation policies and regulations is to protect and restore vegetation along marine and freshwater shorelines. Important functions of shoreline vegetation include, but are not limited to:

1. Providing shade necessary to maintain water temperatures required by salmonids, forage fish, and other aquatic biota.
 2. Regulating microclimate in riparian and nearshore areas.
 3. Providing organic input necessary for aquatic life, including food in the form of various insects and other benthic macroinvertebrates.
 4. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence or severity of landslides.
 5. Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff.
 6. Improving water quality through filtration and vegetative uptake of nutrients and pollutants.
 7. Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase aquatic diversity for salmonids and other species.
 8. Providing habitat for wildlife, including connectivity for travel and migration corridors.
- A. **Applicability.** The policies and regulations of this Section shall apply to development proposed on shorelines, within all shoreline environment designations.
- B. **Policies.**
1. Preserve and protect existing trees and native vegetation within shorelines to maintain shoreline ecological functions and mitigate the direct, indirect, and cumulative impacts of shoreline development. Where shoreline vegetation is inadequate to protect against the impact of new development, native vegetation should be enhanced.
 2. Avoid impacts to shorelines through application of mitigation sequencing, giving highest priority to impact avoidance, whenever new uses or development are proposed in shorelines.
 3. Replace designated noxious weeds and invasive species with native vegetation and other non-invasive vegetation that will establish and maintain shoreline ecological functions and processes.
 4. Allow vegetation management through practices such as pruning, trimming, or limbing for purposes of views corridors and access paths when it is demonstrated that these practices will result in no net loss of shoreline ecological functions and processes.
- C. **Regulations.**
1. Shoreline development shall comply with the Vegetation Conservation policies of Title 18S PCC through compliance with the critical area standards of PCC 18E.40.060.
 2. Vegetation along shorelines necessary for ecological processes and functions important to the local aquatic and terrestrial ecology should be conserved and/or restored.
 3. Hazard tree removal is allowed when the criteria of 18E.40.040 PCC are met.

18S.30.090 Water Oriented.

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

- A. **Applicability.** The policies and regulations of this Section shall apply to all development, within all shoreline environment designations.
- B. **Policies.**
 - 1. Reserve shorelines, to the maximum extent possible, for water-oriented uses, including water-dependent, water-related and water-enjoyment uses.
 - 2. Allow water-related and water-enjoyment uses as part of mixed use development on over-water structures where they are clearly auxiliary to, and in support of, water-dependent uses.
 - 3. Allow mixed use commercial and industrial development, including non water-dependent uses, only when they include and support water-dependent uses.
 - 4. Give priority to water-oriented uses over non water-oriented uses, with highest priority given to water-dependent uses.
- C. **Regulations.**
 - 1. Vehicle parking areas shall be located outside shorelines unless no feasible alternative location exists.
 - 2. Except for single-family residences, non water-oriented uses or portions of a use that are non-water-oriented shall demonstrate why the use must be located in shorelines.
 - 3. In the Natural SED, commercial, industrial, multi-family residential, and non water-oriented recreation uses are not allowed.
 - 4. In the Conservancy SED, water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, including but not limited to boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, may be allowed if adverse impacts to the shoreline are mitigated. Commercial development should be limited to where those uses have been located in the past or to unique sites that possess shoreline conditions and services necessary to support the commercial development.
 - 5. In the Residential SED:
 - a. Residential and water-oriented commercial development is allowed where such development can be accommodated with no net loss of shoreline ecological functions.
 - b. Public or private recreation facilities are allowed if compatible with surrounding development. Preferred recreational uses include water-dependent and water-enjoyment recreation facilities that provide opportunities for substantial numbers of people to access and enjoy the shoreline.
 - c. New commercial development should be limited to water-oriented uses. Expansion of existing non water-oriented commercial uses may be permitted, provided that such uses should create a substantial benefit with respect to the goals and policies of Title 18S PCC, such as providing improved public access or restoring degraded shorelines.
 - 6. In the High Intensity SED, non water-oriented uses are not allowed unless they are legally established use or mixed-use development, except for limited situations

where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the water's edge.

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

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

- A. **Applicability.** The policies and regulations of this Section shall apply to all development, within all shoreline environment designations.
- B. **Policies.**
 - 1. Locate, construct, and operate development in a manner that maintains or enhances the quantity and quality of surface and groundwater over the long term.
 - 2. Prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions.
 - 3. Prevent contamination of surface and groundwater and soils.
 - 4. Minimize the need for chemical fertilizers, pesticides, or other similar chemical treatments.
 - 5. Encourage the use of low impact development (LID) techniques.
 - 6. Minimize the use of impervious surfaces.
 - 7. Protect commercial shellfish areas and legally established aquaculture enterprises from damaging sources of pollution.
- C. **Regulations.**
 - 1. Title 17A PCC, Construction and Infrastructure Regulations – Site Development and Stormwater Drainage, Pierce County Stormwater Management and Site Development Manual regulations are applicable and binding.
 - 2. Water quality impacts shall be avoided as follows:
 - a. Operations involving substances harmful to water quality and aquatic life shall demonstrate how spills and leaks will be prevented, and how they will be responded to, in the event there is a spill or leak.
 - b. Erosion, turbidity, stormwater and pollution control measures shall be provided both during/after construction, where appropriate.
 - c. After construction, the work site nearby the project shall be restored to pre-project conditions to the maximum extent possible. Any mitigation required within shorelines shall be maintained for the life of the project.
 - d. Development or structures shall be constructed with materials that do not leach toxic substances.

Chapter 18S.40: DEVELOPMENT POLICIES AND REGULATIONS

Sections:

- 18S.40.010 Purpose.**
- 18S.40.020 Legally Established Development.**
- 18S.40.030 Agriculture.**
- 18S.40.040 Aquaculture.**
- 18S.40.050 Commercial and Industrial.**
- 18S.40.060 Flood Hazard Management.**
- 18S.40.070 Forest Practices.**
- 18S.40.080 Mining.**
- 18S.40.090 Recreation.**
- 18S.40.100 Residential.**
- 18S.40.120 Restoration and Enhancement.**
- 18S.40.130 Transportation.**
- 18S.40.140 Utilities.**
- 18S.40.150 Water Access Facilities.**

18S.40.010 Purpose.

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

18S.40.020 Legally Established Development.

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

- A. **Applicability.** This Section shall apply to development that is subject to this Title which was legally constructed or established prior to the effective date of Title 18S PCC, or amendments thereto, but which does not conform to regulations of this Title. This Section shall not apply to Title 18E PCC, Development Regulations – Critical Areas, regulations.
- B. **Policy.** Allow legally established development to continue to operate.
- C. **Regulations.**
 - 1. Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.
 - 2. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following, may be considered a conforming structure: Setbacks, buffers, or yards; area; bulk; height; or density. Redevelopment, expansion, or replacement of the residential structure is

- allowed if it is consistent with Title 18S PCC, including requirements for no net loss of shoreline ecological functions.
- a. For purposes of this Section, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures.
 - b. Nothing in this Section: (a) Restricts the ability of the County to limit redevelopment, expansion, or replacement of over-water structures located in hazardous areas, such as floodplains and geologically hazardous areas; or (b) affects the application of other federal, state, or local government requirements to residential structures.
3. Structurally raising the floor elevation of an existing legally established single-family residence, which is necessary to protect the structure from flooding due to sea level rise, shall be allowed.
 4. If a structure is damaged by fire or natural disaster, it may be reconstructed to the configurations existing immediately prior to the time the development was damaged, provided that all permits are obtained and the restoration is completed within two years of the date of the damage. The two year time period does not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions, or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.
 5. A nonconforming use may be changed to a different use only upon finding that the new use is of equal or lesser intensity, i.e., noise, dust glare, hours of operation, and the proposed use will be at least as consistent with the policies and regulations of the Title 18S PCC, and is as compatible with the uses in the area as the preexisting use.
 - a. Changes from a nonconforming use to another nonconforming use shall required review and approval of a Shoreline Conditional Use Permit, PCC 18S.60.60.
 - b. Changes from a nonconforming use to a conforming use shall require whatever permit is required for the conforming use.
 - c. Conditions may be attached to the permit as are deemed necessary to assure compliance with Title 18S PCC, the Shoreline Management Act (SMA) and to assure that the use will not become a nuisance or a hazard.
 6. If a nonconforming use or use of a nonconforming structure is discontinued for any two-year period, the nonconforming rights shall expire and any subsequent use shall be a conforming use or structure.

18S.40.030 Agriculture.

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

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

1. New agricultural activities on those specific land areas not previously used for agricultural purposes as of the effective date of Title 18S PCC;
 2. Land converted to agricultural use; and
 3. Replacement agricultural facilities located closer to the water's edge than the original facility.
- B. Exemptions.** This Section does not apply to:
1. Agricultural uses and practices conducted as of the effective date of Title 18S PCC, as evidenced by aerial photography or other documentation. Agricultural uses and practices includes, but is not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation on agricultural lands which are those specific land areas on which agriculture activities are conducted.
 2. Forest practice activities regulated under the RCW Chapter 76.09 and WAC Title 222.
- C. Policies.**
1. Give priority to agricultural activities that present a lower risk of environmental impacts than those that present a higher risk of environmental impacts.
 2. Encourage the preservation of existing and potential agricultural and open space land through comprehensive land use planning.
 3. Prohibit agricultural practices that would result in violations of State water quality standards.
 4. Utilize best management practices and coordinate with the Pierce Conservation District, Natural Resources Conservation Service, or other agency acceptable to the County.
 5. Encourage the establishment and protection of vegetated buffers for existing agricultural activities.
 6. Encourage cooperative arrangements between agricultural operators and public recreation agencies to develop opportunities for public use of shorelines.
 7. Ensure that ongoing agricultural activities occurring on agricultural lands are not limited or impacted by new development.
- D. Regulations.**
1. Conversion of agricultural lands to other uses shall be subject to the applicable development regulations.
 2. Outdoor areas where livestock are primarily sustained by imported feed shall not be allowed within shorelines.
 3. Livestock flood sanctuary areas may be allowed subject to the provisions of PCC 18E.070.040 - Flood Hazard Area Standards.

4. Manure stockpiling and the storage of agricultural chemicals, fertilizers, pesticides, and similar hazardous materials may be permitted where it can be demonstrated that no other on-site storage alternative outside the shoreline exists and the applicant demonstrates that on-site storage procedures will prevent the release of such materials.
5. Intentional discharge of any manure storage facility into ground or surface water is prohibited.
6. Stock watering facilities shall be provided so that livestock do not need to access streams or lakes for drinking water.
7. A farm management plan shall be provided for agricultural activities that include any one of the following, pursuant to Appendix B:
 - a. Agriculture proposed within a habitat area, species point location, or any associated buffer;
 - b. Crop production using chemical weed and pest control, high-yield single crop species, annual tilling, regular soil fertilization rotation, conservation tillage, and drip irrigation;
 - c. Alteration of the contour of the shorelands by leveling or filling other than that which results from normal crop cultivation; or
 - d. Livestock rearing greater than 1,000 pounds of animal per acre of managed pasture, feedlots of any size and processing plants.

18S.40.040 Aquaculture.

The intent of the Aquaculture policies and regulations is to manage the culture and farming of fish, shellfish, or other aquatic plants and animals. Aquaculture is a water-dependent use and, when managed consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area per WAC 173-26-241(3)(b). When properly managed, aquaculture can result in a long-term over short-term benefit and can protect the resources and ecology of the shoreline.

- A. **Applicability.** This Section applies to the culture or farming of fish, shellfish, or other aquatic plants and animals.
- B. **Policies.**
 - 1. Consider both the potential beneficial impacts and the potential adverse impacts that aquaculture might have on the physical environment, other existing and approved land and water uses, and on the aesthetic qualities of a project area.
 - 2. Give preference to aquaculture projects that do not involve the placement of tubes, structures, or alterations to the shoreline.
 - 3. Give preference to projects that involve minimal or no supplemental food sources, pesticides, herbicides, or antibiotic applications.
 - 4. Design, locate, and operate aquaculture activities in a manner that supports long term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes. Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for native species including eelgrass, kelp, and other macroalgae; adversely impact other habitat conservation areas or connectivity between such areas; or significantly interfere with navigation or other water-dependent uses.
 - 5. Design and locate aquaculture facilities so as not to spread disease to native aquatic life, establish new non-native species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.
 - 6. Monitor and identify aquaculture project environmental impacts. Monitoring protocols should be consistent with the recommendations of local, State, and Federal agencies with expertise. The results of monitoring shall be used to identify necessary changes to project-specific aquaculture operations and to aquaculture permitting requirements.
 - 7. Give flexibility to aquaculture practices, provided that the overarching concern shall be avoidance or minimization of negative impacts as set forth in Title 18S PCC. The County may establish monitoring procedures to ensure that aquaculture operations are in compliance with permit conditions.
 - 8. Limit the scale and period of operation of aquaculture practices that are unproven or that involve impacts of an indeterminate nature.
 - 9. Encourage aquaculture activities proposed solely for purposes of shoreline restoration and enhancement.
- C. **Regulations - General.**
 - 1. Applications for aquaculture shall be subject to the Aquaculture Application Requirements of Title 18S PCC, Appendix C.

2. Aquaculture operations are subject to all applicable State approved management guidelines. Where such guidelines are less restrictive than the County requirements, the County's regulations shall apply.
3. The proposed project location shall be suitable for aquaculture with little or no modification to the shoreline environment. Mechanized grading shall not be permitted.
4. Aquaculture activities shall be set back a minimum of 10 feet from adjacent parcels not associated with the aquaculture activity. The 10-foot setback requirement shall be increased when the shoreline contains multiple individual aquaculture activity areas and it is demonstrated that a greater distance is needed between areas or adjacent parcels to ensure maintenance of other shoreline uses, such as recreation or public access, or to ensure protection of shoreline functions and processes. The expanded setback required shall be based upon water body and shoreline characteristics and an analysis of legally established shoreline development.
5. Aquaculture activity area boundaries shall be identified through the life of the aquaculture operation. Markers are to be visible when the tidelands are exposed. Projects that utilize submerged structures, and/or tubes, stakes, racks, or bags, shall also provide floating markers to identify the boundary at higher tides. All markers shall provide the applicant's contact information and a description of aquaculture activities and any associated navigation hazards. Markers in navigable waters shall conform to any applicable U.S. Coast Guard requirements. Floating markers may be removed if the submerged structures, tubes, etc., are removed.
6. Shellfish aquaculture projects shall not involve the use of supplemental feed, pesticides, herbicides, antibiotic, vaccines, growth stimulants, antifouling agents, or other chemicals. When such products are used for finfish aquaculture, usage data shall be maintained by the applicant/operator and shall be provided to the County upon request.
7. Proposed aquaculture activities shall not substantially and materially conflict with areas devoted to legally established water-dependent uses of the aquatic environment. Such uses include, but are not limited to, navigation, moorage, sport or commercial fishing, underwater utilities, and scientific research.
8. The operator of any aquaculture activity shall provide contact information to abutting waterfront property owners and shall, in a timely manner, respond to and rectify any complaint relating to materials, equipment, or operation activities.
9. Predator control shall not involve deliberate killing or harassment of birds, invertebrates, or mammals. Approved controls include, but are not limited to plastic tubes or netting. Predator control equipment shall be removed as defined within the approved schedule, but no longer than two years after installation.
10. Rebar caps shall be bent so exposed ends are no longer upright.
11. Aquaculture activities allowed pursuant to an approved Shoreline Conditional Use Permit shall not be subject to review of a new Shoreline Conditional Use Permit for subsequent cycles of planting and harvest unless specified in the original Shoreline Conditional Use Permit approval.

12. Aquaculture that is not authorized by Bush/Callow Act allowances or that exceeds a fair market value of \$6,416, as described in footnote (1) to Table 18S.50-1, is prohibited in Aquatic SEDs abutting spits.

D. Regulations - Impact Avoidance.

1. Proposals shall minimize adverse impacts from noise, light, and glare on nearby properties to the extent feasible.
2. Aquaculture activities shall comply with the following requirements in order to avoid significantly impacting:
 - a. To the degree practicable, materials and colors that blend into their surroundings shall be utilized;
 - b. Permanent lighting shall not be permitted except as required for navigation;
 - c. Tools shall be put away when the aquaculture activity area is not being actively worked;
 - d. Equipment and structures and/or tubes, nets, and bands, shall be marked to identify ownership, and shall be removed as defined by an approved schedule;
 - e. Proposals shall demonstrate methods to be used to secure tubes, nets, bands and other equipment and structures so that they will not escape from the site during the life of the operation; and
 - f. Operators shall regularly patrol for aquaculture-related materials and debris. The distance to be patrolled will be based on site attributes, such as drift cell (a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift) patterns and degree of enclosure, adjacent land use patterns, and ability to legally access adjacent properties.

E. Regulations – Harvest and Processing.

1. Commercial aquaculture operators have a right to harvest from a farm once planted. Harvesting during low tides is expected and may occur at night or on weekends.
2. Harvest activities shall be conducted in a manner that minimizes turbidity and the risk of impacts to aquatic vegetation and the intertidal bed. Where water pumps are used, they should be placed on floating rafts or boats which shall not come in direct contact with the substrate. Pump intakes shall be screened to minimize the capture of marine organisms. Harvest activities within fine-grained beaches that are susceptible to sediment transport may be required to utilize sediment containment methods, such as sediment control fencing, hose line, or cloth tubes.
3. Processing of aquaculture products, except for the sorting or culling of the cultured organism and the washing or removal of surface materials or organisms after harvest, should not occur in or over the water.
4. Processing and processing facilities should be located on land and shall be subject to PCC 18S.40.050, Commercial and Industrial Policies and Regulations, Tacoma-Pierce County Health Department – Environmental Health Division Regulations, and applicable County Codes, in addition to the policies and regulations in this Section.
5. No garbage, waste, or debris shall be allowed to accumulate at the site of any aquaculture operation.

6. If significant mortality of species under cultivation occurs the aquaculture operator shall immediately report the event to the State and local Health Departments, and then the County.
- F. Regulations – Structures.**
1. The installation of structures and/or equipment shall demonstrate the following:
 - a. The structures and/or equipment proposed are the minimum necessary for feasible aquaculture operations;
 - b. The design and location of such structures and/or equipment does not effectively preclude surface navigation, recreational boating, and other public use of shoreline waters; and
 - c. Safe and unobstructed passage is provided for fish and wildlife.
 2. Over-water structures and/or equipment, and any items stored upon such structures such as materials, garbage, tools, apparatus, shall be designed and maintained to minimize visual impacts. The maximum height above water for permanent structures shall be limited to three feet unless shoreline conditions serve to minimize visual impacts (for example: high bank environments, shorelines without residential development). Height limitations do not apply to materials and apparatus removed from the site on a daily basis.
- G. Regulations – Species.**
1. Aquaculture activities shall not be located within tidal channel portions of streams and rivers with direct utilization by anadromous species.
 2. New aquatic species that have not been previously cultivated in Washington State shall not be introduced into the County without prior written approval of the Director of the Washington State Department of Fish and Wildlife and the Director of the Washington Department of Health.

18S.40.050 Commercial, Civic and Industrial.

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

- A. Applicability.** This Section applies to commercial, civic and industrial development including centers for providing services and facilities for the transfer of commodities (water, air, or land) of commerce to and from vehicles, and may provide the means for their protection, storage, maintenance, and operation.
- B. Policies.**
1. Encourage restoration of impaired shoreline ecological functions and processes as part of commercial, civic and industrial development.
 2. Allow mixed use development, including non water-dependent uses, only when they include and support water-dependent uses, unless the site does not abut the water's edge.
 3. Encourage multiple-use concepts such as including open space and recreation in commercial, civic and industrial development.
 4. Maximize use of existing ports and other industrial areas prior to expansion or development of new industrial sites.

5. Consider regional industrial needs in reviewing new proposals and allocating shorelines for industrial development. Such reviews or allocations should be coordinated with port districts, adjacent counties and cities, and the State.

C. Regulations.

1. Structures waterward of the OHWM shall be on piling or other open-work, and shall be limited to those that require over-water facilities.
2. In addition to standard submittal standards, see Appendix D for the Commercial and Industrial Application Requirements.
3. Non water-oriented commercial uses, or portions of a use that are non-water oriented, are prohibited in shorelines unless they meet one of the following criteria:
 - a. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; and
 - b. Navigability is severely limited at the proposed site; and the commercial, civic or industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
 - c. The use is physically separated from the water's edge by another legally established property in separate ownership or existing permanent substantial improvement, such as a paved area, dike, levee, or other permanent structure which serves to eliminate or greatly reduce the impact of the proposed development upon the shoreline.
4. Non water-dependent commercial, civic and industrial uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

18S.40.060 Flood Hazard Management.

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

- A. **Applicability.** This Section applies to actions taken to reduce flood damage or hazard. Flood hazard reduction measures subject to the requirements of this Section may consist of nonstructural measures such as setbacks, wetland restoration, levee or revetment removal, use relocation and bioengineered measures, gravel removal (scalping or dredging), and of structural measures such as levees, revetments, setback levees and setback revetments, floodwalls, channel realignment, and elevation of structures.
 1. These regulations are in addition to those in Chapter 18E.70 PCC, Flood Hazard Areas.
 2. This section does not apply to mining; instead refer to 18S.40.080, Mining Use Category.
- B. **Policies.**
 1. Demonstrate avoidance of adverse impacts to shoreline uses, resources, and values, including shoreline geomorphic processes, water quality, fish and wildlife habitat, commercial aquaculture, scenic resources, and bank erosion.
 2. Give preference to flood hazard reduction measures that consist of nonstructural measures such as setbacks, land use controls, wetland restoration, dike removal,

impervious surface reduction, use relocation, vegetation retention, biotechnical measures, and stormwater management programs.

3. Flood hazard reduction measures may also include structural measures such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures.
4. Limit development, flood control structures, and other shoreline modifications that may adversely impact property or public improvements, or result in a net loss of ecological functions associated with rivers and streams by interfering with channel migration processes.
5. Return river and stream corridors to more natural hydrological conditions, recognizing that seasonal flooding is an essential natural process.
6. Consider the removal or relocation of structures in flood hazard areas when evaluating alternate flood control measures.
7. Allow flood hazard management structures only when it can be demonstrated that:
 - a. They are necessary to protect development;
 - b. Nonstructural measures are not feasible; and
 - c. Appropriate vegetation conservation actions are undertaken.
8. Give preference to placing new flood hazard reduction structures landward of wetlands and associated buffers.

C. Regulations – General.

1. Proposals for flood hazard management measures shall demonstrate by engineering and scientific evaluation that:
 - a. Measures are necessary to protect health, safety, or existing legally established development;
 - b. Measures are consistent with an adopted flood hazard management plan that evaluates cumulative impacts to the watershed system; and
 - c. Benefits of the flood hazard project outweigh the anticipated environmental impacts.
2. Removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and allowed only after a biological study and geomorphologic study show that extraction has a benefit to flood hazard management, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.
3. Removing material from rivers and streams for the sole purpose of flood control may be permitted under the following conditions:
 - a. The location and quantities of sand and gravel or other materials to be removed shall be specified;
 - b. Extraction amounts, rates, timing and locations shall be based on a scientifically determined sediment budget adjusted periodically according to data provided by a regular monitoring plan;
 - c. The development will not adversely affect the natural processes of gravel transportation for the river system as a whole. Specific studies prepared by a hydrogeologist and included with the application shall demonstrate that any adverse flood, erosion, or other environmental impacts occurring either upstream or downstream of extraction sites are mitigated; and

- d. The development shall be limited to work that occurs out of the water unless the project is adopted by a governmental agency or approved comprehensive flood hazard management plan.
 4. Accessory aggregate processing (crushing, washing, screening, stockpiling, and staging areas) may occur on a temporary basis after review of potential impacts.
 5. Riprapping and other bank stabilization measures shall be located, designed and constructed to protect the natural character of the streamway.
 6. Levees, revetments, berms and similar flood control structures shall be shaped and planted with vegetation suitable for wildlife habitat when feasible.
- D. Regulations – Structural Flood Hazard Reduction Measures.**
1. New structural flood hazard reduction measures shall be:
 - a. Permitted only in those circumstances in which nonstructural flood hazard reduction measures will not achieve the intended flood hazard reduction; and
 - b. Constructed and maintained in a manner that does not degrade water quality.
 2. Groundwater movement and surface runoff shall be considered in the design and operation of new structural flood hazard reduction measures.

18S.40.070 Forest Practices.

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

- A. Applicability.** This Section applies to Forest Practices as defined in the Washington State Forest Practices Act, Chapter 76.09 RCW, and the State Forest Practice Rules, WAC 222, as follows:
1. Class I, II, and III Forest Practices located within 200 feet of the OHWM on Shorelines of Statewide Significance.
 2. Class IV-General Forest Practices where shorelines are being converted to non-forest uses are not subject to this chapter. Class IV-General Forest Practices are subject to the requirements of the other Chapters of Title 18S PCC, Development Regulations – Shorelines, as applicable, and to Title 18H PCC, Development Regulations – Forest Practices.
- B. Policies.**
1. Allow only selective harvest methods of merchantable timber in accordance with RCW 90.58.150 on Shorelines of Statewide Significance.
 2. Accomplish reforestation in shorelines as quickly as possible. Replanting should be done with native species common to the area.
 3. Forest lands should be reserved for long term forest management and other uses compatible with the forestry use.
- C. Regulation.** Forest Practice regulations are found in [Title 18H PCC](#), Development Regulations – Forest Practices.

18S.40.080 Mining.

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

- A. Applicability.** This Section applies to removal of naturally-occurring materials from the earth. Associated activities such as processing and transportation shall be subject to the

requirements in this Section and the Commercial and Industrial Section PCC 18S.40.050. This Section does not apply where the primary use involves Flood Hazard Management, PCC 18S.40.060, and Restoration and Enhancement, PCC 18S.40.110.

B. Policies.

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

C. Regulations.

1. Applications shall be accompanied by operation plans and analysis of environmental impacts.
2. Mining is prohibited waterward of the OHWM and within wetlands.
3. Exploration for and subsequent mining or extraction of natural gas or petroleum is prohibited within shorelines.
4. Mining operations shall implement measures such as buffers, limited hours, or other mitigating measures for the purpose of minimizing adverse proximity impacts.
5. The applicant shall provide documentation prepared by a registered professional engineer in the State of Washington demonstrating that all of the following criteria are met:
 - a. All pits of each operation shall be located and excavated to a depth so as to function as a self-flushing chain of lakes whenever the pits are overtopped by floods in order to prevent eutrophication and fish entrapment;
 - b. The entire operation shall be sized and designed so that neither additional bank erosion, catastrophic changes in channel location, nor adverse impact to fish resources or water quality will likely result in the long term;
 - c. The scale and mode of operation will not have adverse impacts on fish resources, water quality, and recreation resources, nor adversely impact a stream's natural capacity to erode, shift, accrete, and flood;
 - d. All equipment, works, and structures shall be designed to withstand flooding without becoming a hazard in themselves nor causing adverse effects on the shoreline, without the necessity for shoreline stabilization structures; and
 - e. Impacts to wetlands or intertidal areas are entirely avoided.

18S.40.090 Recreation.

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

- A. **Applicability.** This Section applies to public or private civic and commercial proposals intended for recreational use except that recreational uses where the principal use is to serve watercraft, the Water Access Facilities Section, PCC 18S.40.140, shall apply.
- B. **Policies.**
1. Give preference to developments that facilitate the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the State, and to view the water and the shoreline.
 2. Provide ample, varied, and balanced recreational experiences in appropriate shoreline locations.
 3. Design facilities to accommodate expected park capacity and prevent overuse.
 4. Locate recreational developments so that use and intensity are consistent with the characteristics of the shoreline in which they are located.
 5. Discourage recreational development that requires extensive structures, utilities, roads, or substantial modifications of topography or vegetation removal.
 6. Incorporate public education regarding shoreline ecological functions and processes, the role of human actions on the environment, and the importance of public involvement in shoreline management.
 7. Encourage linkage of shoreline parks, upland recreation opportunities and water-oriented opportunities.
 8. Encourage the acquisition of public shoreline recreational lands through a variety of means including fee purchase, acquisition of easements, options, development rights, and implementation of the Conservation Futures Act.
 9. Encourage coordination between public agencies and private developers in their plans and activities to provide a wide variety of recreational opportunities.
 10. Discourage vehicular traffic on beaches or water's edge.
- C. **Regulations.**
1. Locations/designs requiring flood protection or shoreline stabilization should be avoided.
 2. Impacts to abutting uses shall be addressed. Where issues of incompatibility arise, such as security, noise, and view, impacts shall be reasonably mitigated. However, priority shall be given to providing recreation that benefits the general public.
 3. When multiple recreational facilities are proposed, cumulative impacts shall be addressed.
 4. Recreational water activities shall not impede the ability of watercraft to navigate past the site.
 5. Swimming areas, underwater parks, and similar uses shall include safety provisions to warn boating traffic of their location.
 6. Structures waterward of the ordinary high water mark (OHWM) shall be floating or on piling or other open-work and shall be limited to those uses that require over-water facilities.
 7. When allowed, vehicle use of beaches, streams, wetlands, and buffers, shall be specifically-designated and posted for such use.
 8. Restrooms, refuse disposal, parking, maintenance, and similar facilities shall be provided consistent with the expected demand. Designs shall consider ways to limit attendance to prevent overuse of the site.

9. Over-water recreational structures that extend waterward from the water's edge shall not exceed 15% of the fetch.

18S.40.100 Residential.

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

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

B. **Policies.**

1. Set structures back from required shoreline buffers to ensure compatibility between uses and protection of buffer areas from residential activities.
2. Ensure compliance with allowable density of new residential development in applicable comprehensive plan goals and policies, zoning restrictions, and shoreline environment designation standards.
3. Prohibit the use bonus density provisions, of the underlying zone classification, for lots created in shoreline environment designations containing sensitive ecological functions.
4. When on-site sewage systems are required for residential development, those systems and their associated drainfields should be installed outside of shorelines.
5. Locate new development a sufficient distance from steep slopes or bluffs to ensure that stabilization measures are unlikely to be necessary during the life of the development.
6. Accessory uses should preserve open space, be visually and physically compatible with surrounding development, and be reasonable in size and purpose.
7. Prohibit new over-water residences, including floating homes.
8. Encourage development that includes common open space and recreation facilities adjacent to the water's edge.
9. Residential development should preserve existing vegetation, open space, habitat, and critical areas.
10. Encourage the use of low impact development (LID) techniques.
11. New residential structures should be located with respect to views and should not exceed a height of 35-feet.

C. **Regulations - General.**

1. Existing legally established residential structures and appurtenant structures located in a Shoreline Environment Designation (SED) which permits the residential development, but that do not meet standards for setbacks, buffers, yards, area, bulk, height, or density shall be considered conforming for purposes of administering Title 18S PCC.

2. Table 18E.40-3, Buffer Requirements, indicates the required buffer width for each shoreline water type. Chapter 18E.40 PCC includes the provisions by which buffers may be modified.
 3. Residential development shall comply with bulk standards of Title 18A PCC. See also PCC 18S.30.060 for additional height limits to insure scenic protection of the shorelines.
 4. New over-water residences and expansion of existing over-water residences, including floating homes, is prohibited.
 5. Residential development on a lot shall comply with Chapter 18E.10 PCC, Erosion Hazard Areas.
 6. Residential structures shall not exceed a height of 35 feet.
 7. Not more than one third of the parcel within shoreline jurisdiction and landward of the ordinary high water mark shall be covered by impervious areas including parking areas but excluding a 12-foot. wide driveway. This restriction applies to both principal and accessory uses and structures.
- E. Regulations – Land Divisions and Boundary Changes.**
1. Lots created through subdivision of land shall be situated so that development on the created lots does not require soft or hard shoreline stabilization methods. A geological analysis may be required to demonstrate that these methods will not be needed.
 2. Minimum lot width at the ordinary high water mark (OHWM) shall be 50 feet for newly- created or adjusted lots, unless a greater dimension is required pursuant to Title 18A, Development Regulations - Zoning PCC.
 3. Natural Shoreline Environment Designation (SED).
 - a. New land divisions are prohibited from exceeding base density as determined by Title 18A PCC.
 - b. The bonus density provisions of Title 18A PCC shall not be allowed.
 - c. New land divisions and subsequent development shall comply with low impact development (LID) regulations of the Pierce County Stormwater Management and Site Development Manual, Volume VI within shorelines.
 4. New divisions of land, and subsequent development, that exceed the base densities as determined by Title 18A PCC shall comply with LID regulations of the Pierce County Stormwater Management and Site Development Manual, Volume VI within shorelines.
 5. Residential developments containing five or more units shall provide and maintain a commonly owned natural open space area between the shoreline and the first tier of lots closest to the water's edge 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.
 6. Tract and Protective Measures.
 - a. Critical areas and associated buffers, open space, access areas, shoreline recreational space, or other common area shall be protected in a tract, or alternative protective mechanism such as a protective easement, public, or private land trust dedication, or similarly protective mechanism prior to final approval of any division of land. Approval of an alternative protective

mechanism will be subject to a determination by the County or Hearing Examiner that such alternative mechanism provides the same level of permanent protection as designation of a tract. Each lot owner within the land division shall have an individual taxable interest in the tract(s) or protective mechanism.

- b. New waterfront formal plats shall provide a tract(s) in which community boating facilities and beach access may be installed for use by all owners within the development.

18S.40.110 Restoration and Enhancement.

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

A. Applicability.

1. This Section applies to restoration and enhancement actions aimed at improving shoreline ecological functions and processes.
2. Restoration is the process of reestablishing impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not necessitate the return of the shoreline area to emulate conditions that existed prior to human contact.
3. Enhancement is the process of altering physical, chemical, or biological characteristics of shoreline features in order to improve specific functions. Enhancement is often undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydro periods, or some combination of these.

B. Policies.

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

C. Regulations.

1. Restoration and enhancement projects shall achieve goals and objectives in the Pierce County Shoreline Restoration Plan or in other recovery plans for listed species and/or populations, provided such other plans are consistent with achieving goals and objectives in the Pierce County Shoreline Restoration Plan.
2. Restoration and enhancement completed in advance of shoreline development may be used for future development-related mitigation purposes when:

- a. The restoration and enhancement is either:
 - (1) Demonstrably related to the impacts of the proposed development (i.e., in-kind); or
 - (2) Not demonstrably related to the impacts of the proposed development (i.e., out-of-kind), provided the restoration and enhancement will result in greater levels of ecological shoreline processes or functions than would in-kind restoration and enhancement;
- b. Initiated after March 1, 2005, the implementation date of the Critical Area regulations update;
- c. Pre-restoration and pre-enhancement ecological shoreline processes or functions can be conclusively demonstrated; and
- d. Protective measures are applied to the restored and enhanced area in the form of a tract, conservation easement, or similar preservation mechanism approved by the County.

18S.40.120 Transportation.

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

- A. **Applicability.** This Section applies to transportation development including but not limited to roads, commercial parking, buses, ferries, railroads and aviation.
- B. **Policies.**
 - 1. Include systems for pedestrians, bicycle, and public transportation where appropriate in circulation system planning.
 - 2. Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological function or adversely impact existing or planned water-dependent uses. Where other options are available and feasible, new roads, or road expansions should not be built within shorelines.
 - 3. Discourage parking facilities in shorelines. Such facilities should be allowed only as necessary to support an authorized use.
- C. **Regulations.**
 - 1. Appropriate measures shall be employed to protect public safety and prevent adverse impacts on navigation, public access, recreation, and other approved shoreline uses.
 - 2. Parks and scenic views, as well as historic, archaeological, and cultural resources shall be avoided for new transportation corridors or sites unless no feasible alternative exists.
 - 3. New development shall collocate with existing facilities when feasible.
 - 4. Redevelopment of rights-of-way and associated transportation structures, such as railroad trestles, may be permitted for purposes of facilitating the development of public trails and/or public shoreline access; provided that such redevelopment shall be otherwise consistent with the provisions of Title 18S PCC.

18S.40.130 Utilities.

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

- A. **Applicability.** This Section shall apply to utilities as a principal use that produce, convey, store and/or process water, electricity, gas, wastewater, solid waste, communications, and other utilities.
- B. **Policies.**
 - 1. Locate new public and private utilities inland from the land/water interface, preferably out of shorelines.
 - 2. Consolidate utility facilities within existing rights-of-way wherever possible.
 - 3. Allow non water-oriented utility production and processing facilities, or parts of those facilities within shorelines, only when there is no other feasible option.
 - 4. Prohibit new solid waste disposal facilities or transfer facilities in shoreline areas except water-dependent solid waste transfer facilities which may be allowed in port or industrial areas.
 - 5. Coordinate utility right-of-way acquisition and construction with transportation and recreation planning and also with other local government agencies and utility providers.
- C. **Regulations.**
 - 1. New solid waste disposal facilities or transfer facilities are prohibited in shoreline areas, except water-dependent solid waste transfer facilities may be allowed in port or industrial areas if they include a modern transfer system where all waste is either delivered to the site already containerized or waste is transferred to containers inside of an enclosed building.
 - 2. Utilities should be underground, including underneath water bodies, unless such would cause greater degradation to ecological functions or be technically prohibitive.
 - 3. Appropriate measures shall be employed to protect public safety and prevent adverse impacts on navigation, public access, recreation and other approved shoreline development.
 - 4. Parks, scenic views, and historic, archaeological and cultural resources shall be avoided unless no feasible alternative exists.
 - 5. After construction, the work site shall be restored to the maximum extent possible.
 - 6. Any mitigation required shall be maintained for the life of the project.

18S.40.140 Water Access Facilities.

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

- A. **Applicability.** This Section applies to water dependent facilities such as mooring buoy, mooring piling, float, lift, railway, launching ramp, dock (pier, ramp, and/or float), excavated moorage slip, boathouse, and marina. This Section does not apply to floating homes.
- B. **Policies.**

1. Locate, design, and operate facilities so that other water-dependent and preferred uses are not adversely affected.
2. Discourage facilities that serve only one residence, and encourage facilities serving more than one residence.
3. Discourage railways, docks and launching ramps on shallow, gradually-sloping beaches that result in excessively long facilities, or normal length facilities that are nonfunctional (e.g., high and dry) a majority of the time.
4. Size facilities in small water bodies, such as coves, bays, and inlets to accommodate maneuverability and existing legally established uses.
5. Give preference to facilities:
 - a. That provide public access and recreational opportunities;
 - b. That are landward of the ordinary high water mark (OHWM) such as upland dry storage marinas;
 - c. That are waterward of the OHWM that can be removed seasonally rather than permanent facilities; or
 - d. That minimize the amount of shoreline modification (e.g., buoys rather than docks).
6. Encourage the removal of unutilized or derelict facilities.
7. Restrict liveboards from extended mooring except when located at a marina.
8. Limit proposals located in a constricted body of water to ensure the site is not overrun with facilities, and has the flushing capacity necessary to maintain water quality.

C. Regulations - General.

1. New piers and docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft or the water.
2. Floating facilities (including anchor lines) and vessels moored to all facilities shall not ground/beach on the substrate. Flotation material shall be fully enclosed and contained.
3. Facilities shall be **stable against the elements and maintained in safe and sound condition.**:
 - ~~a. Located in water deep enough to prevent vessel props from scouring the substrate;~~
 - ~~b. Stable against the elements; and~~
 - ~~c. Maintained in a safe and sound condition.~~
4. Facilities waterward of the OHWM shall consist of an open framework (e.g., pilings, grated surfaces, cable railings, floating facilities held in place with anchors) as opposed to solid surfaces with no openings, to the maximum extent feasible.
5. In- and over-water facilities shall be visible under normal day and nighttime conditions. Visual aids may include reflectors and warning lights.
6. Accessory uses shall be:
 - a. Limited to water-dependent recreation (e.g., fishing, swimming, pleasure viewing) and may involve the addition of swim ladders, diving boards, slides, trampolines, etc. where allowed; or

- b. Related to boating, necessary for operation of the facility and/or provide water access.
 7. Lighting (except for warning lights) shall be the minimum voltage/height necessary for safe use of the facility and shielded to prevent glare.
 8. Utilities should be placed on or under, and not overhead, of the facility.
 9. Off-shore facilities shall be:
 - a. Clearly marked with the owner's name, contact information and, if on State land, DNR registration number; and
 - b. Located so that they balance the goals of avoiding nearshore habitat, minimizing obstructions to navigation, and minimizing impacts to legally established facilities and moored vessels.
 - c. Extended moorage on waters of the State shall be consistent with state regulations.
 10. Limited fill or excavation may be allowed landward of the OHWM to match the upland with the elevation of the over-water structure.
 11. Fueling facilities are prohibited, unless located at a marina.
 12. This Section shall not be circumvented by installing a motor, motor mount, oars, etc. on a facility and registering it as a vessel.
 13. Height of a facility should be the minimum necessary for safe operations.
 14. In a constricted body of water, docks, except for residential docks, shall be allowed only where there is one surface acre of water within the constricted body, measured at mean low water, for each boat moorage (including buoys) within said constricted body.
 15. Maximum intrusion into the water shall be only so long as to obtain a depth of 8-feet of water as measured at mean lower low water (MLLW) on saltwater shorelines, or as measured at ordinary high water in freshwater shorelines, except that the intrusion into the water of any pier or dock shall not exceed the lesser of 15% of the fetch or the maximum allowed length.
- D. **Regulations – Residential.** The following regulations apply to residential water access facilities serving four or fewer parcels:
 1. Facilities may be allowed if a residential parcel meets the following criteria:
 - a. The parcel abuts either the water's edge or is separated from the water's edge by an existing road that abuts the water's edge;
 - b. The parcel is vacant or developed with a maximum of two dwellings (not including legally established accessory uses); and
 - c. The parcel is not within a residential development having a previous land use decision that prohibits establishment of the facility.
 2. If a principal residence occupies more than one parcel, the project site shall be considered one parcel for purposes of this Section.
 3. Use of residential water access facilities shall be limited to property owners, residents, and guests for recreational noncommercial purposes, except for those associated with a legally established home occupation or cottage industry.
 4. Docks and railways serving one parcel shall be subject to the following:

- a. Applicants shall contact abutting shoreline owners and inquire about sharing any existing legal facilities they may have or, if none exist, their interest in participating in a new one;
 - b. Applicants shall demonstrate how they considered the use of existing facilities and joint use of a new facility, and why these alternatives are not feasible; and
 - c. ~~Docks serving one parcel shall extend waterward in a straight line~~ may consist of shapes other than a straight line, such as a “U,” “T,” or “L,” as determined by the appropriate reviewing authority.
5. Facilities serving more than one parcel, under the same or different ownership, shall be subject to the following:
- a. Applications shall include documentation of all parcel property owners that would share the facility. Prior to construction/installation, the owners shall record with the County Auditor a joint-use agreement that will appear on the title of all parcels sharing the facility. The agreement should address apportionment of responsibilities/expenses, easements, liabilities, and use restrictions;
 - b. Shoreline permits shall not be required for conversion of an existing, legal single-use facility to joint-use facility unless modifications are proposed. However, a joint-use agreement shall be recorded with the County Auditor and a copy provided to the County Planning Department;
 - c. ~~Docks serving two parcels shall extend waterward in a straight line;~~ and
 - d. ~~Docks serving three to four parcels~~ may consist of shapes other than a straight line, such as a “U,” “T,” or “L,” as determined by the appropriate reviewing authority.
6. Number of Facilities Permitted.
- a. Parcels shall not be served by more than three facilities, subject to the following:
 - (1) A parcel may have no more than one of each of the following: railway or dock;
 - (2) Facilities attached to another facility (such as lifts attached to docks) shall be considered two separate facilities; and
 - (3) Parcels served by more than three existing facilities shall not be allowed to expand any existing facilities or add any additional facilities unless an existing facility is removed.
7. Water service and sewage pump-out facilities are allowed.
8. A facility or combination of facilities shall not enclose surface waters on all sides for personal use (such as a swimming enclosure).
9. Boathouses.
- a. Boathouses shall be constructed landward of the OHWM;
 - b. Boathouses may be served by utilities, and may include a small bathroom with a sink, shower, and toilet, but otherwise shall not be utilized for purposes other than boat storage;
 - c. A boathouse shall be limited to a maximum of 300 square feet and shall not exceed a building height of 12 feet; and
 - d. A boathouse may have a zero setback from the OHWM.
10. Launching ramps are prohibited.

- E. **Regulations – Recreational and Marina.** The following regulations apply to facilities serving more than four parcels, private or public recreational facilities and marinas:
1. Number of facilities permitted:
 - a. Community recreational: Maximum one moorage for each 20 feet of frontage, up to 200-feet, plus one moorage for each additional 10 feet of frontage (e.g., a 20-foot facility would require 300 feet of frontage). In no case shall there be more than one moorage space for each parcel.
 - b. Private recreational: Maximum one moorage for each 30 feet of frontage up to 210-feet of frontage plus one moorage for each additional 15 feet of frontage (e.g., a 20-boat facility would require 450 feet of frontage).
 - c. Public recreational: Maximum one moorage for each 10 feet of frontage up to 200 feet of frontage plus one moorage for each additional 5 feet of frontage (e.g., a 50-boat facility would require 350 feet of frontage).
 2. Non-waterfront residents shall be restricted to use of buoys or community recreational, private recreational, public recreational, and marina facilities.
 3. Accessory uses consisting of buildings and non water-dependent uses shall be located landward of the OHWM unless authorized by another Section of Title 18S PCC.
 4. Design facilities to accommodate capacity normal to a non-holiday summer weekend, including but not limited to, adequate: off-street parking, restrooms, waste facilities, life saving equipment, control and cleanup equipment, facilities for collection and dumping of sewage and solid waste.
 5. Signage providing usage rules shall be provided and shall be located in a conspicuous manner.
 6. Marinas shall be subject to the following:
 - a. Marinas provide more services than found at a recreational boating facility. Services may include repair, sales, rentals, tackle shops, fueling, launching, administration facilities, charters, food, and sewage disposal.
 - b. Liveaboard vessels may occupy up to 10% of the total slips subject to the following:
 - (1) They are only for single-family use; and
 - (2) Vessels are connected to utilities that provide potable water and sewage/wastewater disposal to an approved disposal facility.
- F. **Regulations - Non-Recreational.** The following regulations apply to civic, utility, resource, commercial, and/or industrial facilities:
1. Number of facilities permitted will be determined by the appropriate reviewing authority.
 2. Facilities shall only be allowed for water-dependent uses. Water-related and water-enjoyment uses may be allowed as part of a mixed-use development on over-water structures where they are clearly auxiliary to, and in support of, water-dependent uses.
 3. The applicant shall demonstrate that a specific need exists to support the intended water-dependent use and that shared use of existing facilities in the vicinity, including marinas, are not adequate or feasible.

4. Non water-dependent accessory uses shall not be allowed waterward of the OHWM except in limited instances where they are necessary to support a water-dependent use.
 5. Covered facilities waterward of the OHWM shall only be allowed where demonstrated to be necessary.
 6. The maximum intrusion into the water shall be no more than that required for the draft of vessels expected to moor at the facility.
- G. **Regulations – Dimension Tables.** Tables 18S.40 - 1 and 18S.40-2 contain dimension standards for boating facilities addressed in this Section. The following information pertains to the interpretation of the Table.
1. Facilities attached to another facility, such as a lift attached to a dock, shall be considered separately for the purpose of dimensional measuring.
 2. Piling detached from, but utilized for, mooring/berthing to a dock, such as dolphins, shall not be considered part of the pier/dock dimension but shall be considered a separate facility.
- H. **Regulations - Dimensions.** Refer to Tables 18S.40 - 1 and 18S.40 - 2 for dimension standards.
1. Water Depth at Terminus means the vertical distance from the bottom of the water body to the water's surface at the end of the facility.
 - a. On saltwater the measurement is based upon mean lower low water (MLLW).
 - b. On freshwater the measurement is based upon the OHWM.
 - c. For both salt and fresh water, depth shall be measured at the furthest point from the OHWM.
 2. Fetch means the distance across a water body measured in a straight line from where a facility connects to the OHWM to the closest point on the opposite shore.
 - a. Fetch shall only apply to facilities that connect to the OHWM.
 - b. Fetch shall be determined as follows:
 - (1) Identify the location where the facility will connect with the OHWM.
 - (2) Identify which direction the long axis of the facility will extend in/over the water.
 - (3) From where the facility will connect with the OHWM, draw a line along the long axis.
 - (4) Beginning at the point where the facility connects with the OHWM, draw two 45 degree angles extending waterward, one on each side of the line drawn along the long axis.
 - (5) The fetch is the distance from where the facility connects to the OHWM to the closest point of OHWM on any shoreline that lies within either of the two 45 degree angles and is not located on the subject parcel.
 3. Length means the linear distance of a facility.
 4. Width means the distance measured from side to side.

Table 18S.40 – 1 Residential Water Access Facility Dimensions			
Water Depth at Terminus	Dock or Railway		Minimum: 0-feet Maximum: 8-feet
Fetch	Dock or Railway		Maximum: 15%
Length	Dock	Saltwater	Maximum: 125-feet, when serving one parcel.* 150-feet, when serving two parcels. 175-feet, when serving three parcels. 200-feet, when serving four or more parcels.
		Freshwater	Maximum: 30-feet, when serving one parcel. 40-feet, when serving two parcels. 50-feet, when serving three parcels. 60-feet, when serving four or more parcels.
	Railway		Maximum: 60-feet
Width	Dock/Railway	Saltwater	Maximum: 4 feet, for pier. 4 feet, for ramp. 8 feet, for float.
		Freshwater	Maximum: 8-feet
	Railway		Maximum: 8-feet
Area	Float (not attached to the OHWM)		Maximum: 100 square feet, when serving one parcel. 200 square feet, when serving two to four parcels.
<p>* Averaging may be used to increase dock length to a maximum of 150 feet when a dock has been established on an adjacent lot. This provision shall not apply if the adjacent lot has received a variance to increase dock length. This exception shall be calculated as follows:</p> <p>a. Averaging shall be calculated by adding the existing dock lengths of the adjacent lots together and dividing that figure by two.</p> <p>b. In the case when one adjacent lot is absent a dock, averaging shall be calculated by adding the dock length of the adjacent dock to 125 and dividing that figure by two.</p>			

Table 18S.40 – 2 Recreational, Marina and Non-Recreational Water Access Facility Dimensions			
Water Depth at Terminus	Recreational, Marina	Dock, Railway, Launching Ramp	Minimum: 0-feet Maximum: 8-feet
	Non-Recreational	As determined by the appropriate reviewing authority	
Fetch	Recreational, Marina	Dock, Railway, Launching Ramp	Maximum: 15%.
	Non-Recreational	As determined by the appropriate reviewing authority	
Length	Recreational, Marina, Non-Recreational	As determined by the appropriate reviewing authority	
Width and Area	Recreational, Marina, Non-Recreational	As determined by the appropriate reviewing authority	

*****NEW CHAPTER*****

Chapter 18S.50: DEVELOPMENT TABLES

18S.50.010 Interpretation.

- A. The following symbols are employed in the Shoreline Development Table:
1. A blank cell on the table indicates that the development is prohibited in the SED listed at the top of the column. Prohibited development may also be called out in notes ^{a-e}.
 2. An "M" in a cell on the table indicates that the development is allowed subject to the Shoreline Minor Development provisions specified in PCC 18S.60.030.
 3. An "S" in a cell on the table indicates that the development is allowed subject to the Shoreline Substantial Development Permit provisions specified in PCC 18S.60.040.3.
 4. An "A" in a cell on the table indicates that the development is allowed subject to the Shoreline Administrative Conditional Use Permit provisions specified in PCC 18S.60.050.
 5. A "C" in a cell on the table indicates that the development is allowed subject to the Shoreline Conditional Use Permit provisions specified in PCC 18S.60.060.
 6. An "NA" in a cell on the table indicates that the item is not applicable.
 7. Table header symbols indicate the following SEDs: "N" = Natural, "C" = Conservancy, "R" = Residential, "H" = High Intensity, "AF" = Aquatic Freshwater, "AM" = Aquatic Marine.
 8. Footnotes referenced on the table, (1) to (15), are included immediately following the table.
- B. In the event there is a conflict between the matrix and the written provisions in Title 18S PCC, the written provisions shall apply.
- C. Where there is a question regarding the inclusion or exclusion of development within a particular category, the Director shall have the authority to make the final determination.
- D. If any part of a proposal is not Shoreline Minor Development (M), then a Shoreline Substantial Development Permit (S), a Shoreline Administrative Conditional Use Permit (A), or a Shoreline Conditional Use Permit (C) shall be required for the entire proposal.
- E. Prohibited Development. In addition to the blank cells on the table, and the information in notes ^{a-e} regarding prohibited development, the following development is prohibited:
1. Development on spits in all SEDs.
 2. Extraction of petroleum or gas products in all SEDs.
 3. Liveaboards, except at marinas, in all SEDs.
 4. Use of residential or recreational water access facilities for liveaboards and/or helicopters in all SEDs.
 5. Residences in Aquatic SEDs.
 6. Residential and recreational boathouses in Aquatic SEDs.
 7. Residential launching ramps in all SEDs.

Table 18S.50-1 Shoreline Development Table						
Shoreline Development	Shoreline Environment					
	N	C	R	H	AF	AM
Agriculture 18S.40.030						
A. Normal maintenance and repair (2)	M	M	M	M	M	M
B. Agriculture activities not exceeding \$6,416 (1)	M	M	M	M		
C. Irrigation System (9)		M	M	M	M	M
D. Drainage and diking system (11)	M	M	M	M	M	M
E. Low intensity agriculture development (5a)	M	M	M	M		
F. Agriculture development (5b)		M	M	M		
G. Agriculture activities not meeting A-E and/or F above		S	S	S		
Aquaculture 18S.40.040						
A. Normal maintenance and repair (2)	M	M	M	M	M	M
B. Aquaculture not exceeding \$6,416 (1)	M	M	M	M	M ^a	A ^a
C. Aquaculture not meeting A or B above		C	C	S	C ^a	C ^a
Commercial / Civic 18S.40.050						
A. Normal maintenance and repair (2)	M	M	M	M	M	M
B. Commercial and/or civic development not exceeding \$6,416 (1)		M	M	M	M ^b	A ^b
C. Commercial and/or civic development not meeting A and/or B above shall be allowed as follows:						
1. Water-oriented		S	S	S	C ^b	C ^b
2. Non water-oriented			C	C		
3. Water-oriented together with non water-oriented			C	C	C ^b	C ^b
Emergency Construction (4)						
	M	M	M	M	M	M
Flood Hazard Management 18S.40.060						
A. Normal maintenance and repair (2)	M	M	M	M	M	M
B. Flood hazard management not exceeding \$6,416 (1)	M	M	M	M	M	A
C. Flood hazard management not meeting A and/or B above	C	C	S	S	C	C
Forest Practices 18S.40.070						
	See PCC Title 18H, Forest Practices					
Industrial 18S.40.050						
A. Normal maintenance and repair (2)	M	M	M	M	M	M
B. Industrial development not exceeding \$6,416 (1)	M	M	M	M	M ^c	
C. Industrial development not meeting A and/or B above shall be allowed as follows:						
1. Water-oriented			C	S	C ^c	C ^c
2. Non water-oriented				C	C ^c	C ^c
3. Water-oriented together with non water-oriented			C	C	C ^c	C ^c
Mining 18S.40.080						

^a Aquaculture is prohibited in Aquatic SEDs abutting spits.

^b Commercial/Civic development is prohibited in Aquatic SEDs abutting the Natural SED.

^c Water-oriented industrial development is prohibited in Aquatic SEDs abutting the Natural SED and Conservancy; non water-oriented industrial development is prohibited in Aquatic SEDs abutting all SEDs, except the High Intensity SED.

Table 18S.50-1 Shoreline Development Table						
Shoreline Development	Shoreline Environment					
	N	C	R	H	AF	AM
A. Normal maintenance and repair (2)	M	M	M	M		
B. Mining activities not exceeding \$6,416 (1)		M	M	M		
C. Mining activities not meeting A or B above		C	C	C		
Property Line Marking (10)	M	M	M	M	M	M
Recreation 18S.40.090						
A. Normal maintenance and repair (2)	M	M	M	M	M	M
B. Recreational development not exceeding \$6,416 (1)	M	M	M	M	M	M
C. Recreational development not meeting A and/or B above shall be allowed as follows:						
1. Water-oriented recreational development						
(a) Trails, boardwalks, viewpoints, walk-in/boat-in primitive campsites	S	S	S	S	S	S
(b) All other recreational development	C	C	C	C	C	C
2. Non water-oriented recreational development						
3. Water-oriented together with non water-oriented						
Residential 18S.40.100						
A. Normal maintenance and repair (2)	M	M	M	M	M	M
B. Residential development not exceeding \$6,416 (1)	M	M	M	M		
C. Single-family residences and normal appurtenances (7)	A	M	M			
D. Residential development not meeting A, B and/or C above shall be allowed as follows:						
1. Single-family accessory uses and structures						
	A	S	S			
2. All other residential dwellings and accessory uses/structures						
		S	S			
3. Land divisions for detached single-family						
	A	S	S			
4. All other land divisions						
		S	S			
5. Mixed-use development						
				C		
Restoration and Enhancement 18S.40.110						
A. Normal maintenance and repair (2)	M	M	M	M	M	M
B. Restoration and enhancement not exceeding \$6,416 (1)	M	M	M	M	M	A
C. Aquatic noxious weed removal (14)	M	M	M	M	M	M
D. Watershed restoration project (15)	M	M	M	M	M	A
E. Restoration/enhancement not meeting A, B, C and/or D above	S	S	S	S	S	A
Shoreline Stabilization 18S.30.070						
A. Normal maintenance and repair (2)	M	M	M	M	M	M
B. Shoreline stabilization not exceeding \$6,416 (1)	M	M	M	M	M	M
C. Single-family residential bulkhead (3)	M	M	M	M	M	A
D. Soft Shoreline stabilization not meeting A, B and/or C above	S	S	S	S	S	A
E. Hard Shoreline Stabilization not meeting A, B and/or C above	C	C	C	C	C	C
Site Exploration and Investigation Activity (13)	M	M	M	M	M	M
State Dredged Material Disposal 18S.30.040						C
Transportation 18S.40.120						

Table 18S.50-1 Shoreline Development Table						
Shoreline Development	Shoreline Environment					
	N	C	R	H	AF	AM
A. Normal maintenance and repair (2)	M	M	M	M	M	M
B. Development not exceeding \$6,416 (1)	M	M	M	M	M ^d	A ^d
C. Public linear transportation facility	S	S	S	S	S	A
D. Development not meeting A B, or C above shall be allowed as follows:						
1. Water-oriented		C	C	S	C	C
2. Non water-oriented				C		
Utilities 18S.40.130						
A. Normal maintenance and repair (2)	M	M	M	M	M	M
B. Utility development not exceeding \$6,416 (1)	M	M	M	M	M	A
C. Governor-certified project (12)	M	M	M	M	M	M
D. Public linear utility facility	S	S	S	S	S	A
C. Utility development not meeting A-D above	C	C	C	S	C	C
Water Access Facilities 18S.40.140						
A. Normal maintenance and repair (2)	M	M	M	M	M	M
B. Water access facilities not exceeding \$6,416 (1)	M	M	M	M	M	A
C. Docks not exceeding \$2,500 in marine waters (8)	M	M	M	M	NA	A
D. Docks not exceeding \$10,000 on freshwater (8)	M	M	M	M	M	NA
E. Navigational aids (6)	M	M	M	M	M	M
F. Water access facilities not meeting A, B, C, and/or D above shall be allowed as follows:						
1. Residential		C	S		A ^e	A ^e
2. Recreational (facilities for a subdivision; yacht club outstation; public facilities; and marinas)		C	S	S	C ^e	C ^e
3. Use of facilities for home occupations/cottage industries			C		C ^e	C ^e
4. Non-residential and/or non-recreational		C	C	C	C ^e	C ^e

Footnotes for Table 18S.50-1.

- (1) Fair Market Value: Development of which the total cost or fair market value, whichever is higher, does not exceed \$6,416.00, if such development does not materially interfere with the normal public use of the water or Shorelines of the State.
- a. The dollar threshold established in this subsection must be adjusted for inflation by the State Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the Consumer Price Index during that time period.
 - b. For purposes of determining whether or not a permit is required, the total cost or Fair Market Value shall be based on the value of development that is occurring within those areas regulated pursuant to Title 18S PCC.

^d Non-water oriented transportation development is prohibited in Aquatic SEDs abutting the Natural and Conservancy SEDs.

^e In Aquatic SEDs abutting the Natural SED floats and buoys are the only types of water access facilities that may be allowed.

- c. The total cost or fair market value of the development shall include the Fair Market Value of any donated, contributed or found labor, equipment, or materials.
- (2) Normal Maintenance and Repair: Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.
- a. Normal Maintenance includes those usual acts to prevent a decline, lapse, or cessation from a legally established condition.
 - b. Normal Repair means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment.
 - c. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development, and the replacement structure or development is comparable to the original structure or development, including but not limited to its size, shape, configuration, location and external appearance, and the replacement does not cause substantial adverse effects to shoreline resources or environment.
 - d. For public agencies that conduct routine scheduled or non-scheduled maintenance and repair of existing public improvements or infrastructure (such as roads, utilities, etc) in various locations and shoreline environments, such maintenance and repair may be allowed provided the maintenance and repair of each individual improvement or infrastructure meets the other criteria of this exemption.
- (3) Bulkhead: Construction of the normal protective bulkhead common to single-family residences.
- a. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.
 - b. A normal protective bulkhead is not minor development if constructed for the purpose of creating dry land.
 - c. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill.
 - d. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings.
 - e. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.
- (4) Emergency Construction: Emergency construction necessary to protect property from damage by the elements.

- a. An emergency is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with Title 18S PCC.
 - b. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the County an appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed, or any permit which would have been required absent an emergency, shall be obtained.
 - c. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.
 - d. What is considered an emergency by an applicant may not be considered an emergency by the County. As such, an applicant who believes they have an emergency shall first obtain permission from the County unless there is absolutely no time to do such.
- (5a) Low intensity crop production activities with minimal potential to adversely affect soil productivity and water resources, including: non-chemical weed and pest control, crop rotation, conservation tillage, and drip irrigation. Livestock rearing at or below 1,000 pounds of animal per acre of managed pasture that adhere to pasture management practices such as: rotational and strip grazing, the use of sacrifice areas, and pasture seeding and fertilization based upon soil.
- (5b) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, 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 shorelands 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.
- (6) Navigational Aid: Construction or modification of navigational aids such as channel markers and anchor buoys.
- (7) Single-Family Residence: Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of 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 chapter [90.58 RCW](#).
- a. Single-family residence means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. Normal appurtenance means a feature which is necessarily connected to the use and enjoyment of a single-family residence and which is located landward of the OHWM of a shoreline or boundary of a wetland.
 - b. Normal appurtenances. The following standards shall apply to normal appurtenances.
 1. Accessory uses and structures may be permitted, provided they are customarily incidental to a residential use and/or structure

2. There shall be no limit to the number of normal appurtenances allowed on a parcel, provided that the normal appurtenances are not prohibited from locating in the SED or the underlying zone and further provided that they have met all applicable development regulations including, but not limited to, critical area regulations.
 3. Additional dwellings, such as accessory dwelling units and mother in law dwellings, shall not be considered a normal appurtenance.
 - c. Normal appurtenance also includes utilities such as installation of a septic tank and drainfield; and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Grading is the moving of earth that exists on the site and does not include importing of fill.
 - d. Construction authorized under this exemption shall be located landward of the ordinary high water mark.
- (8) Dock: Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences.
- a. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:
 1. In salt waters, the fair market value of the dock does not exceed \$2,500; or
 2. In fresh waters the fair market value of the dock does not exceed \$10,000, but if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.
 - b. For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia and Puget Sound and all bays and inlets associated with any of the above;
- (9) Irrigation System: 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 groundwater from the irrigation of lands.
- (10) Property Line Marking: 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.
- (11) Drainage and Diking: Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
- (12) Governor-Certified Project: Any project with a certification from the governor.
- (13) Site Exploration and Investigation Activity: Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under Title 18S PCC, if:
- a. The activity does not interfere with the normal public use of the surface waters;
 - b. The activity will have no significant adverse impact on the environment including but not limited to fish or wildlife species habitat, water quality, and aesthetic values;

- c. The activity does not involve the installation of any structure, and upon completion of the activity, the vegetation and land configuration of the site are restored to conditions existing before the activity; and
 - d. A private entity seeking development authorization under this Section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to pre-existing conditions; and
 - e. The activity is not subject to the permit requirements of RCW [90.58.550](#).
- (14) Aquatic Noxious Weed Removal: The process of removing or controlling aquatic noxious weeds, as defined in RCW [17.26.020](#), through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the State Department of Agriculture or Ecology jointly with other State agencies under Chapter [43.21C](#) RCW.
- (15) Watershed Restoration Project: Watershed restoration projects as defined herein. County staff shall review the projects for consistency with Title 18S PCC in an expeditious manner and shall issue its decision along with any conditions within 45 days of receiving all materials necessary to review the request for exemption from substantial development permit. See WAC 173-27-040 for additional review criteria.

Chapter 18S.60: PERMITS AND APPROVALS

Sections:

- 18S.60.010 Purpose.**
- 18S.60.030 Shoreline Minor Development.**
- 18S.60.040 Shoreline Substantial Development Permit.**
- 18S.60.050 Shoreline Administrative Conditional Use Permit.**
- 18S.60.060 Shoreline Conditional Use Permit.**
- 18S.60.070 Shoreline Variance.**
- 18S.60.080 Revision to Shoreline Permit.**

18S.60.010 Purpose.

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

18S.60.030 Shoreline Minor Development.

- A. **Purpose.** The Shoreline Management Act (SMA), WAC 173-27-040, makes an allowance for specific development which may be allowed without processing a Shoreline Substantial Development Permit. Title 18S PCC refers to this development as Shoreline Minor Development.
- B. **Applicability.** This Section applies to all development within shorelines that does not require a Substantial Development Permit, as listed in PCC 18S.60.030 C.
- C. **Shoreline Minor Development.** Shoreline Minor Development does not require a Shoreline Substantial Development Permit and is described in the footnotes following Table 18S.50-1, pursuant to WAC 173-27-040.
- D. **Review Process.** An administrative review process is required to ensure that the development, if established, will be in full compliance with applicable regulations and that such uses are compatible with Title 18S PCC, Comprehensive Plan, applicable community plan, adjacent development, planned development, and the character of the vicinity.
 - 1. If any part of a proposal is not Shoreline Minor Development, then a Shoreline Substantial Development Permit, Shoreline Administrative Conditional Use Permit, or a Shoreline Conditional Use Permit shall be required for the entire proposal.
- E. **Decision Criteria.** The Director shall review Shoreline Minor Development with the following specific criteria.
 - 1. The proposal meets one or more of Table 18S.50-1 footnotes (1)-(15). Each footnote shall be narrowly construed and the precise requirements shall be met.
 - 2. The proposal is consistent with the SMA.
 - 3. The proposal is consistent with the Title 18S PCC policies and regulations including, at a minimum, the following:
 - a. Policies and regulations of the shoreline environment designation (SED) in which the proposal is located.
 - b. Policies and regulations for Shorelines of Statewide Significance if the proposal is within such area.

- c. Policies and regulations within the applicable General Development Policies and Regulations found in Chapter 18S.30 PCC.
- d. Policies and regulations within the applicable Development Policies and Regulations found in Chapter 18S.40 PCC.
- 4. The proposal is consistent with the applicable provisions of Title 18E PCC.
- 5. The proposal is consistent with the applicable policies of the Comprehensive Plan and any applicable Community Plan.
- 6. The proposal is consistent with the regulations of any applicable land use regulations.
- F. **Burden of Proof.** The applicant has the burden of proving that a proposal meets all applicable criteria for Shoreline Minor Development.
- G. **Approval.** The Director shall review Shoreline Minor Development and issue a written decision of approval which may include additional requirements or modification necessary to comply with applicable regulations.

18S.60.040 Shoreline Substantial Development Permit.

- A. **Purpose.** The Shoreline Substantial Development Permit process provides a comprehensive review of development on shorelines to ensure compliance with the SMA, Title 18S PCC and any other applicable development regulations.
- B. **Applicability.** This Section applies to all development allowed on shorelines that exceeds the Shoreline Minor Development criteria, but is not subject to review and approval of a Shoreline Administrative Conditional Use Permit, or a Shoreline Conditional Use Permit. Such proposals would be noted in Table 18S.50 – 1, Shoreline Development Table, as subject to approval of a Shoreline Substantial Development Permit (S).
- C. **Review Process.** Shoreline Substantial Development Permits shall be reviewed administratively and shall include public notice and comment. This review process is required to ensure that the development, if established, will be in full compliance with applicable development regulations, the County Comprehensive Plan, applicable community plans, adjacent development, planned uses, and the character of the vicinity.
- D. **Decision Criteria.** The Director shall review applications for Shoreline Substantial Development in accordance with the decision criteria as set forth for Shoreline Minor Development, PCC 18S.60.030 E.2-6.
- E. **Burden of Proof.** The applicant has the burden of proving that a proposal meets all applicable criteria for a Shoreline Substantial Development Permit.
- F. **Approval.** The Director may approve an application for a Shoreline Substantial Development Permit, approve with additional requirements obtained from other sections of the County code above those specified in Title 18S PCC, or require modification of the proposal to comply with specified requirements or local conditions.
- G. **Denial.** The Director may deny an application for a Shoreline Substantial Development Permit if the development fails to comply with specific standards found in Title 18S PCC or if any of the decision criteria of PCC 18S.60.030 E.2-6 are not supported by evidence in the record as determined by the Director.

18S.60.050 Shoreline Administrative Conditional Use Permit.

- A. **Purpose.** The purpose of a Shoreline Administrative Conditional Use Permit is to allow flexibility in the application of development regulations in a manner consistent with the policies of the State SMA. Conditions may be attached to the permit to prevent undesirable effects of the proposal or to assure consistency of the project with the SMA and Title 18S PCC.
- B. **Applicability.** This Section applies to proposals allowed in Table 18S.50 – 1, Shoreline Development Table, subject to approval of a Shoreline Administrative Conditional Use Permit (A). Development specifically prohibited by Title 18S PCC shall not be authorized pursuant to this Section.
- C. **Review Process.** An administrative review process, which includes public notice, is required to ensure that the development, if established, will be in full compliance with applicable regulations and that such development is compatible with Title 18S PCC, Comprehensive Plan, applicable community plan, adjacent development, planned uses, and the character of the vicinity.
- D. **Decision Criteria.**
 - 1. The Director shall review applications for Shoreline Administrative Conditional Use in accordance with the decision criteria as set forth for Shoreline Minor Development, PCC 18S.60.030 E.2-6.
 - 2. The Director shall review the location of development for compatibility with development permitted in the surrounding areas; and make further stipulations and conditions to reasonably assure that the basic intent of this Title will be served.
 - 3. Conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - a. That the proposed development will not interfere with the normal public use of public shorelines, nor use of waters under the Public Trust Doctrine;
 - b. That the proposed development of the site and design of the project is compatible with other authorized development within the area and with uses planned for the area under the Comprehensive Plan and Title 18S PCC;
 - c. That the proposed development will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - d. That the public interest suffers no substantial detrimental effect.
 - 4. In the granting of all Shoreline Administrative Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Administrative Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW [90.58.020](#) and shall not produce substantial adverse effects to the shoreline environment.
- E. **Burden of Proof.** The applicant has the burden of proving that a proposal meets all applicable criteria for a Shoreline Administrative Conditional Use Permit.
- F. **Approval.** The Director may approve an application for a Shoreline Administrative Conditional Use, approve with conditions, or require modification of the proposal to comply with specified requirements or local conditions.
- G. **Denial.** The Director may deny an application for a Shoreline Administrative Conditional Use Permit if the development fails to comply with specific standards found

in Title 18S PCC, if any of the decision criteria of PCC 18S.60.050 D are not supported by evidence in the record as determined by the Director.

18S.60.060 Shoreline Conditional Use Permit.

- A. **Purpose.** The purpose of a Shoreline Conditional Use Permit is to allow flexibility in the application of development regulations in a manner consistent with the policies of the State Shoreline Management Act (SMA). Conditions may be attached to the permit to prevent undesirable effects of the proposal to assure consistency of the project with the SMA and Title 18S PCC.
- B. **Applicability.** This Section applies to proposals allowed in Table 18S.50 – 1, Shoreline Development Table, subject to approval of a Shoreline Administrative Conditional Use Permit (C). Uses which are specifically prohibited by Title 18S PCC shall not be authorized pursuant to this Section.
- C. **Review Process.**
 - 1. Shoreline conditional uses will be subject to review by the County Hearing Examiner, which includes public notice, public hearing, and the issuance of a Shoreline Conditional Use Permit.
 - 2. Aquaculture.
 - a. A single Shoreline Conditional Use Permit application may be submitted for multiple aquaculture activity sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and are located within the County.
 - b. Aquaculture activities allowed pursuant to an approved Shoreline Conditional Use Permit shall not be subject to review of a new Shoreline Conditional Use Permit for subsequent cycles of planting and harvest unless specified in the original Shoreline Conditional Use Permit approval.
- D. **Decision Criteria.**
 - 1. The Examiner shall review applications for Shoreline Conditional Use Permit in accordance with the decision criteria as set forth for Shoreline Minor Development, PCC 18S.60.030 E.2-6.
 - 2. The Examiner shall review the location of development for compatibility with development permitted in the surrounding areas; and make further stipulations and conditions to reasonably assure that the basic intent of this Title will be served.
 - 3. Conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - a. That the proposed development will not interfere with the normal public use of public shorelines, nor use of waters under the Public Trust Doctrine;
 - b. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with development planned for the area under the Comprehensive Plan and Title 18S PCC;
 - c. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - d. That the public interest suffers no substantial detrimental effect.
 - 4. In the granting of all Shoreline Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For

example, if Shoreline Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

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

18S.60.070 Shoreline Variance.

- A. **Purpose.** The purpose of a Shoreline Variance is limited to granting relief from specific bulk and dimensional standards found in Title 18S PCC where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of Title 18S PCC will impose unnecessary hardship on the applicant or thwart the policies found in the State Shoreline Management Act (SMA).
- B. **Applicability.** This Section applies to proposals that do not comply with, or where one proposes to deviate from the bulk or dimensional standards of Title 18S PCC. In these cases, such proposal can only be authorized by approval of a Shoreline Variance.
- C. **Review Process.** Shoreline Variances shall be subject to review by the County Hearing Examiner, which includes public notice, public hearing, and the issuance of a decision.
- D. **Decision Criteria - General.** A Shoreline Variance shall not be authorized unless the applicant demonstrates that denial of the permit would result in a thwarting of the policy enumerated in the SMA due to extraordinary circumstances, and the public interest would suffer no substantial detrimental effect.
- E. **Decision Criteria - Development Landward of Ordinary High Water Mark (OHWM).** In addition to the General Decision Criteria in C. above, Shoreline Variances for development landward of the OHWM or landward of any wetland may be authorized provided the applicant can demonstrate all of the following:
 - 1. The strict application of the bulk or dimensional standards precludes or significantly interferes with reasonable use of the property;
 - 2. The hardship described in PCC 18S.60.070. E.1 is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of Title 18S PCC, and not, for example, from deed restrictions or the applicant's own actions;
 - 3. The design of the project is compatible with other authorized development within the area and with development planned for the area under the comprehensive plan and Title 18S PCC, and will not cause adverse impacts to the shoreline environment;
 - 4. The Shoreline Variance will not constitute a grant of special privilege not enjoyed by the other properties in the area; and
 - 5. The Shoreline Variance requested is the minimum necessary to afford relief.

- F. **Decision Criteria - Development Waterward of OHWM.** In addition to the General Decision Criteria in C. above, Shoreline Variances for development that will be located waterward of the OHWM or within any wetland may be authorized provided the applicant can demonstrate all of the following:
 - 1. That the strict application of the bulk, dimensional or performance standards found in Title 18S PCC precludes all reasonable use of the property;
 - 2. That the proposal is consistent with the criteria established under PCC 18S.60.070. E.2-5; and
 - 3. That the public rights of navigation and use of the shorelines will not be adversely affected.
- G. **Decision Criteria - Cumulative Impact.** In the granting of all Shoreline Variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if Shoreline Variances were granted to other development in the area where similar circumstances exist, the total of the Shoreline Variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- H. **Burden of Proof.** The applicant has the burden of proving that a proposal meets all applicable criteria for a Shoreline Variance.
- I. **Approval.** The Examiner may approve an application for a Shoreline Variance, approve with conditions, or require modification of the proposal to comply with specified requirements or local conditions.
- J. **Denial.** The Examiner shall deny a Shoreline Variance if the proposal does not meet or cannot be conditioned or modified to meet the applicable decision criteria of 18S.60.070 D-G.

18S.60.080 Revision to Shoreline Permit.

- A. **Purpose.** The purpose of this Section is to provide a review process for changes to an already approved Shoreline Permit.
- B. **Review Process.**
 - 1. A formal revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of an already approved shoreline permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit or approval, State Shoreline Management Act (SMA), and Title 18S PCC.
 - 2. If the County determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the SMA and Title 18S PCC, the County may administratively approve a revision without a public hearing, even if the original permit required a public hearing and approval by the Hearing Examiner. “Within the scope and intent of the original permit” means all of the following:
 - a. No additional development in an Aquatic SED, except that pier, dock, or float construction may be increased by 500 square feet, or 10% from the provisions of the original permit, whichever is less, when necessary to meet state and federal permit requirements;
 - b. Ground area coverage and height may be increased a maximum of 10% from the provisions of the original permit;

- c. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of Title 18S PCC except as authorized under a Shoreline Variance granted as the original permit or a part thereof;
 - d. Additional or revised landscaping is consistent with any conditions attached to the original permit and with Title 18S PCC;
 - e. The development authorized pursuant to the original permit is not changed; and,
 - f. No adverse environmental impact will be caused by the project action.
3. If the sum of the revision and any previously approved revisions violate the decision criteria of this Section, the County shall require that the applicant apply for a new permit.

APPENDICES

- A. Definitions.**
- B. Farm Management Plan Requirements.**
- C. Aquaculture Application Requirements.**
- D. Commercial and Industrial Application Requirements.**
- E. Shoreline Environmental Designation Maps.**
- F. Parks and Public Access Map.**

Appendix A: Definitions

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

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

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

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

“Agricultural Activities” means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

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

“Agricultural Equipment” and “agricultural facilities” includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables.

“Agricultural Land” means those specific land areas on which agriculture activities are conducted.

“Appurtenance”, see “Normal Appurtenance.”

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

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

“Boathouse” means any covered facility, with or without walls, utilized for the storage of watercraft and related equipment, unless located at a marina. For purposes of Title 18S PCC, the term boathouse shall not mean a watercraft, vessel, or residence.

“Boating Facility” means mooring buoy, mooring piling, float, lift, railway, launching ramp, dock (pier, ramp, and/or float), excavated moorage slip, boathouse, and marina. This does not apply to floating homes.

“Buoy” means a floating mooring point or warning marker anchored offshore.

“Channelization” means the straightening, deepening, or widening of a stream channel.

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

“Commercial” means developments involved in wholesale and retail trade or business activities.

“Community Recreational” means boating facilities which are utilized in common by residents of a subdivision.

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

“Development” means 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 act at any stage of water level. (Note: This definition intentionally differs from the definition for “Development” found in Chapter 18.25 PCC.)

“Dock” means a floating or non-floating mooring platform that connects with the OHWM.

“Dredging” means the removal of material from the bottom of a water body.

“Ecological Function” or “Shoreline Function” means the work performed, or role played by, the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-200 (2)(c).

“Excavated Moorage Slips” means a mooring location that is excavated or dredged from a segment of shoreline and/or substrate.

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

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

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

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

“Frosting” means the addition of gravel or shell to the substrate to make it more suitable for aquaculture.

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

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

“Launching Ramp” means a boating facility utilized for launching and retrieving vessels.

“Lift” means a facility designed to lift a vessel in and out of the water (such as a davit, floating lift, non-floating lift, drive-on float, or grid). A lift is often attached to something else such as a bulkhead, dock, or buoy.

“Liveaboard” means a vessel used as a dwelling unit for more than 30 days in any 45-day period or more than 90 days in a year.

“Marina” means a commercial boating facility providing wet or dry storage for watercraft, and providing other services to tenants and other boaters.

“Marine” means pertaining to tidally-influenced waters of Puget Sound.

“Mining” means the extraction of sand, gravel, soil, minerals, and other naturally-occurring material with a primary purpose of obtaining the material for commercial and other uses.

“Mooring Piling” means a non-floating mooring point located off-shore consisting of a pole or group of poles embedded in the bed of the water body and extending above the water’s surface.

“Natural or Existing Topography” means the topography of the lot, parcel, or tract of real property prior to any site preparation or grading, including excavation or filling.

“No Net Loss” means that the ecological functions of the shoreline will not be reduced as a result of discrete or cumulative development activities.

“Pier” means a structure which abuts the OHWM and is built over the water on piling and is used as a landing or moorage place for vessels or for recreational purposes.

“Port” means a center for providing services and facilities for the transfer of commodities to and from vehicles (water, air, or land) of commerce.

“Public Recreational” means a publicly or privately owned and maintained boating facility for use by the general public.

“Railway” means non-floating tracks with a cradle and winch system utilized for launching and retrieving vessels.

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

“Recreation” means the refreshment of body and mind through forms of play, amusement or relaxation, including publicly and privately-owned facilities intended for use either by the public or a private club, group, association, or a facility constructed accessory to a multifamily residential development.

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

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

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

“Shall” means a mandate and the action is required.

“Shoreline Stabilization” means erosion control practices using plantings, organic materials or hardened structures to armor or stabilize the shoreline landward of the structure from further erosion.

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

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

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

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

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

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

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

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

“Water-Oriented” means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

“Water Quality” means the chemical, physical, hydrological, aesthetic, recreation-related, and biological characteristics of water.

“Water-Related” means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because: (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Acronyms:

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

Appendix B: Farm Management Plan Requirements

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

Appendix C: Aquaculture Application Requirements

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

A. Site Plan.

1. A site plan including:

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

B. Description of Proposal.

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

The applicant is responsible for obtaining all appropriate approvals and shall provide copies to the County upon request.

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

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

F. Assessment of Impacts.

- 1. This section shall be based upon the results of the baseline conditions study. This shall be accompanied by a discussion of avoidance, minimization, and mitigation actions proposed. Potential impacts that shall be discussed include: impacts to regulated critical areas and species, loss of benthic biotic diversity, increase in pollutant loading, alteration to nearshore sediment composition or transport processes, decrease in water quality. This shall be accompanied by a discussion of avoidance, minimization and mitigation actions proposed.

G. Financial Guarantee.

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

Appendix D: Commercial, Civic and Industrial Application Requirements

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

Appendix E: Shoreline Environment Designation Maps and Descriptions

Appendix F: Parks and Public Access Map