

*Title 18*

***DEVELOPMENT REGULATIONS – GENERAL PROVISIONS***

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## *Chapter 18.20*

### **INTRODUCTION**

#### **Sections:**

- 18.20.010 Purpose.**
- 18.20.020 Applicability.**
- 18.20.025 Impact Fees.**
- 18.20.030 Appeals.**
- 18.20.040 Severability.**

#### **18.20.010 Purpose.**

The purpose of this Title is to outline general provisions for development regulations regarding application filing, department review, public notice, time periods, code interpretations, and enforcement and penalties. (Ord. 96-19S § 1 (part), 1996)

#### **18.20.020 Applicability.**

The regulations identified in this Title apply to Pierce County Codes including, but not limited to: Title 17A, Construction and Infrastructure Regulations – Site Development and Stormwater Manual; Title 17B, Construction and Infrastructure Regulations – Roads and Bridges; Title 17C, Construction and Infrastructure Regulations – Building and Fire Codes; Title 18A, Development Regulations – Zoning; Title 18B, Development Regulations – Signs; Title 18D, Development Regulations – Environmental; Title 18E, Development Regulations – Critical Areas; Title 18F, Development Regulations – Land Divisions and Boundary Changes; Title 18H, Development Regulations – Forest Practices and Tree Conservation; Title 18I, Development Regulations – Natural Resource Lands; Title 18J, Development Regulations – Design Standards and Guidelines; and Title 20, Shoreline Management Use Regulations. (Ord. 2009-18s3 § 1 (part), 2009; Ord. 2004-58s § 1 (part), 2004; Ord. 2004-52s § 1 (part), 2004; Ord. 98-87 § 1 (part), 1998; Ord. 96-19S § 1 (part), 1996)

#### **18.20.025 Impact Fees.**

Pursuant to the authority granted in RCW 82.02.050-82.02.100, Pierce County imposes impact fees on development activities as part of the financing for school facilities, regional parks, open space passive recreation parks, linear trail parks; and roads, as set forth in Title 4A PCC. (Ord. 2006-60s § 3, 2006; Ord. 96-122S § 3, 1996; Ord. 96-105S2 § 2, 1996)

#### **18.20.030 Appeals.**

Procedures for appealing an administrative decision or decision of the Hearing Examiner are set forth in Chapter 1.22, Pierce County Code. (Ord. 96-19S § 1 (part), 1996)

#### **18.20.040 Severability.**

If any Section, portion, Chapter, paragraph, clause, or phrase of these regulations 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 this Title. (Ord. 96-19S § 1 (part), 1996)



## *Chapter 18.25*

### **DEFINITIONS**

#### **Sections:**

- 18.25.010 Purpose.**
- 18.25.020 Applicability.**
- 18.25.030 Definitions.**
- 18.25.040 Acronyms**

#### **18.25.010 Purpose.**

The purpose of this Chapter is to provide definitions for the terms used throughout the Title 18 series of Development Regulations. (Ord. 2004-58s § 1 (part), 2004)

#### **18.25.020 Applicability.**

The terms defined in this Chapter apply to each Title of Development Regulations, including but not limited to General Provisions, Zoning, Signs, Environmental, Critical Areas, Forest Practices, Natural Resource Lands, Design Standards and Guidelines, Subdivisions and Platting, and Shoreline Management. In certain circumstances, a term may only apply to an individual Title or Chapter. In these cases, see the individual Title or Chapter for that definition. Any inconsistency in definitions between Titles or Chapters shall be resolved in favor of the later adopted definition.

Any word or phrase not listed in this Chapter which is in question when administering the Development Regulations shall be defined from one of the following sources which are incorporated herein by reference. Said sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used, and so on. The sources are as follows:

1. Any statute or regulation of the State of Washington (i.e., the most applicable RCW or WAC);
2. Any term defined from Washington State case law;
3. Other Titles of Pierce County Code;
4. Any other Pierce County resolution, ordinance, or regulations;
5. Black's Law Dictionary; and
6. Webster's Dictionary.
7. Other applicable scientific, technical, or professional manuals.

(Ord. 2004-58s § 1 (part), 2004)

#### **18.25.030 Definitions.**

"A zone" means those areas inundated by the 100-year flood (base flood).

"Abbreviated plan" means a plan for small sites to implement temporary best management practices (BMPs) to control pollution generated during the construction phase, primarily erosion, sediment, and post-construction runoff.

"Abutting" means bordering upon, to touch upon, in physical contact with. Sites are considered abutting even though the area of contact may be only a point.

"Accessory dwelling unit" means a second dwelling unit added to, created within, or detached from a single-family detached dwelling for use as a completely independent or semi-independent unit with provisions for cooking, eating, sanitation, and sleeping.

"Accessory structure" means a structure, either attached or detached from a principal or main building and located on the same lot and which is customarily incidental and subordinate to the principal building or use.

"Accessory use" means a use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

"Accident Potential Zone I (APZ I)" means a zone mapped by the Air Force 3,000 feet wide by 5,000 feet long extending from the Clear Zone. An accident is less likely to occur in APZ I than in the Clear Zone, but a significant risk factor still exists.

"Accident Potential Zone II (APZ II)" means a zone mapped by the Air force 3,000 feet wide by 7,000 feet long. An accident is less likely to occur in APZ II than APZ I, but it still possesses some risk.

"Active recreational uses" means leisure time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites, or fields.

"Activity" means any use or action conducted on a site.

"Activity Center (Urban)" land use designation means an area which has as its focus a recreational, cultural, or educational activity, around which develops a concentration of commercial, office or residential development. The attraction draws people from throughout the area, not just surrounding neighborhoods or the community in which the activity is located. Encouraged uses are retail trade, service, finance, insurance, real estate and multi-family developments which support, or is mutually beneficial to, the recreational, cultural, and educational attractions of the center. Community facilities are also encouraged to locate in Activity Centers. Discouraged are detached single-family residential uses, auto-oriented commercial development, and industrial, manufacturing, or commercial development which is land intensive and employs a low number of employees per acre.

"Adaptive reuse" means the conversion of the use of a structure to other uses that are more appropriate in the contemporary situation.

"Addition" means an alteration to an existing structure that increases the floor area. Examples of additions may include but aren't limited to: additions affixed to the side of an existing structure or an upper story addition.

"Adequate public facilities" means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.

"Adit" means a nearly horizontal passage from the surface in a mine.

"Adjacent" means within a radius of 300 feet from the exterior boundaries of designated resource land.

"Administrative Design Review" means for activities in which these design standards are applicable, the process performed by Pierce County Planning and Land Services staff to determine if a proposal conforms to the design standards.

"Administrative Nonconforming Use Permit" means a written decision by the Director to authorize a limited expansion of a nonconforming use or a change of a nonconforming use subject to special degrees of control. Criteria for review and control are established through this process to ensure mitigation of any use which is incompatible with adjacent and planned uses, the character of the surrounding area, and any applicable community plans as required by the Comprehensive Plan.

"Administrative Review" means a decision-making process involving the judgment of the Director when applying specific decision criteria and requirements.

"Administrative Use Permit" means a written decision by the Director to authorize the development of a use or the operation of an activity within the confines of specialized requirements or other special degrees of control in order to increase compatibility with the Comprehensive Plan, adjacent uses, planned uses, and the character of the vicinity. Administrative Review shall be applied when approving Administrative Use Permits.

"Adult arcade" means an establishment where the public is permitted or invited, where, for any form of consideration, one or more motion picture projectors, slide projectors, or other similar image producing machines situated for viewing by five or fewer persons are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis on the depiction, description, simulation, or relation to "specified sexual activities" or "specified anatomical areas."

"Adult bookstore" means an establishment which offers for sale, for any form of consideration, any books, magazines, newspapers, publications, movie films, devices, slides, video cassettes, or other photographic or periodical reproductions that are characterized by an emphasis on the depiction, description, simulation, or relation to "specified sexual activities" or "specified anatomical areas." Convenience stores and other similar retail uses, including bookstores, that sell adult magazines as a secondary and incidental use are not considered "adult bookstores," provided that the adult magazine sales area shall be limited to a single magazine/book rack with dimensions no larger than four feet by five feet, and that no portion of the magazine that depicts "specified sexual activities" or "specified anatomical areas" is visible.

"Adult businesses" means establishments which are predominantly distinguished or characterized by an emphasis on entertainment, devices, or services which are sexually explicit in nature. These businesses are recognized as having objectionable characteristics and need to be distanced from other uses such as residential, schools, parks, and community centers. Adult businesses include adult arcades, adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, escort services, massage parlors, and public bathhouses.

"Adult cabaret" means a nightclub, bar, restaurant, theater, hall, studio, or similar establishment, whether or not alcoholic beverages are served and from which minors are excluded, where, for any form of consideration, are featured live performances or any device is provided in which the subject matter is distinguished or characterized by the exposure of "specified anatomical areas" or by an emphasis on the depiction, description, simulation, or relation to "specified sexual activities."

"Adult home-based day care" means a facility located in a dwelling unit that regularly provides care for a period of less than 24 hours per day for no more than 12 elderly or disabled adults who cannot safely be left alone.

"Adult Live Entertainment Establishment." See "Adult Cabaret."

"Adult motion picture theater" means an establishment which does not fall within the definition of adult arcade, where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown in which the subject matter is distinguished or characterized by emphasis on the depiction, description, simulation, or relation to "specified sexual activities" or "specified anatomical areas."

"Adult novelty store" means an establishment where, for any form of consideration, are offered for sale or rental books, magazines, periodicals, films, photographs, motion pictures, slides, video cassettes, or other visual representations that are characterized by emphasis on the depiction, description, simulation, or relation to "specified sexual activities" or "specified anatomical areas"; or instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities," excluding condoms and other birth control and disease prevention devices. Convenience stores and other similar retail uses which sell adult magazines as a secondary and incidental use are not considered "adult novelty stores," provided that the adult magazine sales area shall be limited to a single magazine/book rack with dimensions no larger than four feet by five feet.

"Affordable housing" means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income.

"Aggrieved person" means the project sponsor, or any person affected by the proposal.

"Agricultural accessory structure" for floodplain management purposes and Chapter 18E.70 means a non-residential structure such as, but not limited to, sheds and silos.

"Agricultural activities" means the normal actions associated with the production of crops: such as plowing, cultivating, minor drainage, and harvesting; and/or raising or keeping of livestock, including operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and normal operation, maintenance, and repair of existing serviceable agricultural structures, facilities, or improved areas. The term "agricultural activities" as used within this Title does not include the practice of aquaculture. Forest practices regulated under Chapter 76.09 RCW and Title 222 WAC are not included in this definition.

"Agricultural activity, new" means: (1) Any agricultural activity that was commenced after February 2, 1992; or (2) use of land for agricultural activities after a previously used wetland, critical fish or wildlife habitat area, or flood hazard area, and/or its associated buffer, has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program; or (3) any actions that serve to expand the existing agricultural activity beyond the original geographic limits and/or causes greater impacts to the functions or values of a wetland, critical fish or wildlife habitat area, or flood hazard area and/or its associated buffer.

"Agricultural Land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and which has long-term commercial significance for agricultural production.

"Agricultural Overlay" land use designation means agricultural lands that because of their close proximity to industrially developed areas have industrial/manufacturing potential subject to policies in the Comprehensive Plan.

"Agricultural rights" means an interest in and the right to use and possess for purposes and activities related to horticultural, livestock, dairy, and other agricultural and open space uses.

"Agriculture" land use designation means lands that have long-term agricultural significance.

"Alleyway" means a narrow passageway intended for vehicular traffic to serve as rear access to lots or buildings. An alley is not a private road, public road, or right-of-way. A lot line abutting an alley shall be considered an interior or rear yard.

"Alluvial geologic unit" means geologically recent stream, lake, swamp, and beach deposits of gravel, sand, silt, and peat.

"Alternative sewage disposal method" means a sewage treatment system, other than a conventional gravity system or conventional pressure distribution system, in which: all sewage treatment and disposal occurs on-site and involves no conveyance of sewage to an off-site treatment facility; on-site water reuse is a part of the system; equivalent or enhanced treatment performance is provided as compared to conventional gravity systems; and there is no connection to sanitary sewers.

"Amendment" means a change in the wording, text, context, or substance of a County Code; a change in the zoning map; a change to the official controls of Pierce County Code; or any change to a condition of approval or modification of a permit or plans reviewed or approved by the Director or Examiner.

"Animal containment area" means a site where two or more animal units of large animals per acre or .75 of an animal unit of small animals per acre are kept, and where a high volume of waste material is deposited in quantities capable of impacting groundwater resources.

"Animal unit" means the equivalent of 1,000 pounds of animal.

"Antenna height" means the vertical distance measured from the base of the antenna support structure to the highest point of the antenna. Measurement of telecommunication tower height shall include the antenna, base pad, and other appurtenances and shall be measured from the finished grade at the base of the tower to the highest point of the wireless communication facility including all antenna attached to the structure.

"Antenna" means any exterior apparatus designed for telephonic, radio, data, Internet, or television communication through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services. This includes unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for cellular, enhanced specialized mobile radio, personal communications services, facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, and enhanced specialized mobile radio.

"Applicant" means the person, party, firm, corporation, or other legal entity that proposes to develop property in unincorporated Pierce County by submitting an application for any of the activities covered by these Regulations.

"Appropriation doctrine" means the doctrine that stipulates water rights are granted to those parties first staking claim to such rights ("first-in-time, first-in-right"). Unlike the riparian doctrine, appropriation claims to water sources do not require adjoining land ownership. Many historic rights to water sources have been granted, however, appropriations, may not be absolute under today's competing demands for water resources.

"Aquatic bed wetland class" means any area(s) of open water with rooted aquatic plants such as lily pads, pondweed, etc. Aquatic bed vegetation does not always reach the surface.

"Aquifer recharge area" means areas that have a critical recharging effect on groundwaters used for potable water supplies and/or that demonstrate a high level of susceptibility or vulnerability to groundwater contamination from land use activities. Examples of aquifer recharge areas include: (1) Wellhead protection areas delineated pursuant to the Federal Safe Drinking water Act; and (2) Other areas with a high level of susceptibility or vulnerability to contamination as demonstrated through the use of the DRASTIC Model.

"Aquifer" means a saturated geologic formation which will yield a sufficient quantity of water to serve as a private or public water supply.

"Architectural concept" means the basic aesthetic ideal of a building, or group of buildings or structures, including the landscape development, that produces its distinctive character.

"Architectural feature" means a prominent or significant part or element of a building or structure.

"Area of shallow flooding" means a designated "AO" or "AH" zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. "AO" is characterized as sheet flow and "AH" indicates ponding.

"Area of Shoreline Jurisdiction" means that portion of a lot lying within the first 200 feet of the ordinary high water mark of a body of water regulated by the Shoreline Management Act.

"Area to be developed" means the limits of a development.

"Areal cover" means the percentage of vegetation covering any area. It is often used during wetland rating field data form completion to decide what classes are present in a wetland. Areal measurements are those made as if a property was being viewed from the air.

"Artificial channels" are man-made drainage courses legally created out of upland areas.

"Artificial channels – Type FW" are legally created man-made drainage courses that: (1) provide documented habitat for species listed in Section 18E.40.020, or (2) are located within ¼ mile of a fish and wildlife habitat conservation area and provides habitat support functions to said area.

"Assigned service area" means the geographical area served by Category A and B public facilities as contained in the current Comprehensive Plan.

"Associated wetland" means a wetland either (1) wholly or partially contained within the shore migration zone or channel migration zone, or (2) hydrologically connected to a Natural Water by a surface water connection or contiguous hydric soil.

"Attached cellular communication facility" means a cellular facility that is affixed to an existing structure. The existing structure, for example an existing building, tower, water tank, utility pole, etc., to which the cellular communications facility is attached, is not considered a component of the attached cellular communications facility.

"Attached single-family" means a structure containing more than two dwelling units, generally one or two stories in height. All units have ground floor access and are joined to one another only by party walls. Examples are townhouses, triplexes, and fourplexes.

"Attached Structure" means two structures connected by either a load-bearing wall or common roof line. Structures connected solely by breezeways, trellises, decks, or similar unenclosed structures shall not be considered attached.

"Automobile commercial trailer" means a vehicle without motor power designed to be drawn by a motor vehicle and which trailer is used or is to be used for carrying goods and property.

"Auto-oriented commercial" means commercial development which combines the following factors: (1) building size; (2) parking needs; (3) destination shopping; (4) product size; and (5) auto-oriented design standards.

"Available public facilities" means facilities or services that are in place or that a financial commitment is in place to provide the facilities or services within a specified time. In the case of transportation, the specified time is six years from the time of development.

"Average megawatts (aMW)" means the average amount of energy supplied or demanded over a specific time period.

"Awning" means a roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building. Awnings are temporary or portable devices.

"B zone" means certain areas subject to the "base flood" with contributing drainage areas of more than 100 acres and less than one square mile and all pothole areas. Term has been deemed obsolete by FEMA and replaced by X zone.

"Backwater" means the increase in water elevation caused by an obstruction within a stream.

"Banner" means any sign of lightweight fabric or similar material that is mounted to a pole or building by any means. National flags, state or municipal flags, seasonal flags, or the official flag of any institution or business shall not be considered banners.

"Banner – Event" means a temporary outdoor advertising display that typically advertises a community or civic event. Event banners are permitted 30 days prior to the event, and must be removed 10 days after completion of the event.

"Banner – Retail" means a temporary outdoor advertising display that provides information about special sales, promotions or other business services. Retail banners are only permitted on the site that the business activity occurs. Individual retail banners are permitted for a maximum of 60 days per calendar year.

"Barn" means any building used for agricultural purposes that contains items generally associated with farming including, but not limited to, farm equipment such as tractors, or farm animals such as livestock.

"Base density" means a standard density for a given area, from which increases or decreases in density may be allowed.

"Base flood" means the flood having a one-percent chance of being equaled or exceeded in any given year, also referred to as the "100-year flood."

"Base Flood Elevation" means the water surface elevation, measured in feet, above the mean sea level for the base flood and referenced to the National Geodetic Vertical Datum of 1929 (or the most current vertical datum accepted by Pierce County).

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

"Beach" means the zone along the shoreline where there is continuous movement of sediment both laterally and vertically. This zone extends from the daily low tide mark to where the permanent line of vegetation begins.

"Beach nourishment" means the replenishment of sand and gravel to a portion of eroded beach. This technique can be used when a loss of beach has occurred waterward of hard armoring of the shoreline such as just below bulkheads. This loss can be seen when the footings of an older bulkhead become exposed.

"Bed and breakfast house" means any single-family dwelling in which travelers are lodged for two weeks or less and a morning meal is provided, and for which compensation of any kind is paid. (For the purposes of this definition, a bed and breakfast house is not a hotel, inn, motel, or lodging or rooming house.)

"Best management plan" means a plan developed for a property, which specifies best management practices to ensure the minimization of impacts to the environment including the control of animal wastes, stormwater runoff, and erosion.

"Best management practices (BMPs)" means physical, structural, or managerial practices which have gained general acceptance for their ability to prevent or reduce environmental impacts.

"Billboard" means a preprinted or hand painted changeable advertising copy sign which directs attention to businesses, commodities, services, or facilities which are not primarily sold, manufactured, or distributed from the property on which the sign is located. The term "billboard" includes both the structural framework which supports a billboard and any billboard faces attached thereto.

"Binding Site Plan" means a land division process used to create lots or tracts classified for industrial or commercial uses pursuant to RCW 58.17.035 or residential condominiums pursuant to RCW 64.34.

"Biosolid land application site" means a site where stabilized biosolids, septage and other organic waste is applied to the surface of the land in accordance with established agronomic rates for fertilization or soil conditioning. There are five categories of sludge sites. Sites meeting S-1, S-2, and S-3 standards meet established agronomic rates and need no zoning permit. Sites in the S-4 and S-5 categories are treated as landfills.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product of the wastewater treatment process that can be beneficially recycled and meets all applicable requirements under WAC 173-308. Septic tank sludge and products or materials made from biosolids that meet the requirements of WAC 173-308 are also classified as biosolids.

"Block" is a group of lots, tracts or parcels within well defined and fixed boundaries.

"Bluff face" means the sloping portion of a high bank.

"Bluff retreat" means the rate at which a bluff or shoreline is eroding as a result of surface erosion and/or mass soil movement.

"BMP" may mean best management practice or best management plan.

"Boathouse" means a covered or enclosed moorage space.

"Bonus density" means an allowance for densities that are higher than would normally be allowed within a designated land use zone, and which is generally provided as an incentive to encourage development in a more desirable manner.

"Boundary Line Adjustment" means altering boundary lines between platted or unplatted lots or both, which does not create any individual lot, tract, parcel, site, or division, nor create any lot, tract, parcel site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site, except as provided for in Chapter 18F.70.

"Branch post office" means a government-operated subdivision of a Main Post Office Station serving as a base for one or more carrier routes and providing customary customer postal service.

"Breakwater" means a protective structure composed of rock and fill, usually built offshore, for the purpose of protecting shoreline or harbors from wave action.

"Brewpub" means an eating and drinking establishment which produces on the premises a maximum of 2,000 barrels per year of beer, ale, or other malt beverages, as determined by the brewpub's filings of barrelage tax reports to the Washington State Liquor Control Board (LCB), for sale only on the premises. A brewpub shall be considered a tavern which produces on-site malt beverages.

"Buffer" means a tract or strip of land that separates one type, category or use of land from another. Buffers typically serve to provide a defined area between a more intensive use of land and a land use that is less intensive. Buffers are typically referenced by the associated critical area such as wetland buffer, riparian buffer, etc.

"Building" means any structure having a roof supported by columns, posts, or walls for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

"Building Division" means the Building Division of the Planning and Land Services Department.

"Building footprint" means the outer perimeter of a building excluding eave overhangs, and other cantilevered portions of the building projecting no more than 18 inches.

"Building front" means the building elevation where architectural detailing is emphasized most and typically the side where the primary entrance is located.

"Building height" means the height of a building is the vertical distance from the average elevation of the finished grade on each wall of a building to the top of a flat or shed roof, or the deck level on a mansard roof, and the average distance between the bottom of the eaves to the highest point of a pitched, hipped, gambrel, or gable roof.

"Building scale" means the relative size of a structure in relationship to other nearby and adjacent structures or to the human form.

"Building, Multi-tenant" means a structure for the use of multiple businesses with a roof supported by columns or walls, separated by dividing walls without interior openings to the individual businesses, where each business has a separate exterior access.

"Bulkhead" means a retaining wall used to hold back earth and to provide a solid surface to resist wave action. Bulkheads are considered a hard armoring technique.

"Bulkhead line" means a line established by the Federal government that marks the outer permissible limit for fills.

"Business activity" means any activity carried out for the purpose of financial gain for an individual or non-profit organization.

"Business or commerce" means the purchase, sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit; or the management of office buildings, offices, recreational, or amusement enterprises; or the maintenance and use of buildings, offices, structures, and premises by professions and trades rendering services.

"Business or commercial establishment" means a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot, and where direct access to each "business or commercial establishment" is separate and distinct from direct access to any other business or commercial establishment.

"Buy-back recycling center" means any small business without industrial activity consisting of buildings with a cumulative gross floor area less than 5,000 square feet which collects, receives, or buys recyclable materials from household, commercial, or industrial sources for the purpose of sorting, grading, or packaging recyclables for subsequent shipment and marketing. All materials stored outside must be containerized. Examples of buy-back recycling centers include small-scale glass or aluminum buy-back centers. Uses such as automotive part rebuilding and/or salvage or reusable camera reloading are not considered buy-back recycling centers.

"Cabaret" means any restaurant, barroom, tavern, cocktail lounge or other facility where food and/or beverages are available for purchase and where dancing occurs regardless of whether such dancing is to live entertainment or prerecorded transmissions. This definition does not include Adult Cabarets as defined in this Chapter.

"Caliper" means the American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured 6" above ground for up to and including 4" caliper size and 12" above ground for larger sizes.

"Camouflaged or concealed design" means a personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a telecommunication tower; or, a personal wireless service facility that is placed within an existing or proposed structure; or, a new telecommunication tower that is hidden within trees so as to be significantly screened from view.

"Camping" means erecting a tent or shelter or arranging bedding or both, for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.

"Candela" means the International Standard unit of luminous intensity; closely approximates the formerly accepted unit known as the "international candle."

"Canopy" means a permanent structure, which may be supported independently or attached on one side to another structure and open on all sides. Canopies are typically designed for weather protection for vehicles utilizing pumps, drive-up banking, drive-up food service windows, and other similar uses.

"Canopy area" means the area covered by the crown of an individual plant species or delimited by the vertical projection of its outermost perimeter; small openings in the crown are included.

"Canopy species, small" means any tree species that has a mature canopy area of less than 350 square feet.

"Capacity" means the maximum amount or number that can be contained or accommodated.

"Capital improvement" means land, improvements to land, structures (including design, permitting, and construction), initial furnishings and selected equipment. Capital improvements have an expected useful life of at least 10 years. Other "capital" costs, such as motor vehicles and motorized equipment, computers and office equipment, office furnishings, and small tools are considered to be minor capital expenses in the County's annual budget, but such items are not "capital improvements" for the purposes of the Comprehensive Plan, or the issuance of development permits.

"Carrying capacity" means the level of development density or use an environment is able to support without suffering undesirable or irreversible degradation.

"Category A public facilities" means facilities owned or operated by Pierce County and subject to the requirements for concurrency, including: Pierce County ferry, sanitary sewer, and surface water management systems, and Pierce County arterials.

"Category B public facilities" means facilities owned or operated by federal, state, or city governments, independent districts, and private organizations, and subject to the requirement for concurrency, including: transit, domestic water supply, and on-site and community sewage systems.

"Category C public facilities" means facilities owned or operated by Pierce County but not subject to the requirement for concurrency, including: the Pierce County airport; Pierce County Correction and Detention facilities; Pierce County administration buildings; Pierce County law enforcement; Pierce County parks; and Pierce County river levees.

"Category D public facilities" means facilities owned or operated by federal, state, or city governments, independent districts, or private organizations, but not subject to the requirements for concurrency, including: libraries, Federal and State arterials, fire and emergency medical services, solid waste facilities, and schools.

"Cave" means a natural subterranean chamber greater than one foot in diameter and greater than three feet deep.

"Cell on Wheels" (COW) means a mobile telecommunications facility transported by a motor vehicle for temporary on-site use.

"Cellular communication support structure" is the structure erected to support cellular communication antennas and connecting appurtenances. Support structure types include, but are not limited to, monopoles, lattice towers, wood poles, or guyed towers.

"Central office switching unit" means a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines, and interoffice trunks.

"Certificate of concurrency " means a document issued by a service provider indicating capacity is sufficient for a specific development project on a specific property.

"Certification" means a written engineering opinion, stamped, signed, and dated by an engineer concerning the progress or completion of work.

"Channel" means the topographic feature that carries, or is capable of carrying, surface discharge.

"Channel migration zone" (CMZ) means the area within the lateral extent of likely stream channel movement due to stream bank destabilization and erosion, rapid stream incision, and shifts in location of stream channels. The CMZ is approximated by evidence of channel locations in the last 100 years, but shall not be strictly bounded by this criteria alone.

"Character" means the distinctive features or attributes of buildings, uses, and site design on adjacent properties and in the vicinity as required in the Comprehensive and community plans; including, but not limited to, building facade, building length, building modulation, building height, building location, roof form, tree cover, types of flora, location of landscaping, size and location of signs, setbacks, amount of parking, location of parking, fencing type, fencing height, location of fencing, and intensity of uses.

"Check for adequacy" means the annual comparison of the impacts of development to the available capacity of Category C and D public facilities and services.

"Child home-based day care" means a facility licensed by the State that regularly provides care for a period of less than 24 hours per day for no more than 12 children and is located in an owner-occupied dwelling unit.

"Christmas trees" means any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species. (RCW 76.48.020(1))

"City" means any city or town, including a code city.

"Class IV General Forest Practice" means those forest practices occurring on lands within UGAs; lands platted after January 1, 1960; or on lands that have or which are being converted to a use other than commercial timber production.

"Clearing" means the removal of stumps and vegetation to the extent that the removal has the potential to cause erosion or drainage impacts.

"Cliff" means a steep vertical or overhanging face of rock or earth greater than 25 feet in height.

"Cluster development" means a development design technique that concentrates buildings or lots in specific areas on a site to allow the remaining land to be used for recreation, individual or jointly owned open space, and preservation of environmentally sensitive areas.

"Cluster subdivision" means a form of development that permits a reduction in lot area, setbacks, and the arrangement of lots such that there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development. The remaining land area is devoted to open space, active recreation, preservation of sensitive areas, or agriculture.

"Clustering" means a development or division of land in which residential building lots are reduced in size and concentrated in specified portion(s) of the original lot, tract or parcel.

"Coastal flood hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, Puget Sound Marine waters and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone "A," "V1-30," "VE" or "V."

"Code Interpretation" means a written decision issued by the Director or other designated Administrative Official regarding the interpretation of any provision set forth in any code, regulation, ordinance, license or permit. Code interpretations may also be referred to as "administrative interpretations" or "administrative determinations."

"Cogeneration" means the simultaneous production of electricity and useful heat energy from a fuel source. The heat is normally used on-site for industrial processes, space or water heating, or production steam. The electric power may be used on-site or distributed through the utility grid, or both. Cogeneration units are normally fired with natural gas, but also may be fueled by oil, biomass, or other fuels.

"Co-location" means the use of a single support structure, including but not limited to, a building, monopole, lattice tower, or water tank, by more than one licensed personal wireless communication service provider.

"Colonnade" means a series of columns set the same distance apart to support a roof.

"Column" means a vertical shaft or pillar that supports, or appears to support, a structure such as a roof, porch, or portico.

"Commerce" means the buying and selling of goods.

"Commercial advertisement" means various types of signage used for commercial advertisement including, but not limited to, business signs, business identification signs and billboards.

"Commercial Center" means any of the following designations: Major Urban Center, Community Center, Activity Center or Urban Neighborhood Center.

"Commercial uses" means businesses involved in: (1) the sale, lease or rent of new or used products to the consumer public; (2) the provision of personal services to the consumer public; (3) the provision of leisure services in the form of food or drink and passive or active entertainment; or (4) the provision of product repair or servicing of consumer goods. Commercial and office developments are not necessarily mutually exclusive.

"Commercial vehicle" means any motorized vehicle, including, but not limited to, a car, truck, truck trailer, tractor, grading machine, bulldozer, scraper, boat, motorized crane, etc., that is used in the operation of a business to store, transfer, or deliver commodities or in construction, road grading, or logging activities.

"Common area" means an on-site outdoor space designed for outdoor activities and leisure.

"Community Centers" land use designation means an area which has as its focus a significant traffic generator, around which develops a concentration of other commercial and some high density multi-family development. Encouraged are retail trade, service, finance, insurance, real estate and multi-family developments and community facilities. Discouraged are detached single-family residential uses, auto-oriented commercial development, and industrial, manufacturing or commercial development which is land intensive and employs a low number of employees per acre.

"Community facilities" means facilities used by the community as a whole, such as recreational facilities, schools, libraries, medical care facilities, police, and fire stations.

"Community on-site sewage systems" means a sewage system used to serve multi-family residential complexes or groups of individual residences.

"Community park" means a park designed for organized activities and sports, although individual and family activities are also encouraged. Community parks usually exceed 10 acres in size, serve an area of at least two to three miles in radius, and often have sport fields, water bodies, gardens, nature trails, or similar facilities as the central focus of the park. Most often restroom and parking facilities are found at a community park.

"Compensatory mitigation" means mitigation to compensate for loss of wetland function or value due to filling of wetlands or other regulated activities in wetlands.

"Compensatory Storage" means new excavated storage volume equivalent to the flood storage capacity eliminated by filling or grading within the flood fringe. Equivalent shall mean that the storage removed shall be replaced by equal volume between corresponding one foot contour intervals that are hydraulically connected to the floodway through their entire depth.

"Competent bedrock" means lithified rock that does not possess any jointing, faulting, discontinuities, or groundwater conditions that could lead to a rock fall or other slope instability or failure.

"Complete application" means an application submitted to the County pursuant to Title 18 that contain all of the information described in Section 18.40.020.

"Compost facility" means a solid waste facility specializing in the composting of one or more organic feedstocks under controlled conditions pursuant to Chapter 70.95 RCW to promote aerobic decomposition to produce a marketable product for reuse or as a soil conditioner. Feedstocks may include, but are not limited to yard waste, biosolids, manure, or food waste. A facility specializing in composting municipal solid waste (garbage) is a Municipal Solid Waste Composting Facility.

"Composting" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

"Comprehensive Plan" means the current Comprehensive Plan for Pierce County together with any applicable community plan.

"Comprehensive Urban Growth Area" means the area designated as the 20-year Urban Growth Area for unincorporated Pierce County and the incorporated cities and towns i.e., Fife, Fircrest, Milton, Puyallup, Ruston, Steilacoom, Sumner, and Tacoma.

"Concurrency" means that adequate public improvements or strategies are in place at the time of development. For transportation improvements, concurrency means that a financial commitment is in place to complete the improvements or strategies within six years.

"Concurrency Management System" means the procedures established by Pierce County to insure that adequate public capital facilities are provided as development occurs so that established levels of service for those capital facilities are always maintained.

"Conditional use" means those land uses deemed appropriate within a zoning district, but only if specified conditions are met. Generally it is a use conditionally permitted in one or more zones as defined by this Title but which, because of characteristics particular to each such use, size, technological processes, equipment, or because of the exact location with respect to surroundings, streets, existing improvements, or demands upon public facilities, requires a special degree of control to determine if uses can be made compatible with the Comprehensive Plan, adjacent uses, planned uses, and the character of the vicinity.

"Conditional Use Permit" means a written decision of the Examiner authorizing a conditional use to locate at a specific location.

"Condominium," pursuant to RCW 64.34.020(9), means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a binding site plan have been recorded pursuant to this Title.

"Conservation Easement" means a recorded deed restriction or covenant that runs in perpetuity on a parcel of land restricting the use of the property by preventing future real estate development such as residential, industrial, or commercial use. The conservation easement may allow continued current uses, including but not limited to, residential, recreational, agriculture, forestry,

or ranching; however, the easement most often restricts both the current use as well as future uses of the land to some important conservation quality such as habitat preservation, open space, or scenic views.

"Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally or occurs at concentrations and duration as to be injurious to human health or welfare or shown to be ecologically damaging.

"Contaminated soils storage and treatment facility" means any non-containerized accumulation of contaminated soils at sites or facilities engaged in storing or treating contaminated soils as defined in State and local solid waste regulations.

"Contiguous" means bordering upon, touching upon, or in physical contact with.

"Contract station post office" means a privately operated, limited-service postal facility operated as adjunct to a principal business or use.

"Conversion rate" means the relationship between the number of development rights allocated to a sending site (typically a specified number of single-family dwelling units) and the amount of density credits available on a receiving site (which may be extra single-family units, multi-family units, commercial square footage, and/or flexibility in development standards). The Conversion rate is determined by reference to the Conversion Table in Section 18G.10.190. The term encompasses both simple transfers of dwelling units from one site to another and more complex conversions of density credits.

"Cooperative" means a private, nonprofit utility, operating within state law but essentially self-regulated by a board of directors elected from its membership.

"Copy" means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

"Corner lot" means a lot situated at the intersection of two or more street rights-of-way having an interior angle of less than 135 degrees. On a corner lot, all yards abutting street rights-of-way shall be considered front yards.

"Cornice" means a horizontal molded projection that finishes or completes a wall or building.

"Cottage industries" means any business activity carried on within the principal residence or within a permitted accessory structure which does have to meet fire and building code regulations for business or industrial occupancy.

"Council" means the Pierce County Council.

"County" means all unincorporated areas of Pierce County.

"County Assessor-Treasurer" shall be as defined in Pierce County Charter.

"County Auditor" shall be as defined in Pierce County Charter.

"County Road Engineer" shall be as defined in Chapter 36.40 RCW.

"Court" means any open space, unobstructed from the ground to the sky that is bounded on two or more sides by the walls of a building or buildings located on the same lot.

"Covered assembly" means any structure that has the potential to provide capacity for large numbers of people or assemblies such as but not limited to convention centers, churches, theatres, etc.

"Crawl space" means the shallow space beneath the bottom floor of a house with no basement; used for access and inspection of framing, electrical, plumbing, insulation, vapor barriers, or duct work. For purposes of the National Flood Insurance Program Elevation Certificate, a crawlspace that has subgrade around all sides shall be considered a basement.

"Creation" means producing or forming a wetland through artificial means from an upland (non-wetland) site.

"Critical Area Classification" means defining value and hazard categories to which critical areas and natural resource lands will be assigned.

"Critical areas" means wetlands, flood hazard areas, fish and wildlife habitat areas, aquifer recharge areas, and geologically hazardous areas.

"Critical facility" means a facility for which even a slight chance of damage during a natural hazard event might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police and fire stations, emergency response installations, installations that produce, use or store hazardous materials or hazardous waste, or installations that have the capacity for large numbers of people. For purposes of the Title 18 series, critical facilities is a generic term that encompass other more specific terms such as essential facilities, hazardous facilities, or special occupancy structures, but does not include utility facilities (utilities) that are located underground or are predominately underground, do not aggravate the hazardous conditions, and are generally not subject to damage from flood or lahar inundation.

"Critical root zone" means the area in which the tree's roots are located. This root zone is generally the area surrounding a tree at a distance which is generally equal to one foot for every d.b.h inch of tree.

"Crown" means the area of the tree containing leaf or needle-bearing branches.

"Cultural preservation" means the preservation of objects, buildings, sites, and places that are important to a culture and included in the overall historic preservation program.

"Cumulative financial impact" means the collective costs associated with a government decision or action that affects the acquisition, development, operation, or service of a parcel of land and the buildings upon a parcel of land.

"Curb level" for any building means the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

"Cut-off lighting" means a lamp or type of lighting that is designed to shine downward in order to eliminate glare to adjacent properties or streets.

"Danger tree" shall mean any tree which, in the opinion of the Pierce County Planning and Land Services Department or an expert approved by Pierce County (such as, but not limited to, an experienced forester or landscape architect), has a strong likelihood of falling in the event of a 60 m.p.h. wind.

"Dangerous waste" means any discarded, useless, unwanted or abandoned non-radioactive substance, including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes: (a) Have short-lived, toxic properties that may cause death, injury, or illness, or have mutagenic, teratogenic, or carcinogenic properties; or (b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means. (RCW 70.105.010)

"Day Care centers" are businesses which operate in places other than a residence with no limited number of clients. This term shall include, but not be limited to, "preschools" and "nursery schools."

"Debris avalanche" means a form of landslide where a water-saturated upper soil layer and the vegetation growing on it slides over an underlying less permeable subsoil creating a relatively shallow, narrow slide scar, usually two to three feet deep and 15 to 30 feet wide.

"Debris flow" means the rapid downslope movement of a viscous mass of water-saturated regolith.

"Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

"Deep and/or fast-flowing water" means a combination of water depth and/or velocity as shown in the graph in Section 18E.70. For the purposes of this Title, Pierce County will also consider deep and/or fast-flowing water to be a floodway area.

"Degraded" means to have suffered a decrease in naturally occurring functions and values due to activities undertaken or managed by persons on or off a site.

"Delineation" means a wetland study conducted in accordance with the Corps of Engineers Wetlands Delineation Manual 1987 edition and corresponding guidance letters and the Washington State Wetlands Identification and Delineation Manual.

"Demolition waste" means solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads, and other man-made structures. Solid waste facilities, such as inert or limited purpose landfills, material resource recovery facilities, or other types of recycling processing facilities which handle demolition waste must meet the permitting requirements of State and local solid waste regulations for the particular type of facility proposed.

"Density" means the number of families, individuals, dwelling units, or housing structures per unit of land.

"Density credit" is the TDR commodity used in receiving sites.

"Density incentive" means an allowance for densities that are higher than would normally be allowed within a designated land use zone, and which is generally provided an incentive to encourage development in a more desirable manner.

"Department" means the Pierce County Planning and Land Services Department.

"Design review" means the process performed in order to determine if a proposal conforms to the design standards (see also administrative design review in Title 18J).

"Designated Forest Land" land use designation means that land use designation intended to protect forest lands. Within this designation 80-acre minimum lot sizes are required.

"Designation" means taking formal legislative action to adopt classifications, inventories, and regulations.

"Detached building" means an additional building surrounded by open space on the same lot.

"Detached single-family" means a dwelling unit that is not attached to another dwelling unit by any means.

"Developable area" means that area of a site that does not contain any improvements, e.g., buildings, other structures, parking and loading areas, landscaping, paved or graveled areas utilized on a regular basis, improved open areas (e.g., lawns, plazas, walkways, etc.) and areas used on a regular basis for exterior display, storage or other activity. Undeveloped Area specifically includes undisturbed lands and unimproved graded lands, e.g., without buildings, fenced storage areas, etc., that may be graveled or paved but are not used on a regular basis.

"Developable lands" are vacant, undeveloped, and underdeveloped lands which exclude lands that have environmental constraints.

"Developed area" means the area of a site containing all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas utilized on a regular basis, improved open areas (e.g., lawns, plazas, walkways, etc.), and areas used on a regular basis for exterior display, storage or other activity.

"Developer" shall mean the person, party, firm or corporation who applies for said development.

"Development" means any man-made change to improved or unimproved real property including but not limited to construction of buildings or other structures, additions, reconstruction, placement of manufactured home/mobile home, mining, dredging, logging, clearing, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, any activity that results in the removal of vegetation or alteration of natural site characteristics or the division of property pursuant to the subdivision regulations.

"Development density" means the total number of dwelling units of a residential development divided by the total number of acres of the parcel(s) involved.

"Development Permit" means any document granting, or granting with conditions, an application for a land use designation or redesignation, zoning or rezoning, formal subdivision, short subdivision, large lot division, binding site plan, site plan, building permit, shoreline substantial development permit, special exception, use permit, variance, or any other official action of the County having the effect of authorizing the development of land.

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

"Development right" means an interest in and the right under current law to use and subdivide a lot for any and all residential, commercial, and industrial purposes.

"Development Rights Bank" means an entity that exists to purchase TDR certificates from the owners of designated sending sites for the purpose of future resale to the owners of designated receiving sites.

"Director" means the Director of Pierce County Department of Planning and Land Services or designee.

"Discretionary land use action review and approval" involves judgment or discretion in determining compliance with the approval requirements. The review and approval is discretionary because not all of the approval requirements are objective, i.e., not easily transferable from situation to situation and determined on a case-by-case basis within certain parameters. Land use actions subject to discretionary land use review and approval are: Administrative Site Plan Reviews, Binding Site Plans, Conditional Uses, Nonconforming Uses, Planned Development Districts, Shoreline Conditional Uses, Shoreline Substantial Developments, Shoreline Nonconforming Uses, Shoreline Variances, Site Plan Reviews,

Unclassified Uses, Variances, concomitant agreements, and other actions determined by the Director of Planning and Land Services. Preliminary Plats utilizing PDDs to develop a cluster layout, short plats subject to ASPRs or preliminary plats subject to SPRs, are specifically vested for policies and regulations at the time of application per State law and thus are not covered under this definition.

"Diseased tree" shall mean a tree that in the opinion of the Pierce County Planning and Land Services Department or an expert approved by Pierce County (such as, but not limited to, an experienced forester or landscape architect), has a strong likelihood of infecting other trees or brush in the area or becoming dangerous as a result of the disease.

"District" means any of the following designations: Mixed Use District or High Density Residential District. Districts are located along major arterials, state highways and major transit routes that connect to Major Urban, Activity, Community or Employment Centers.

"Division" is a division of real property by deed, subdivision, short plat, or large lot division. The assignment of tax parcel numbers by the Assessor-Treasurer's Office is not a division.

"Documented habitat" means an area used by a sensitive, threatened, or endangered species as confirmed by a Local, State, or Federal Agency, or Tribal entity, and accepted by Pierce County.

"Domestic water system" means any system providing a supply of potable water which is deemed adequate pursuant to RCW 19.27.097 for the intended use of development.

"Dormer" means a window set vertically in a small gable projecting from a sloping roof, or the gable holding the dormer.

"Downed logs" means trees that have fallen or toppled which are dead or in the process of dying, and exhibit sufficient decay characteristics to enable use by fish or wildlife species as habitat. Also referred to as "large woody debris."

"Drainage channel" means a drainage pathway with well-defined bed and banks indicating frequent conveyance of surface and storm water runoff.

"Drainage course" means a pathway for watershed drainage characterized by wet soil vegetation; often intermittent in flow.

"DRASTIC" means a model developed by the National Water Well Association and Environmental Protection Agency used to measure aquifer susceptibility.

"Drip line" means an imaginary ground line around a tree that defines the limits of the tree canopy.

"Driveway" means the area that provides vehicular access to a site. A driveway is the same width as the curb cut excluding any aprons or extensions of the curb cut. A driveway begins at the property line and extends into the site. "Driveway" does not include parking spaces or parking aisles (maneuvering or circulation areas in parking lots).

"Drop-box transfer station" means a solid waste facility needing a Solid Waste Permit which is used for placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading, and turn-around areas. The facility normally serves the general public with loose loads and receives waste from off-site.

"Dry sewer lines" means permanent public and/or private wastewater collection facilities designed and constructed in accordance with the appropriate jurisdiction's standards and specifications for future connection into the County or other jurisdiction's Sanitary Sewerage System. The dry sewer lines shall be constructed from the future connection point in the existing public right-of-way or private road easement to each and every structure that it serves. The Building Sewer extending from the dry sewer stub to the structure will not be installed until such time as a building permit application is submitted for said structure.

"Dry Well" means a pit filled with coarse rock or lined with crushed rock or gravel for use as a storm or sanitary sewage disposal method.

"Duplex." See "Two-Family."

"Dwelling Unit Density" means the allowable number of dwelling units per acre of land.

"Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen, sleeping, and sanitary facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

"Dwelling" means a building or portion thereof designed exclusively for human habitation; including single-family, two-family, and multiple-family dwellings, accessory dwelling units, modular homes, manufactured homes and mobile homes, but not including hotels or motel units having no kitchens.

"Earth/earth material" means naturally occurring rock, soil, stone, sediment, or combination thereof.

"Earthflow" means a mass movement of a flowing assemblage of saturated soil, vegetation, and associated debris.

"Easement" means the legal right to use a described piece of land for a particular purpose. It does not include fee ownership, but may restrict the owner's use of the land. All easements granted pursuant to this Title shall be legally recorded with the County Auditor.

"Eaves" means a projecting overhang at the lower borders of a roof.

"Economic development" means the process of creating wealth through the mobilization of human, financial, capital, physical, and natural resources to generate marketable goods and services.

"Economic diversity" means the wide spectrum of business enterprises and industries. Diversity minimizes the risk of economic slowdown by basing growth on a wide range of business enterprises.

"Effective impervious surface" means any impervious surface that has the runoff connected or has the effect of being connected, via sheet flow or shallow concentrated flow, to a conveyance system. This includes, but is not limited to, roofs, roads, parking areas, driveways, and sidewalks where runoff is formally collected and conveyed to stormwater ponds or infiltration systems with the exception of roof runoff that is tied to an on-lot downspout infiltration facility. (Refer also to Pierce County Stormwater Management and Site Development Manual for additional guidance.)

"Electric and Magnetic Fields (EMF)" means the two kinds of fields existing in nature and produced around all types of electrical devices.

"Electrical transmission lines" means the lines that transfer electricity between power sources and substations.

"Elevation" means a scaled drawing of the side, front, or rear project view of a structure without any allowance for the laws of perspective.

"Elevation certificate" means a form supplied by FEMA to document the lowest floor elevation of a building.

"Emergent wetland class" means any area of vegetated wetland where non-woody vegetation (such as cattail, grasses, sedges, etc.) comprises at least 30 percent of areal cover.

"Employee housing" means a low-cost alternative for temporary employees who work within the surrounding community. This housing type is limited to communities that have seasonal employment housing needs. Employee housing is distinguished by shared kitchen/dining areas as well as shared restroom/shower facilities. No more than 20 individual sleeping units per building shall be allowed, with each unit requiring internal building access. Any provisions for cooking facilities within an individual sleeping unit is prohibited.

"Employment Based Planned Community" land use designation means a land use classification which designates an area for development of a mixture of housing, jobs, services, and recreation, proposed as a planned community under a planned unit development (PUD) or planned development district (PDD) permit process.

"Employment Center" land use designation means a concentration of office parks, corporate office campuses, manufacturing, assembly, warehousing, and other industrial development, or a combination of these activities. It may also include commercial development as a part of the center, so long as the commercial development is incidental to the employment activities of the center.

"Encroachment" means any development or regulated activity conducted inside the boundaries of a designated buffer, setback, easement, etc.

"Engineer" means a professional engineer, currently licensed by the State of Washington, retained by and acting on behalf of the applicant. The term "engineer" also means design engineer, project engineer or professional engineer.

"Engineered Abbreviated Plan" is a plan and report required for development in or near: a critical area, a critical area buffer, a critical area management area, an area that has erosion potential, a drainage course or drainage channel, or an area that requires special grading controls, that addresses stormwater quantity, quality, temporary erosion control, permanent stabilization, and critical area standards, which must be prepared by a licensed professional engineer.

"Engineering geologist" means a geologist who, by reason of his or her knowledge of engineering geology, acquired by education and practical experience, is qualified to engage in the practice of engineering geology, has met the qualifications in engineering geology established under RCW 18.220, and has been issued a license in engineering geology by the Washington State Geologist Licensing Board.

"Enhancement" means actions performed to improve the condition of existing critical areas and/or buffers so that the quality of their functions or values are increased (e.g., increasing plant diversity, increasing fish and wildlife habitat, installing environmentally compatible erosion controls, removing non-indigenous plant or animal species, removing fill material or solid waste).

"Environmentally constrained land" means the following lands identified in Title 18E, Critical Area Regulations, Definitions: erosion hazard areas, landslide hazard areas, wetlands, and all land below the ordinary high water mark of all lakes, streams, ponds, and tidal waters. The required buffers or setbacks associated with these areas are not included in the definition of environmentally constrained lands.

"Equipment structure" means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

"Erosion hazard areas" means those areas that because of natural characteristics, including vegetative cover, soil texture, slope, gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

"Erosion" means the wearing away of the earth's surface as a result of the movement of wind, water, or ice.

"Escort service" means an establishment where, for any form of consideration, companions are provided for which a fee of any kind is charged.

"Essential facilities" means those facilities that are necessary to maintain life, health, welfare and safety functions such as but not limited to: fire and police stations; emergency medical facilities or medical facilities containing surgery or emergency treatment areas; emergency response services or preparedness centers and their associated buildings, shelters, or vehicle storage areas; jails; and detention centers; structures and equipment in government communications centers and other facilities required for emergency response; power generating stations, standby power generating equipment or other types of public utility facilities that if interrupted would cause disruption to normal living and business operations; and wastewater treatment plants.

"Essential public facilities" means capital facilities which are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, and group homes.

"Essential support function" means those functions necessary for the survival of an endangered or threatened plant or animal species, such as the provision of large woody debris needed for in-stream structural diversity, dissolved, or particulate organic food sources; or thermal regulation necessary for the viability of the habitat area.

"Estuary" means a water passage where saltwater meets fresh water. Estuaries often contain salt-marshes and other wetlands, which are important habitat for many species.

"Examiner" means the Pierce County Hearing Examiner as established in Chapter 1.22 PCC.

"Excavation" means the mechanical removal of earth material.

"Expansion" means an increase in the floor area or square footage of an existing structure or facility.

"Extirpation" means the elimination of a species from a portion of its original geographic range.

"Extractive industries" means industries that extract natural resources from the earth. This includes but is not limited to surface mining.

"Extreme High Tide" means the highest tide level line water will reach in any one year.

"Extreme Low Tide" means the lowest line on the land reached by a receding tide.

"Extremely hazardous waste" means any dangerous waste which (a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form (i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of man or wildlife, and (ii) is highly toxic to man or wildlife (b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment. (RCW 70.105.010)

"Facade" means the front or principal face of a building or any side of a building that faces a street or other open space.

"Facilities" means the physical structure or structures in which a service is provided.

"Fair share basis" means the developer pays only for the impacts or provides only for the facilities and service needs created as a direct result of the development.

"Family" means an individual; or two or more persons related by blood or marriage, or adoption; or a group of not more than six persons who are not related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit. For the purposes of this definition, any number of persons of only one group (i.e., family) who are related by blood, marriage, or

adoption shall be counted as one person and all other individuals shall be counted as single individuals. Seven or more unrelated persons living together constitute a "group home." A dwelling unit where guestrooms are provided for compensation constitutes a "lodging and rooming house" or a "bed and breakfast house."

"Farm" means a parcel of land used for agricultural activities.

"Fascia" means a flat board with a vertical face that forms the trim along the edge of a flat roof, or along the eaves of a pitched roof. The rain gutter is often mounted to it.

"Fast-food Restaurant" means an eating and drinking establishment, in which the manner of preparation, packaging and service of the product enables and/or encourages its consumption outside the restaurant, and which has most of the following characteristics: quick food service is offered and sales transactions are completed within a very short time period; food is already prepared and held for service, or able to be prepared quickly; the menu is limited, but usually includes a main course and beverages; food is generally served in disposable wrappings or containers, with disposable utensils; and/or orders are not generally taken at a customer's table. In addition, a fast food restaurant does not serve alcohol of any type.

"Fenestration" means the arrangement and design of windows and doors in a building.

"Fill or fill material" means the deposit of organic or inorganic material by human or mechanical means.

"Filling" means the act of placing fill material on any surface, including temporary stockpiling of fill material.

"Final development permit" means a building permit, site plan approval, final subdivision approval, short subdivision approval, variance, or any other development permit which results in an immediate and continuing impact upon public facilities.

"Final development plan" means a plan or set of plans that complies with the conditions set forth in a Use Permit, variance, or PDD.

"Final Plat" means the final drawing of the subdivision, prepared for filing for record with the County Auditor and containing all elements and requirements set forth in State law and in this Title.

"Final Short Subdivision" is the final phase of review for a proposed short subdivision.

"Finished Grade" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within an area between the structure and property line or where the property line is more than five feet from the structure, between the structure and a line five feet from the structure.

"Fire flow" means the amount of water volume needed to provide fire suppression. Adequate fire flows are based on industry standards, typically measured in gallons per minute (gpm). Continuous fire flow volumes and pressures are necessary to insure public safety. The fire flow volume shall be in addition to the requirements of the water system for domestic demand.

"Fiscal Impact" means the fiscal costs and constraints of implementing policies or regulations.

"Fish and wildlife habitat conservation areas" means a geographic area or areas necessary for maintaining species and may include areas of unique vegetation, successional stage, or habitat elements important to fish and wildlife, and may also include the connecting corridors between these areas

"Fisheries biologist" means a professional with a degree in fisheries or certification by the American Fisheries Society, or with five years professional experience as a fisheries biologist.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, and/or (2) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood frequency" means the frequency with which the flood of interest may be expected to occur at a site in any average interval of years. Frequency analysis defines the "n-year flood" as being the flood that will, over a long period of time, be equaled or exceeded on the average once every "n" years.

"Flood hazard areas" means the floodplain areas of land located in floodplains that are subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated areas of special flood hazard and the risk premium zones applicable to Pierce County.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, a map of the 100-year floodplain and floodway boundaries, and the water surface elevation of the base flood.

"Floodfringe" means the area subject to inundation by the base flood, but outside the limits of the floodway, and which may provide needed temporary storage capacity for flood waters.

"Floodplain" means the total area subject to inundation by the base flood, including the floodfringe and the floodway areas.

"Floodproof" means structural provisions or adjustments to nonresidential buildings for the purpose of eliminating flood damages to those structures including their utilities and contents.

"Flood routing" means an analytical technique used to compute the effects of system storage dynamics on the shape and movement of flow represented by a hydrograph.

"Floodway" means the channel of a river, marine water, or other watercourse, and the adjacent land areas that must be reserved in order to convey and discharge the base flood without cumulatively increasing the water surface elevation by more than one foot, those areas designated as deep and/or fast-flowing water, and Channel Migration Zones where detailed CMZ studies have been adopted by Pierce County.

"Floodway map" means the official map on which the Federal insurance Administration has delineated a floodway.

"Floor area ratio" (FAR) means the floor area of the building or buildings on any lot divided by the area of such lot, or, in the case of planned developments, by the net site area.

"Floor area," when prescribed as the basis for off-street parking spaces and loading berths for any use, means the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area" for purposes of measurement for off-street parking spaces shall not include floor area devoted primarily to storage purposes – except as otherwise noted herein – floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

"Focus area" means divisions of the County based on transportation flows and corridors. The County is divided into six such divisions: East, Mid, North, Peninsula, South, and West.

"Footcandle" means a unit of illuminance in U.S. Customary units; equal to 1 lumen per square foot; equals 10.76 lux.

"Forested wetland class" means any area of vegetated wetland where woody vegetation over 20 feet (such as alder, cedar, hemlock, cottonwood, and some willow species, etc.) comprises at least 30 percent of the area cover.

"Franchise area" means the non-exclusive area in which a utility is permitted by the County to extend facilities in public rights-of-way. A franchise area is not equivalent to a service area.

"Freeway" means any section of a highway which has been declared to be a freeway by act or resolution of the competent establishing authority.

"Frequently flooded areas" means flood hazard areas.

"Front lot line" means the portion of a lot line abutting a street right-of-way or future street right-of-way as identified through an official control.

"Front yard" means a yard lying between the minimum setback line for a structure and the front lot line and extending across the full width of the lot.

"Full-service restaurant" means an eating and drinking establishment which has most of the following characteristics: products sold are generally consumed within an enclosed structure at tables and/or at a counter; taking food and drink from the restaurant is purely incidental, except for limited take-out service which uses the same kitchen as the main restaurant and has a similar menu; food is served using non-disposable containers and utensils; and consumption of food in vehicles on the premises is discouraged by the nature of the service. A restaurant may or may not have a separate area, i.e., cocktail lounge, where alcoholic beverages are served without full food

service. When alcoholic beverages are served, a full-service restaurant shall comply with the State of Washington requirements, WAC 314-16-190, for what constitutes a "restaurant," as revised as following: monthly food sales shall amount to 60 percent or more of the restaurant's total food-alcoholic beverage sales; the dining area of the restaurant open for service of complete meals shall be open to the public at least five days per week and for at least five hours per day on any day alcoholic beverages are offered for sale or consumption; when the dining area is not open for service of complete meals, but alcohol is offered for sale or consumption on the premises, sandwiches and/or short orders of food shall be available for sale to the public. Full-service restaurants require a Class A liquor license to sell beer for on- and off-site consumption. Full-service restaurants require a Class C liquor licenses to sell wine for on-site consumption. Full-service restaurants require a Class H liquor license to sell liquor, beer and wine for on-site consumption.

"Functional attribute" means the ecological service(s) provided by a habitat feature. Functional attributes of wetlands, for example, may include: water quality improvement, provision of wildlife habitat, and stormwater attenuation. Functional attributes of riparian areas, for example, may include: water quality improvement, provision of large woody debris, and moderation of stream temperatures. Functional attributes are also referred to as functions.

"Geographical Information System (GIS)" means a computer based information system that stores parcel data for specified land masses. Information can be retrieved in several formats that include computer generated maps, reports, etc.

"Geologic contact" means the interface between dissimilar geologic material based on sediment texture, degree of consolidation, or age.

"Geological Hazard" means any hazard caused by natural or artificial causes which may damage persons or property and which would include but not be limited to slides, slippage or instability of earth, rock and soil.

"Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, may pose a risk to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

"Geotechnical professional" means a person with experience and training in analyzing, evaluating, and mitigating any of the following: landslide, erosion, seismic, and/or mine hazards, or hydrogeology, fluvial geomorphology and river dynamics. A geotechnical professional shall be licensed in the State of Washington as an engineering geologist, hydrogeologist, or professional engineer. In accordance with Washington Administrative Code 308-15-140 and 196-27-020, engineering geologists, hydrogeologists, and professional engineers shall affix their signatures or seals only to plans or documents dealing with subject matter in which they are qualified by training or experience.

"Geothermal" means power generated from heat energy derived from hot rock, hot water, or steam in the earth's surface.

"Grading" means any excavating, filling, clearing, or creating of impervious surfaces or combination thereof.

"Graphics" means an aggregate of designs, shapes, forms, colors, and/or materials located on an exterior wall and relating to or representing a symbol, word, meaning or message.

"Greenbelt" means a linear corridor of open space which often provides passive recreational and non-motorized transportation opportunities, serves as a buffer between developments and varying land uses, or creates a sense of visual relief from dense urban landscapes.

"Groin" means a barrier type structure extending from back shore into the water across the beach, the purpose of which is to interrupt sediment movement along the shore.

"Gross site acreage" means all land, excluding tidelands and any existing rights-of-way, within the boundaries of a development, including but not limited to land allocated for open space or critical areas and land to be dedicated for public or private street rights-of-way.

"Ground amplification" means an increase in the intensity of earthquake-induced ground shaking which occurs at a site whereby thick deposits of unconsolidated soil or surficial geologic materials are present.

"Ground Level Multi-Family" means a multi-family structure containing more than two dwelling units each of which have ground floor access and are joined to one another only by party walls. Examples of "ground level multi-family" include "Townhouses," or single-story "tri-plexes" or "four-plexes."

"Groundwater flooding" means the occurrence of surface and subsurface water resulting in flood inundation, due to the fluctuation of the water table. It encompasses depth, frequency, and duration and is usually seasonal by characteristic.

"Groundwater" means all water found beneath the ground surface, including slowly-moving subsurface water present in aquifers and recharge areas.

"Group A water system" means a water system: (1) With 15 or more service connections; or (2) Serving an average of 25 or more people per day for 60 or more days within a calendar year.

"Growing season" means the portion of the year when soil temperatures at 19.7 inches below the soil surface are higher than biological zero (5°C). For ease of determination this period can be approximated by the number of frost-free days (US Dept. of the Interior, 1970). In Western Washington, March 1 through October 31 is considered the "typical" growing season. This "typical" growing season should not be used if it conflicts with actual field data.

"Guideline" means the criteria that each project is encouraged to meet. A guideline may assume the status of a standard under the review of the applicable land use advisory commission or the Hearing Examiner.

"Habitat" means the place in which a plant or animal (organism) usually lives in nature.

"Habitat Area" means an area, range, or habitat within which a species has a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Examples include areas of high relative density or species richness, breeding

habitat, winter range, and movement corridors. These areas may also include habitats that are of limited availability or high vulnerability to alteration.

"Hard armoring" means the use of large rock and/or human-made materials to protect property from shoreline erosion. Such techniques include cement/concrete bulkheads, steel structures, rock wall revetments, and rock gabion structures. Hard armoring typically does not utilize or integrate any of soft armoring or soil bioengineering techniques.

"Hazard Tree" means any tree found by a professional arborist, forester, or silviculturist, to possess a defect that, under normal environmental conditions, will cause damage to a residential structure, a structure with frequent human use (e.g., barn, shop, pumphouse), or a place of employment or public assembly, or associated parking spaces; or damage an approved road or utility facility; or prevent emergency vehicle access to a site.

"Hazardous areas" means areas subject to geologic hazards or flood hazards.

"Hazardous facilities" means those occupancies or structures housing or supporting toxic or explosive chemicals or substances and any non-building structures housing, supporting or containing quantities of toxic or explosive substances that, if contained within a building, would cause that building to be defined as a hazardous facility. Hazardous facilities include any elements contained in the definition for "hazardous waste treatment and storage facility." Hazardous facilities may be classified as a group "H" occupancy in the UBC.

"Hazardous substance processing or handling" means the use, storage, manufacture, or other land use activity involving hazardous substances, but does not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container. Hazardous substances shall not be disposed on site unless in compliance with Dangerous Waste Regulations, Chapter 173-303 WAC, and any pertinent local ordinances, such as sewer discharge standards.

"Hazardous substance" means any liquid, solid, gas, or sludge, including any materials, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste, and including waste oil and petroleum products.

"Hazardous waste treatment, storage, and recycling facility" means a facility that treats, stores, or recycles hazardous waste and is authorized pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC. It includes all contiguous land and structures used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of hazardous waste. Treatment includes using physical, chemical, or biological processing of hazardous wastes to make such waste non-dangerous or less dangerous and safer for transport, amenable for energy or material resource recovery. Storage includes the holding of waste for a temporary period, but the accumulation of waste on the site of generation as long as the storage complies with applicable requirements of Chapter 173-303 WAC. Hazardous waste treatment, storage, and recycling facility includes both onsite and offsite treatment, storage and recycling facilities. (1) "Onsite treatment, storage, and recycling facility" means an accessory facility that treats, stores, or recycles hazardous waste generated or handled on the same geographically contiguous property. (2) "Offsite treatment, storage, and recycling facility" means a facility that treats, stores, or recycles hazardous waste generated on property other than those on which the offsite facility is located.

"Hazardous waste" means and includes all dangerous waste and extremely hazardous waste, including substances composed of both radioactive and hazardous components, as designated pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC.

"Head scarp" means the steep, cliff-like, landform defining the upslope termination of a landslide.

"Health Department" means the Tacoma-Pierce County Health Department.

"Hearing Examiner" means the Pierce County Hearing Examiner as established in Chapter 1.22 PCC. The Hearing Examiner may also be referred to as the "Examiner."

"Hearing Examiner review" means a quasi-judicial decision making process involving the judgment and discretion of the Examiner when applying specific decision criteria and other requirements unique to a particular use in the approval of an activity permitted, or permitted conditionally, within a zone.

"High capacity transit" means any transit technology that operates on separate right-of-way and functions to move large numbers of passengers at high speeds, e.g., busway, light rail, commuter rail, etc.

"High Density Residential District" land use designation means concentrations of high density residential uses along major arterials, state highways and major transit routes that connect to Major Urban, Activity, Community or Employment Centers. High Density Residential Districts are composed of multi-family and high density single-family and two-family housing and limited neighborhood retail and service commercial uses.

"High Occupancy Vehicle (HOV)" means a vehicle containing more than a single occupant such as an automobile with several passengers (carpool), a bus, vanpool, or a train. An HOV lane is a road lane dedicated for use by High Occupancy Vehicles and transit vehicles only. It is also known as a "diamond" or carpool lane.

"Hobby farm" means non-commercial agricultural activities, including the raising of farm animals and placement of associated farm structures, established on a lot with or without a principal dwelling unit.

"Home composting" means composting of on-site generated wastes, and incidental materials beneficial to the composting process, by the owner or person in control of a single-family residence, for a dwelling that houses two to five families, such as a duplex, or clustered dwellings.

"Home occupation" means any business activity carried on within the principal residence or within a permitted accessory building which does not have to meet fire and building code regulations for business or industrial occupancy.

"Hotel" means a building in which there are six or more guestrooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite.

"Houseboat" means a structure which floats on the water and is designed principally for residential use.

"Household" means all the persons who occupy a housing unit which is intended as separate living quarters and having direct access from the outside of the building or through a common hall. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

"HOV related facilities" mean roadway design elements such as HOV lanes, HOV bypass ramps, and supporting improvements such as park and ride lots.

"Human scale" means the proportional relationship of a particular building, structure, or streetscape element to the human form.

"Hydrogeologist" means a geologist who, by reason of his or her knowledge of hydrogeology, acquired by education and practical experience, is qualified to engage in the practice of hydrogeology, has met the qualifications in hydrogeology established under RCW 18.220, and has been issued a license in hydrogeology by the Washington State Geologist Licensing Board.

"Hydrologically isolated wetland" means a wetland which: (1) Is not contiguous to any 100-year floodplain of any water type; and (2) Has no contiguous surface hydrology, hydric soil, or hydrophytic vegetation between the wetland and any other wetland or stream system.

"Imminent threat" means the potential for harm or a dangerous situation to people or property, which is close at hand. In order for the threat to be considered imminent there must be a reasonable expectation that the threatening event will occur prior to the time period necessary to obtain required permits or approvals.

"Impact fees" means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonable related to the new development that creates additional demand and need for public facilities that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonable benefit the new development. Does not include a reasonable permit or application fee.

"Impervious surface" means a hard surface which wither prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow than the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, gravel parking lots, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

"Implementation" means carrying out or fulfilling plans and proposals. In planning this usually takes the form of development regulations, including, but not limited to, zoning, and performance standards.

"Improvement" shall mean any thing or structure constructed for the benefit of all or some residents of the subdivision or the general public such as but not limited to roads, alleys, storm drainage systems and ditches, sanitary sewer pipes or main lines, and storm drainage containment facilities.

"Incidental information" means details intended for the convenience and direction of the public on the premises, which does not advertise but is for information only, and may include information denoting the hours of operation, telephone number, credit cards accepted, and vacancy status. Incidental notification may also appear on a sign having other copy as well, such as free standing, monument, or wall signs.

"Indirect lighting" means a lamp or type of lighting that is positioned to throw light onto a building, wall, or sign.

"Industrial pretreatment facility" means treatment devices and structures used for the treatment of industrial wastewater prior to being released into a wastewater collection or conveyance system.

"Ineffective Flow" means areas of a stream or river system that contain water that is not being actively conveyed downstream. Respective to hydraulic backwater analysis, it is that portion of a cross section which ponds with water, but the velocity of the water in the downstream direction is close to zero.

"Inert landfill" means a solid waste facility for the permanent disposal of inert materials which are non-combustible and non-dangerous wastes likely to retain their physical and chemical structure including resistance to biological and chemical attack from acidic rainwater.

"Inert wastes" means noncombustible, nondangerous solid wastes that are likely to retain their physical and chemical structure under expected conditions or disposal, including resistance to biological attack and chemical attack from acidic rainwater, and that meet criteria established in State and local solid waste regulations.

"Infill" means the development of housing or other buildings in vacant sites in an already developed area.

"Infrastructure" means facilities and services needed to sustain industry, residential, and commercial activities. Infrastructure may include, but not be limited to, water and sewer lines, streets, and communication lines. From an Economic Development perspective, infrastructure also includes environmentally safe siting, an adequately trained labor force, and a transport network that includes an adequate commercial transportation system of roadways, rail system, and air freight.

"In-kind mitigation" means to replace wetlands with substitute wetlands whose characteristics and functions and values are intended to replicate those destroyed or degraded by a regulated activity.

"Interim on-site sewage system" means an on-site sewage system located within an adopted urban growth area that is intended to meet wastewater disposal needs until public sewers become available.

"Interim propane storage system" means propane storage facilities serving one or more customers on an interim basis unit extension of natural gas service is feasible.

"Interim solid waste handling facility" means any facility where solid waste is collected or subjected to interim processing before being transported to a permanent disposal site. This includes transfer stations, drop boxes, baling and compaction sites, and material resource recovery facilities.

"Interior lot line" means any lot line other than a front or rear lot line.

"Interior lot" means a lot other than a corner lot.

"Interior yard" means all yards except front yards and rear yards.

"Intermediate" or "interim solid waste handling facility" means any intermediate use or processing site engaged in solid waste handling which is not the final site of disposal. This includes transfer stations, drop boxes, baling and compaction sites.

"Interpretive Center" means a facility containing artifacts, history and information about a site in the immediate area.

"Intertidal" means that area which lies between mean lower low water and mean higher high water.

"Intertie" means a line or system of lines permitting a flow of energy or water between major systems.

"Investor-owned utility" means a utility which is organized under state law as a private corporation for the purpose of providing utility services.

"Jackstrawed" means a group of trees that has lost firm rooting through wind, land movement, or excessively wet soils and appears chaotic or no longer oriented toward the light.

"Jetty" means a structure generally built perpendicular to the shore at inlets in connection with navigation improvements to modify or control sand movement.

"Joint planning" means cooperative planning to occur between jurisdictions in areas of mutual concern to ensure consistency in planning among jurisdictions.

"Junk, salvage or wrecking yard" means any waste processing facility which dismantles, wrecks, stores, buys or sells scrap materials, junk or vehicles.

"Kennel" means a licensed boarding kennel or cattery or commercial kennel or cattery within a house, enclosure, or other structure in which any combination of six or more dogs or cats that individually exceed seven months of age are kept for breeding, sale, training, boarding, or sporting purposes, or are kept or cared for as pets or for any other purpose.

"Kiosk" means a freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

"Kitchen" means any room or rooms, or portion of room or rooms, used or intended or designed to be used for cooking or the preparation of food.

"Knee brace" means an architectural detail similar to a bracket and often found below eave overhangs either as a support brace below the eaves or for decorative purposes.

"Lahar" means a mudflow or debris flow mobilized by water which originates on the slopes of a volcano.

"Lakes" means impoundments of open water 20 acres or larger in size.

"Land Use Advisory Commission (LUAC)" means a commission established in the Pierce County Code to advise the Executive, the County Council, the Hearing Examiner, the Planning Commission, and the Planning and Land Services Department on land use matters relative to the community it represents. See Chapter 2.45 PCC.

"Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land and which needs a Solid Waste Permit pursuant to Chapter 70.95 RCW, including facilities that use solid waste as a component of fill.

"Landslide hazard areas" means areas which are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

"Landslide" means the abrupt downslope movement of soil, rocks, or other surface matter on a site. Landslides may include but are not limited to slumps, mudflows, earthflows, rockfalls, and snow avalanches.

"Landslide potential" refers to a slope's factor of safety under static and dynamic conditions. For the purposes of this regulation, a slope is generally considered to have landslide potential if it has a factor of safety of less than 1.5 for static conditions or a factor of safety of less than 1.1 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the Pierce County Building Code.

"Large animal" means an animal with an average weight of 100 pounds or more.

"Large Lot Divisions" means any number of divisions of land into lots, tracts or parcels for any purpose, each of which the smallest lot size is 5 acres or larger or 1/128 of a Section or larger. A tract created for the purpose of accommodating critical areas or infrastructure, and otherwise deemed unbuildable for a dwelling unit, shall be allowed and not subject to the size requirements prescribed above.

"Launching Ramps" means areas solely developed for boating ingress and egress.

"Lawfully established activities" means activities that are established in accordance with all and any applicable land use statutes, ordinance and regulations, whether Federal, State or local including but not limited to Chapters 36.70, 36.70A through C of the Revised Code of Washington, and Titles 18 and 19 of the Pierce County Code.

"Legacy trees" means any tree of any species with a diameter at breast height (d.b.h.) of 40 or more inches, or any tree shown to have historical, cultural, or biological significance.

"Levee, Dike" means a broad embankment of earth built parallel with the river channel to contain overbank flow.

"Level of service standard" means the level of service established for Category A, B, C, and D public facilities and services as specified in the current adopted Comprehensive Plan.

"Level of service" means an established minimum capacity for public facilities or services that is planned to be provided per unit demand or other appropriate measure of need and is used as a gauge for measuring the quality of service. Levels of service are usually quantifiable measures of the amount of public facilities that are provided to the community. Levels of service may also measure the quality of some public facilities. Levels of service should be set to reflect realistic expectations consistent with the achievement of growth aims. Levels of service standards are valuable planning and budgetary tools, even if concurrency is not required for specified facilities, given that they are a measure of quality of service.

"License" means any form of written permission given to any person, organization, or agency to engage in any activity, as required by law or agency rule. A license includes all or part of a County permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular proposal. The term does not include a license required solely for revenue purposes.

"Linear trail park" means a recreation area that has as a primary use hiking, biking, walking, and jogging. In some cases linear trail parks may be used by equestrian groups. The trails within the park may vary in scale and surfacing and may also be used as a means of nonmotorized transportation connecting one destination point to another. Streets, roads, and highways with widened shoulders or bike lanes are not included in this category.

"Liquefaction" means a process by which a water-saturated granular (sandy) soil layer loses strength because of ground shaking, commonly caused by an earthquake, and then behaves as a viscous liquid rather than a solid mass.

"Limited purpose landfill" means a landfill, as defined in State and local solid waste regulations, which receives solid waste limited by type or source but which does not include municipal solid waste (garbage). Limited purpose landfills include, but are not limited to, landfills that receive segregated industrial solid waste, construction, demolition and land clearing debris, wood waste, ash (other than special incinerator ash), and dredged materials.

"Live storage" means the amount of storage in a watercourse and/or water body that is intended to completely drain after a storm event.

"Livestock" means all cattle, sheep, goats, or animals of the bovine family; all horses, mules, or animals of the equine family; all pigs, swine, or animals of the suine family; and ostriches, rhea, and emu.

"Lodging and rooming house" means a building with not more than four guestrooms where meals (with or without lodging) are provided for compensation for not more than ten persons. Guestrooms numbering six or more shall constitute a hotel.

"Logging" means the harvesting or removal of timber. Logging does not include the removal of stumps or under story vegetation. The removal of stumps and under story vegetation is defined as clearing.

"Longshore Drift" means the process by which the factors of prevailing wind and gravity act to move particles laterally along the shoreline.

"Long-term commercial significance" means the growing capacity, productivity, and soil composition of land which makes it suitable for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of land.

"Lot" means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

"Lot area" means the total area within the lot lines of a lot, excluding any public or private right-of-way and access easements. For the purposes of this regulation, any portion of a lot lying below the ordinary high water mark or lawfully constructed bulkhead may not be included in a lot area calculation.

"Lot Combination" means the recognition of two or more contiguous lots into a single legally defined building site through the established Boundary Line Adjustment process.

"Lot line" means a line of record bounding a lot that divides one lot from another lot or from a public or private street right-of-way or any other public space.

"Lot of record" means a platted or unplatted lot.

"Low Impact Development BMPs" means a category of BMPs designed to incorporate open space preservation techniques such as cluster residential developments or rooftop runoff management, foundation design, vegetation enhancement, etc. that reduce hydrological impacts of development as compared to more traditional practices.

"Low Impact Development" means the use of designs which incorporate low impact BMPs into site development with the goal of alleviating both specific and cumulative hydrologic impacts from changes in land use.

"Low-intensity land uses" means those land uses which can be supported by the carrying capacity of the land and which do not require urban level services.

"Lowest floor" for floodplain management purposes and Chapter 18E.70 means the floor of the lowest enclosed area (including crawlspace), which is the same as the top of the bottom floor as described in the National Flood Insurance Program Elevation Certificate.

"Lumen (lm)" means the International Standard unit of luminous flux equal to the luminous flux received on a unit surface, all points of which are equidistant from a point source having a uniform intensity of 1 candela.

"Major amendment" means any change of a land use, administrative use, or Use Permit that is beyond the scope of a minor amendment and requires the same review and approval procedure as the initial permit.

"Major Architectural Feature" means any feature such as a beam, building line, or structural feature on a building or structure.

"Major Urban Center" land use designation means a highly dense concentration of urban development with a commercial focus. A significant multi-family residential presence in the center is encouraged. It is an area of regional attraction and a focus for both the local and regional transit systems. The geographic area around the Lakewood Mall and South Hill Mall are Pierce County's existing and developing Major Urban Centers. Encouraged are retail trade, service, finance, insurance, real estate, multi-family housing land uses and community and transit oriented facilities. Discouraged are detached single-family residential uses, auto-oriented commercial development, and industrial, manufacturing or commercial development which is land intensive and employs a low number of employees per acre.

"Manufactured home (housing)" means a factory-assembled structure intended solely for human habitation with foundation skirting that surrounds and encloses that space between the home and finished grade. The skirting or fascia shall be made of materials which give the home appearance of permanent installation with running gear removed and connected to utilities on an individual building site. A common type of manufactured home includes double-wide mobile homes.

"Manufactured home/mobile home" means a structure, transportable in one or more sections which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home/mobile home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home/mobile home" does not include park trailers, travel trailers, recreational vehicles, or other similar vehicles.

"Marine Shoreline Critical Salmon Habitat" means the geographic area identified by the Key Peninsula, Gig Harbor, and Islands Watershed Nearshore Salmon Habitat Assessment (Final Report, July 3, 2003, Pentec Environmental) as an assessment unit having high quality habitat.

"Marquee" means a permanent roof-like structure attached to and supported by the building and projecting beyond a building, but does not include a projecting roof.

"Massage parlor" means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered; this would include sensitivity studios, body painting studios, exercise studios, conversation studios, companionship studios, exotic dance studios, dating services, or any other business title in which massage is a principal activity or principal purpose of the building. The title or name of the business cannot be used as a ruse to circumvent this definition. This definition shall not be construed to include a hospital, nursing home, medical clinic, medical practitioner, or the office of a physician, surgeon, chiropractor, osteopath, physical therapist, or by a massage practitioner licensed by the State pursuant to Chapter 18.108 RCW and whose principal activity is to treat the sick, injured, or infirm, nor barber shops or

beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, or athletic facilities.

"Master environmental impact statement" means an environmental impact statement that analyzes impacts to a specificity where the impacts may not need to be analyzed again for site-specific projects.

"Master Planned Community" land use designation means an approved planned unit development which integrates a mix of housing, services and recreation and is located within an urban growth area.

"Master Planned Resort" land use designation means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor and outdoor recreation facilities.

"Master planning" means overall site planning when a number of parcels or uses are involved. Master plans usually eliminate the need for an individual parcel or use to go through a public hearing and approval process.

"Material" means any solid or semi-solid substance that displaces volume.

"Mature forested wetland" means 80 – 200 year old stands with average diameters exceeding 53 cm (21 in) dbh; crown cover may be less than 100 percent; decay, decadence, numbers of snags, and quantity of large downed material is generally less than that found in old-growth forests (which is defined as 10 logs/ha (4 logs/acre) > 61 cm (24 in) diameter and > 15 m (50 ft) long)).

"Mean high tide" means a high tide defined as the average of the high tides over a 19-year period. This term is also referred to as *mean high water*.

"Median income" means the income level which divides the income distribution into two equal parts, one having incomes above the median and the other having incomes below the median. For households and families, the median income is based on the distribution of the total number of units including those with no income.

"Megawatt (MW)" means the electric unit of power which equals one million watts or one thousand kilowatts.

"Migration corridor" means those areas used by wildlife during the course of movement between seasonal habitat areas.

"Mine hazard areas" means areas directly underlain by, adjacent or abutting to, or affected by mine workings such as adits, tunnels, drifts, or air shafts.

"Mineral Resource Lands" means lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals.

"Minerals" means gravel, sand, and valuable metallic substances.

"Miniwarehouse" means a facility consisting of separate storage units which are rented to customers having exclusive and independent access to their respective units for storage of residential or commercial oriented goods.

"Minor amendment" means a limited change of a land use, administrative use, or Use Permit that is reviewed and approved by the Director without public notice or public participation.

"Mitigation" means to avoid, minimize, or compensate for adverse impacts.

"Mixed Use District" land use designation means concentrations of commercial, office and multi-family development located along major arterials, state highways and major transit routes and between Major Urban, Activity or Community Centers. Encouraged are auto-oriented commercial and land intensive commercial development. Discouraged are detached single-family residential developments.

"Mixed use" means a land use development, in one or more buildings, on one or more parcels, that may combine at least two of the following uses: residential, commercial, and/or office.

"Mobile Home Park" means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. A mobile home park shall not include mobile home subdivisions or recreational vehicle parks or where mobile homes are permitted as a principal use and accessory dwelling unit on the same lot.

"Mobile home" means a factory-assembled structure intended solely for human habitation and equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear. A mobile home is considered a single-wide unit.

"Moderate Density Single Family" land use designation means areas designated for single-family or two-family dwellings. Multi-family housing, commercial or industrial uses are prohibited. Specific densities are based on land characteristics and the availability of urban services such as sewers.

"Moderate risk waste fixed facility" means a solid waste transfer facility needing a Solid Waste Permit which specializes in the collection of household hazardous waste for packaging for transport to a disposal facility of for recycling. It may collect limited amounts of hazardous waste from Small Quantity Generators (SQGs) which are businesses that generate hazardous waste in quantities below the threshold for regulation under Washington Dangerous Waste Regulations.

"Moderate-risk waste" means any waste that: (1) exhibits any of the properties of hazardous waste but is exempt from regulation under this Chapter solely because the waste is generated in quantities below the threshold for regulation, and (2) any household wastes which are generated from the disposal of substances identified by the Department as hazardous household substances.

"Modular home" means a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site and meets all of the requirements of Chapter 296-150A WAC. Modular homes are also commonly referred to as factory built housing.

"Monoculture" means the practice of culturing a single plant species.

"Monotypic" means greater than 80 percent areal cover by one plant species.

"Mosaic wetlands" means a patchwork of wetlands separated by uplands which due to their proximity are to be considered as one discrete wetland for the purposes of delineation and regulation.

"Motel" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached, or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients, and such words shall include tourist courts, motor courts, automobile court, automobile camp, and motor lodges. A unit in a motel having kitchen facilities shall constitute a dwelling unit and shall be subject to all of the provisions and requirements of this Title governing dwelling units for the zone in which the establishment is located, but never less than the requirements of the heaviest multiple-dwelling zone.

"Motor Track" means a course that is either laid out specifically for, or any part of a parcel that is used for a course or track for, riding motorcycles, all-terrain vehicles, or other off-road vehicles.

"Mountain lodge" means a form of architecture observed in the Upper Nisqually Valley that is characterized by exterior materials made of logs or rough hewn timber, shake roofs, porches, and vertically oriented windows.

"Mudflow" means a debris flow containing an abundance of fine particles.

"Multi-family" means a structure containing three or more dwelling units, with the units joined to one another. "Ground Level Multi-Family" and "Multiple Level Multi-Family" are forms of multi-family housing.

"Multimodal" means two or more modes or methods of transportation. Examples of transportation modes include: bicycling, driving an automobile, walking, bus transit or rail.

"Multiple level multi-family" means a multi-family structure containing three or more dwelling units and where such units are joined to one another by party walls and ceilings/floors and do not all have ground floor access. Examples of Multiple level multi-family are garden apartments, mid-rise apartments, and two-story tri-plexes, and four-plexes.

"Multi-tenant/multi-building complex" means a grouping of two or more business establishments which either share common parking on the lot where they are located or which occupy a single structure or separate structures which are physically or functionally related or attached. In order to be considered a separate business establishment, a business shall be physically separated by firewalls from other businesses; however, businesses that share certain common internal facilities, such as reception areas, checkout stands, and similar features shall be considered one business establishment.

"Municipal Solid Waste Composting Facility (MSW)" means a solid waste facility designed pursuant to Chapter 70.95 RCW specializing in the composting of mixed waste from municipal sources (garbage) to reduce the waste for final disposal or to produce a marketable product.

"Municipal solid waste composting facility" means a solid waste facility specializing in the composting of mixed waste from municipal sources to reduce the waste for final disposal or to produce a marketable product.

"Municipal solid waste landfill" means a solid waste facility for their permanent disposal of mixed household, commercial, or industrial waste from municipal sources delivered by hauling companies or self-hauled by residents or businesses.

"Municipal solid waste to energy facility" means a combustion plant specializing in disposal of or energy recovery from mixed waste from municipal sources.

"Muntins" means the glazing bars that hold smaller panes of glass within the sash of a window. These are commonly referred to as window grids.

"Mural" means a design or representation that is painted or drawn on the exterior surface of a structure and that does not advertise a business, product, service, or activity. A mural is a sign only if it is related by language or logo to the advertisement of any product or service which can be clearly and easily associated or identified with any business.

"Native Growth Protection Area" means a natural open space or natural buffer area that has been designated to remain in an undisturbed and protected state. Native growth protection areas typically are given special protection measures, such as temporary fencing and signage, during the construction and post-construction phases of development.

"Native trees" means trees which are indigenous to the Pacific Northwest.

"Native vegetation or plant species" means the historic, indigenous plant community type that is appropriate for the underlying soils and pattern of precipitation for a given geographic area.

"Natural" means materials present in or produced by nature and not produced or changed artificially.

"Natural Buffer Area (NBA)" means a tract or strip of land that is designated to permanently remain in an undisturbed and undeveloped condition. This area is intended to provide a dense screen of native vegetation, often along the perimeter of a development or adjacent to a critical area.

"Natural Open Space" means an area of land that is unimproved and where native vegetation and the values and functions of the natural environment are retained and protected. Natural open space areas can include: wooded areas, wetlands, estuaries, tidal marshes, rivers, streams, creeks, steep slopes, flood hazard areas, lakes, beaches, fish and wildlife habitat areas, and any associated buffers. Natural open space areas can provide permanent links in the Countywide system of open space corridors. Often, natural open space areas are designated within a development as an incentive for an increase in project density or intensity. No building, clearing, filling, or grading is permitted within these areas. Pervious trails and wildlife viewing may be permitted if the integrity of the natural open space tract can be maintained.

"Natural resource lands" means Agricultural, Forest, and Mineral Resource Lands which have long-term commercial significance.

"Natural waters" includes areas where surface water has produced a channel or bed and includes: bedrock, gravel beds, and sand or silt beds. Natural waters may also include swales which lack a channel or bed if such areas are connected to a fish and wildlife habitat conservation area. A channel need not contain water year-round to be considered natural water. Natural water includes man-made drainage channels that result from the modification to a natural watercourse or wetland and excludes only artificial channels.

"Neighborhood Park" means a combination playground and park designed primarily for non-supervised, non-organized recreation activities. Neighborhood parks are small in size (about three to ten acres) and serve an area of approximately one-half mile in radius. In general, facilities recommended for a neighborhood park may include a children's playground, picnic facilities, trails, nature areas, tennis courts, an outdoor basketball court, and a multi-use field for soccer, youth league baseball, etc. Most often there are no restroom and parking facilities.

"Net average density" means the number of dwelling units in a given area divided by the number of acres within that same area actually in use or proposed for use in a residential area.

"Net developable acreage" means the gross site acreage minus any public or private street rights-of-way, emergency vehicle accesses serving Single-Family Detached Housing or Two-Family Housing Use Types, and environmentally constrained lands. If an applicant is unable to meet minimum density utilizing the definition of "net developable acreage", critical area buffers may also be excluded from the net developable acre calculation, see 18A.35.020 C.5.

"New agricultural activity" see Agricultural activity, new.

"New Fully Contained Community" means a self-contained planned unit development which integrates a mix of housing, jobs, services and recreation and is located within an urban growth area.

"No-burn zones" means areas officially designated by the Puget Sound Air Pollution Control Agency where outdoor burning is prohibited.

"Noise generating land uses" means those land uses such as industry and mining, which produce noise at decibel levels that are disturbing or harmful to humans.

"Noise sensitive land uses" means those land uses such as churches, schools, and residences which are highly susceptible to noise disturbances.

"Non-compensatory mitigation" means mitigation to compensate for loss of wetland or buffer function or value in those instances where no direct loss of wetland acreage occurred.

"Nonconforming" means a building, structure, parcel of land, or lot that was legal when brought into existence but does not meet the current comprehensive plan or development regulation requirements.

"Nonconforming development" means a contiguous area developed, operated, and maintained as a single entity accommodating commercial, industrial, or multi-family uses, or a combination of such uses, with common areas and accessory uses which were legal when established but does

not meet the current parking, loading, access, landscaping, screening, open space, or design requirements of the zone classification in which it is located.

"Nonconforming lot" means a lot which does not meet the design or density requirements of the zone classification in which it is located. A nonconforming lot is a lot that was legal when brought into existence or was made nonconforming by an acquisition of land in the public interest.

"Nonconforming structure" means a building or structure which was legal when established but does not meet current development standards including, but not limited to design, height, setback, or coverage requirements of the zone classification in which it is located.

"Nonconforming use" means a use or activity that was lawful prior to the adoption, revision or amendment of the comprehensive plan or development regulation but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the comprehensive plan or development regulation.

"Nonconforming use of a structure" means a use which is conducted at least partially within a structure and which was allowed when established but is not allowed in the current zone classification in which it is located.

"Nonconforming use of land" means a use which does not involve a structure and which was allowed when established but is not allowed in the current zone classification in which it is located.

"Nonconforming Use Permit" means a written decision by the Examiner to allow limited exceptions to provisions of Nonconforming Standards while exercising a special degree of control to ensure mitigation of any use which is incompatible with adjacent and planned uses, the character of the surrounding area, and any applicable community plans as required by the Comprehensive Plan.

"Nonmotorized modes of travel" mean any mode of transport that utilizes a power source other than a motor. Primary nonmotorized modes include walking, horseback riding, and bicycling.

"Non-conversion" means any Class II, Class III, or Class IV-Special Forest Practice as defined by WAC 222-16-050 where land is being retained for uses consistent with timber growing. Examples include but are not limited to the cutting and removal of trees and the replanting for commercial forest production.

"Non-forestry use" means an active use of land which is incompatible with timber growing.

"Nonpoint source pollution" means pollution that enters a water body from diffuse origins on the watershed and does not result from discernible, confined, or discrete conveyances.

"Non-profit developers" means any public or private nonprofit organization that: (1) is organized under federal, state, or local laws; (2) has no part of its net earnings inuring to the benefit of an member, founder, contributor, or individual; and (3) has among its purposes significant activities related to the provision of decent housing that is affordable to those at or below the County's median income.

"Non-traditional dwelling types" means dwellings types other than on-site stick built housing units. Such as but not limited to manufactured housing, mobile homes, and houseboats.

"Non-water right wells" means a well, which serves less than six residents and uses less than 5,000 gallons of water a day.

"Noxious matter" means material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

"Oak Woodlands" means forested stands of oak or oak/conifer at least one acre in size where the canopy coverage of the oak component of the stand is greater than or equal to twenty-five percent."

"Odor control structure" means equipment or structures appurtenant to wastewater conveyance facilities used to lessen the odors of the liquids being transported.

"Off-channel habitat" means side channels, sloughs, and wetlands within a riparian area but, off the main channel, that provide important habitat for fish and amphibians.

"Office development" means activities that generally focus on business, government, professional, medical or financial services for the non-daily needs of individuals, groups or organizations. Office and commercial developments are not necessarily mutually exclusive.

"Official controls" means legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the County and are the means of translating into regulations and ordinances all or any part of the general objectives of the Comprehensive Plan.

"Offsite treatment and storage facility" means a facility that treats or stores hazardous wastes generated on property other than those on which the offsite facility is located.

"Off-street parking space" means an area on a lot of record which is improved, maintained and used for the sole purpose of providing standing area for a motor vehicle.

"Old growth forests" means a stand of trees generally containing mature and overmature trees in the overstory, a multi-layered canopy and trees of several age classes, and standing dead trees and down material.

"One Hundred Year Flood Plain" means lowlands adjoining the channel of a streamway which would be covered by floodwaters of a flood having an average frequency of occurrence in the order of once in 100 years although the flood may occur in any year.

"One Hundred Year Flood" means a flood which has a magnitude that may be equaled or exceeded once every one hundred years on the average.

"One-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit.

"On-Site Sewage system" means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on adjacent or nearby property under control of the user where the system is not connected to a public or approved private sewer system.

"On-Site treatment and storage facility" means an accessory facility that treats or stores hazardous waste generated or handled on the same geographically contiguous property.

"On-street parking space" means an area within a street right-of-way improved, maintained and used for the sole purpose of providing standing area for a motor vehicle.

"Open space" means a landscape which is primarily unimproved. Open space areas may include: critical areas, wooded areas, parks, trails, privately owned natural reserves, abandoned railroad lines, utility corridors, and other vacant rights-of-way. Permanent dedications, designation, or reservation of open space for public or private use may occur in accordance with Comprehensive Plan policies. Open space may include Natural Open Space, Natural Buffer Areas, Buffers, and Screening.

"Open space corridors" means linear stretches of open space which usually connect critical areas and can be useful for wildlife, recreation, and protection of environmentally sensitive areas.

"Open space passive recreation parks" means open space areas where public use and access is desired and improvements will enhance public accessibility to the natural resources available at the site. Open space passive recreation parks are shown as open space in the County's Capital Facilities Plan element of the Comprehensive Plan and are included among the regional parks for which impact fees are authorized.

"Open water wetland class" means any area of standing water that is present for more than one month at any time of the year and that lacks emergent, scrub-shrub, or forested vegetation. Open water includes any aquatic beds.

"Ordinance" means the ordinance, resolution or other procedure used by Pierce County to adopt regulatory requirements.

"Ordinary High Water Mark" means the mark on all lakes, streams, and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this Chapter or as it may naturally change thereafter. Provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

"Organizational Camp" means an area established, managed, or maintained for recreational or retreat purposes by groups and organizations. Organizational camp includes, but is not limited to, nature or cultural camps, environmental or survival camps, athletic camps, and government operated camps, including tribal governments, for character building and other civic purposes or camps operated and maintained under the guidance, supervision of public and private educational systems and community service organizations.

"Original Tract" means a unit of land which the applicant holds under single or unified ownership, or in which the applicant holds controlling ownership and the configuration of which may be determined by the fact that all land abutting said tract is separately owned by others, not including the applicant or applicants; PROVIDED, that where a husband and wife own contiguous lots in separate or community ownership, said contiguous lots shall constitute the original tract.

"Outdoor advertising display" means any card, paper, cloth, metal, glass, wooden, or other display or device of any kind or character which is placed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure, or other object.

"Outdoor advertising structure" means a structure of any kind of character erected or maintained for outdoor advertising purposes upon which any outdoor advertising display is, or can be, placed.

"Outdoor Event Facility" is any facility engaging in the provision of a site for organized outdoor gatherings as a primary use. Facilities may be public or private and may or may not be utilized with a fee.

"Outdoor gathering space" means a plaza, courtyard, or other open space designed for the assembly of human beings.

"Outfall" means the outlet or place of discharge of a sewer.

"Out-of-kind mitigation" means to replace wetlands with substitute wetlands whose characteristics do not approximate those destroyed or degraded by a regulated activity.

"Overnight lodging" means permanent, separately rentable accommodations which may include a kitchen and are available to the general public for short term use. The accommodations are intended for visitors rather than full-time residents. Overnight lodgings include hotel or motel rooms, and time share units. Individually-owned units other than timeshare units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year.

"Owner" means any person or persons having a legal or equitable property right or interest, whether they may be legal or equitable in character, including a fee owner, contract purchaser or seller, mortgagor or mortgagee, option or optionee, and beneficiary or grantor of a trust and deed of trust.

"Owner occupant" means a property owner, as reflected in title records, that makes his or her legal residence at the site, and actually resides at the site more than six months out of any given year.

"Oxbow" means a body of water formed by a change in a river or stream course which isolates parts of the old course.

"Package wastewater treatment plant" means a pre-assembled factory built treatment plant. They can be the size of a motor home or larger.

"Parapet" means the extension of the main walls of a building above the roof level.

"Parcel" means any portion, piece, or division of land; fractional part or subdivision of block, according to plat or survey; portion of platted territory measured and set apart for individual and private use and occupancy.

"Park-and-ride" means a system in which commuters individually drive to a common location, park their vehicles, and continue travel to their final destination via public transit.

"Parking aisle" means a maneuvering and circulation area for ingress and egress to off-street parking spaces in a parking lot and in which parking is prohibited.

"Parking area" means an area accessible to vehicles, which area is provided, improved, maintained, and used for the sole purpose of accommodating a motor vehicle.

"Parking garage" means a covered structure or portion of a covered structure that provides parking for motor vehicles, not including private garages accommodating required off-street parking for residential dwellings. Parking Garages include parking spaces, parking aisles, and driveways. Parking Garages can be restricted to private use of associated residential or non-residential uses or for the use by the general public, see also private parking area and public parking area.

"Parking lot" means the open air, common area devoted to the standing, maneuvering and circulation of motor vehicles, not including off-street parking spaces or areas for single-family detached or two-family dwellings with individual driveway access onto a public or private road. Parking lots include parking spaces, parking aisles, driveways and planting beds and islands. Parking Lots can be restricted to private use of associated residential or non-residential uses or for the use by the general public, see also "Private Parking Area" and "Public Parking Area."

"Passive recreation" means an outdoor leisure time activity which usually occurs in a setting that has been preserved, as nearly as possible, in the original or natural condition. Passive recreation may occur in common open lawn areas and, where determined appropriate, critical area buffers, aquifer recharge, and flood water storage areas. Activities may include: picnicking, sight-seeing, walking, hiking, biking, horseback riding, and nature walks. Accessory structures associated with passive recreation include: playground equipment, picnic shelters and tables, barbecue pits, exercise stations, restroom facilities, benches, directory signs, garbage containers, and landscaped areas.

"Passive solar gain" means utilizing heat from the sun by allowing the space to be heated to directly absorb sunlight, thus serving as a collector, storage space and distribution system in one.

"Pasture land" means property on which grass or other plants grow and are used as food for grazing animals.

"Pavers" means the reformed paving blocks that are installed on the ground to form patterns that articulate pathways or driveways.

"Peak load" means the maximum electrical load demand in a stated period of time. On a daily basis the peak load occurs at midmorning and in the early evening. On an annual basis it occurs in hot or cold weather periods.

"Peat wetlands" means wetlands with undrained organic soils (histolics).

"Pediment" means a wide low-pitched gable surmounting the facade of a building in a classical style. Also any similar triangular crowing elements used over doors, windows, and niches.

"Per capita income" means the mean income computed for every man, woman and child in a particular group. It is derived by dividing the total income of a particular group by the total population in that group.

"Performance standards" means a set of criteria or limits relating to certain characteristics that a particular use or process must meet. The standards usually cover noise, vibration, glare, heat, air or water contaminants, and traffic.

"Permanent erosion control" means continuous on-site and off-site control measures that are needed to control conveyance and/or deposition of earth, turbidity, or pollutants after development, construction, or restoration.

"Permitted use" means any use allowed in a zoning classification and subject to the restrictions applicable to the specific use.

"Person" means an individual, firm, co-partnership, association, corporation, organization, cooperative, public or municipal corporation, or agency of the state or local government or other legal entity.

"Perspective drawing" means a three-dimensional representation of a building or site providing the appearance of depth as seen by normal binocular vision.

"Pipestem lot" means a lot which gains street right-of-way access by way of a driveway easement or lot extension which is too narrow to be built upon. When a pipestem shaped lot abuts two or more street rights-of-way it shall not meet this definition of a pipestem lot.

"Pitch" means the angle of a roof, usually expressed as a ratio of units of vertical distance to 12 units of horizontal distance. For example, 4:12 means 4 units of vertical rise to every 12 units of horizontal run.

"Place of religious assembly" means an establishment the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including religious educational classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, and a one-family dwelling unit, but excluding facilities for residence or for training of religious orders.

"Planned capacity" means capacity for County arterials, ferry system, or transit that does not exist, but for which the necessary facility construction, expansion, or modification project is contained in the current adopted Capital Facilities Program and scheduled to be completed within six years.

"Planned development district (PDD)" means a flexible zoning concept which provides an opportunity to mold a district so that it creates a more desirable environment, and results in as

good or better use of land than that produced through the limiting standards provided in the regular zoning classifications.

"Planning Commission" means that body as defined in Chapter 36.70 RCW as designated by the Council to perform a planning function.

"Plat" is a map or representation of a subdivision, short subdivision, large lot or binding site plan, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

"Plat Alteration" is a change to or deletion of lots, conditions, notes, roads, easements, etc., including those on the face of the recorded final plat, short plat or large lot division.

"Plaza" means an open space that may be improved and landscaped, usually surrounded by streets and buildings.

"Point locations" means the specific sites (nests, dens, etc.) where wildlife species presence have been confirmed by WDFW.

"Policy plan" means an adopted plan that consists mainly of policy statements expressing general goals and policies and desirable relationships among human activities. Examples of policy plans include comprehensive plans, community plans, watershed plans, park and recreation plans, etc.

"Ponds" means naturally occurring open water areas less than 20 acres in size and larger than 2,500 square feet which maintain standing water throughout the year and lack rooted aquatic vegetation.

"Porch" means a covered entrance to a building either open or up to one-third enclosed.

"Portico" means a walkway or porch with a roof supported by columns, often at the entrance of a building.

"Pothole" means a closed depression area containing runoff from a 6 month -24 hr or greater storm event for which there is no surface water outlet and which acts as a retention basin.

"Prairies" means open areas predominated by native, drought-resistant grasses, forbs (flowering non-woody plants), and herbs. In Pierce County, prairies are an unusual vegetation regime found in areas of extremely well-drained soils.

"Preliminary approval" means an approval, based upon an application and conceptual plan for a Discretionary Land Use Permit, granted by the Director or Examiner which sets forth certain conditions that must be reflected on Final Development Plans.

"Preliminary development permit" means a land use designation or redesignation, zoning or rezoning, or subdivision preliminary plat requiring final approval.

"Preliminary Plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and restrictive covenants to be applicable to the subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

"Preliminary Plat Amendment" means an approved change or amendment of an approved preliminary plat.

"Primary treatment" means the first step in wastewater treatment in which solids in a wastewater stream are allowed to settle out. The suspended solids and the BOD (Biochemical Oxygen Demand) are reduced by 25 to 40 percent.

"Principal or main building" means a building devoted to the principal use of the lot on which it is situated.

"Principal use" means the primary or predominant use of any lot or parcel.

"Priority habitat" means a seasonal range or habitat element with which a given species has a primary association and which, if altered, may reduce the likelihood that the species will maintain or increase population over the long term. These might include areas of high relative species density, breeding habitat, winter range, and movement corridors. Priority habitats might also include areas that are of limited availability or high vulnerability to alteration, such as cliffs, talus, wetlands, etc.

"Priority species" means an animal species of concern to the County due to their population status and their sensitivity to habitat manipulation. Priority species include species of local importance, State-listed monitor species, candidate species, priority game species, as well as other game and non-game species.

"Private boat house" means an accessory building, or portion of a building, which provides shelter and enclosure for a boat or boats owned and operated only by the occupants of the premises, and which boat house is erected on a pier or wharf and/or over a dock or docking ship.

"Private garage" means an accessory building or an accessory portion of the main building, enclosed on not less than three sides and designed or used only for the shelter or storage of vehicles owned or operated only by the occupants of the main building or buildings.

"Private parking area" means an open area other than a street, alley, or other public property, limited to the parking of automobiles of occupants of a dwelling, hotel, motel, apartment hotel, apartment house, boarding house, or lodging house to which these facilities are appurtenant.

"Private stable" means an accessory building for the keeping of more than three horses, cows, or other similar domestic animals owned by the occupants of the premises and not kept for remuneration, hire, or sale.

"Privy" means an outhouse used as a toilet.

"Problem waste" means soils removed during the cleanup of a remedial action site, dangerous waste site, or other sites with harmful substances, but not designated dangerous wastes; and contaminated dredge spoils.

"Professional Engineer" means a civil engineer currently licensed and registered in the State of Washington. In accordance with WAC 196-27-020 Fundamental Canons and Guidelines for Professional Practice, Registrants shall not affix their signatures or seals to any plan or document dealing with subject matter in which they lack competence by virtue of education or experience or to any such plan or document not prepared under their supervisory control."

"Professional forester" means a person with academic and field experience in forestry or urban forestry. This may include arborists certified by the International Society of Arboriculture, foresters with a degree in forestry from a SAF accredited forestry school, or urban foresters with a degree in urban forestry.

"Project" means the proposed action of a permit application or an approval which requires a drainage and erosion/sediment control plan or abbreviated plan.

"Project area or boundary" means the geographic limits or the outer extent of impacts associated with a proposed development or area to be developed.

"Provider" means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity, and individual licensed to provide personal wireless service or personal wireless communication facilities.

"Public bathhouse" means an establishment where, for any form of consideration, baths or facilities for baths of any kind whatever are given or furnished for or in expectation of a fee, compensation or monetary consideration including, but not limited to: Finnish baths, Russian baths, sauna baths, Swedish baths, Turkish baths, baths by hot air, steam vapor, water or electric cabinet; provided that "public bathhouse" for this definition does not include such baths or facilities for baths where no attendant or other person administers or holds themselves out as administering massage treatment as defined in this Section, either by physical manipulation of the body or by the use of equipment.

"Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

"Public Facility Permit" means a written decision of the Examiner authorizing a public facility use to locate at a specific location. Public facilities that are subject to a Public Facility Permit must be: identified as needed for meeting planned capacities within a comprehensive utility or facility plan or a land use plan adopted by the County Council or other municipal jurisdiction; or included within a capital facility plan or capital improvement program adopted by the County Council or other municipal jurisdiction.

"Public parking area" means an open area other than a street, alley, or private parking area as defined herein, whether privately or publicly owned, which area is used for the parking of more than five automobiles.

"Public service obligations" means obligations imposed by law on utilities to furnish facilities and supply service to all who may apply for and be reasonably entitled to service.

"Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection and other governmental services.

"Public sewer system" means a sewerage system owned or operated by a city, town, municipal corporation, county, sewer district or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal, approved by or under permit from the Washington State Department of Ecology or the Washington State Department of Health.

"Public water system" means any system of water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities where water is being furnished to any community, collection, or number of individuals, but excluding a water system serving one single family residence.

"Pump/lift station" means the part of a water collection or distribution system, which raises water from a lower to a higher elevation.

"Purchase of Development Rights" (PDR) means the act of buying the development rights of a parcel or parcels of property that are sending sites. The development rights of a parcel are based upon the type of uses permitted pursuant to the Comprehensive Plan Designation and Zoning Classification of the land. Development rights are typically purchased to retain the land as it currently exists (such as forest land or agricultural land) or to acquire and preserve the environmentally sensitive or unique lands (such as Recreational Conservation Lands, cultural/historic sites, wetlands, streams and marine shorelines) in perpetuity for future generations.

"Purchase of Development Rights application" means an application that a landowner must file in order to be eligible for consideration for the PDR program.

"Purchase of Development Rights program" means a program that provides a public benefit by permanently conserving resource and rural farm lands, recreational trails, open space, and habitat areas by establishing a means to purchase development rights from eligible properties through a voluntary process that fairly compensates landowners while providing a public benefit for communities and the environment.

"Purchase of Development Rights ranking criteria" means the criteria used to prioritize purchasing development rights from the most strategic resource and rural farm lands, recreational trails, open space, and habitat areas.

"Rear lot line" means the lot line opposite and most distant from the front lot line.

"Rear yard" means a yard lying between the minimum setback line for a structure and the rear lot line and extending across the full width of the lot.

"Receiving site" means those lots where the procurement of density credits facilitate a permissible change in the allowed intensity on the property pursuant to the TDR/PDR chapter and all other controlling policies and law.

"Recessional outwash geologic unit" means sand and gravel materials deposited by melt-water streams from receding glaciers.

"Reconstruction" means the rebuilding of an existing structure, which has been partially or completely destroyed by any cause, such as but not limited to fire, wind, landslides, and water.

"Recorded" means, unless otherwise stated, filed for record with the Auditor of the County of Pierce, State of Washington.

"Recreational Conservation Lands" means lands which are in an Urban Growth Area or designated shorelines (urban or rural) and are: (1) threatened with probable development within the next ten years, (2) comprise a significant part of the inventory of available open space in an area or community, and (3) provide the public with passive recreational opportunities or active recreational opportunities such as golf, baseball, softball, soccer or other sports or activities not requiring intensive development of the land.

"Recreational vehicle park" means a tract of land under single ownership or unified control developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent campers for vacation or other similar short stay purposes.

"Recreational vehicle" means a vehicle, other than a mobile home, which is permanently designed and intended for use for temporary housing purposes. Recreational vehicles shall include, but not necessarily be limited to, campers, motor homes, and travel trailers.

"Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass that are identified as recyclable material pursuant to a local comprehensive solid waste plan.

"Recycling collection site" means a site with collection boxes or other containerized storage where citizens can leave materials for recycling.

"Recycling processor" means any large scale buy-back recycling business or other industrial activity which specializes in collecting, storing and processing waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. It may be a facility where commingled recyclables are sorted, baled, or otherwise processed for transport off site which is referred to as a materials resource recovery facility (MRF).

"Regional Park" means a large recreation area that serves an entire region. Regional parks are usually large in size and often include areas of natural quality suitable for outdoor recreation activities such as golfing, picnicking, boating, fishing, swimming, camping, and hiking. If located within an urban area, regional parks may offer a wider range of facilities and activities which serve the entire region. Regional parks usually exceed 40 acres in area. Restroom and parking facilities are most often found at the site. Regional parks may also have the following characteristics: (1) high population participation rates, (2) high user volumes, (3) may benefit residents of a number of jurisdictions, (4) may involve joint ventures, (5) may represent the ultimate competition level play facility, (6) may have unique location requirements that may involve regional coordination, and (7) may be areas for activities for which there are no other logical or available sponsors.

"Regolith" means any body of loose, noncemented particles overlying and usually covering the bedrock.

"Regulatory tidal base flood elevation" means an elevation established by adding a safety factor (approximately 2-feet) to the highest estimated tide elevation (in NGVD 1929 vertical datum) from various NOAA tide gages (see Figure 18E.70-11).

"Rehabilitation" means any improvements and repairs which are made to the interior and exterior of an existing structure, but which do not result in any increase in the floor area of the structure. This is also commonly referred to as a "remodel" of an existing structure.

"Remote switching unit" means a device or group of devices in a telephone system having the necessary equipment for terminating and interconnecting sub-subscribers' lines, farmer lines, toll lines, and inter-facilities trunks, normally dependent on one or more Central Office Switching Units for full operability.

"Renewable energy" means nondepletable resources such as sunlight, wind, hydropower. Depletable sources of energy include fossil fuels such as oil, coal, natural gas, and nuclear and geothermal energy.

"Renewable resource" means a resource which uses solar, wind, water, biomass, or similar sources of energy, and which either is used for electric power generation or for reducing the electric power requirements of a customer.

"Repair" means to paint, clean, or replace damaged parts of a structure, or to improve its structural strength, but not in a manner that would change the size, shape, location, or character.

"Reserve (Reserve 5 and Reserve 10)" land use designation means areas which are designated for low density residential land uses with required clustering of residential lots so that the land may be more intensively utilized in the future, based on extension of urban growth area boundaries.

"Resource lands" means those lands suitable for agriculture, forest or mineral extraction and protected by resource land regulations.

"Responsible charge" means the exercise of fully independent control and direction of geological and engineering services and work products or the supervision of such services and work products, and fully responsible, accountable, or liable for the results.

"Restoration" means the re-establishment of a viable plant community, forest, wetland, or critical fish or wildlife habitat area from a previously filled or degraded site.

"Retreat Centers" means a site that includes outdoor recreation activities or relaxation/spa uses and may include overnight lodging for a duration no longer than 10 days and for no more than 50 visitors. A retreat center has a community hall that serves as a common eating or gathering space.

"Ridesharing" means any type of travel where more than one rider occupies or "shares" the same vehicle, such as a carpool, vanpool, or transit vehicle.

"Right-of-Way (ROW)" means a strip of land held in an easement or separate tract which is occupied or dedicated to be occupied by a publicly or privately dedicated street or railroad, together with property reserved for utilities, transmission lines and extensions, walkways, sidewalks, bikeways, equestrian trails, and other similar uses.

"Riparian" means the area adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. Riparian habitat begins at the ordinary high water mark and includes riparian areas of wetlands that are directly connected to the stream course and may include the entire extent of the floodplain.

"Riparian corridor" means a perennial or intermittent water body, its lower banks and upper banks, and the vegetation that stabilizes the slopes, protects the waterway from erosion and sedimentation, provides cover and shade, and maintains the fish and wildlife habitat.

"Riprap" means broken stone placed on shoulders, slopes, or other such places to protect them from erosion.

"Risk of mass movement" refers to landslide potential. For the purpose of this regulation a slope is generally considered to have a risk of mass movement if it has a factor of safety of less than 1.5 for static conditions or a factor of safety of less than 1.1 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the Pierce County Building Code.

"Road classification" the Pierce County's road classifications include: (Pierce County Transportation Plan) "Collector arterial" – Roads that collect and distribute traffic between neighborhoods and business areas, and the rest of the arterial system. They provide for easy and direct access to abutting properties, and carry low to moderate volumes of traffic. "Major arterial" – Roads that convey traffic along corridors with a high-density of commercial or industrial activity. Major arterials emphasize mobility and discourage multiple access and egress points. "Local road" – Roads that provide direct access to abutting land uses and carry traffic to the arterial system. Local roads typically carry low volumes of traffic traveling at low speeds. "Primitive road" – Roads that provide access to small areas or single structures. The primitive road is a link to the local county road system or arterial system. "Secondary arterial" – Roads that link activity centers and convey traffic onto major arterials. Secondary arterials provide both mobility and access for moderate volumes of traffic.

"Rocky shoreline areas" means areas composed of boulders or exposed bedrock in shoreline areas of Puget Sound.

"Roof" means the outside top covering of a building.

"Roof, flat" means a roof that is pitched less than 1:12 and the surface of which is generally parallel to the ground.

"Roof, gable" means a ridged roof forming a gable at both ends of the building.

"Roof, gambrel" means a roof with two slopes on each side, the lower steeper than the upper.

"Roof, hip" means a roof with sloping ends and sides.

"Roof, mansard" means a roof with two slopes on each of four sides, the lower steeper than the upper. In current use the upper slope may be flat.

"Rural Activity Center" land use designation means a location where commercial businesses are concentrated, providing goods and services meeting the needs of a local rural community. Resource based industrial operations can also be found in these centers.

"Rural Adjacent to Forest Land" land use designation means that designation intended to provide a buffer between Designated Forest Land and rural lands. The basic density is one dwelling unit per ten acres.

"Rural Forty" land use designation allows a basic density of one dwelling unit per 40 acres. However, density incentives shall be provided. If 50 percent of the property is designated as open space, a density of two dwelling units per 40 acres is allowed. If 75 percent or more of the property is designated as open space, a density of 2.5 dwelling units per 40 acres is allowed. However, the minimum lot size for any new lots created shall be one acre. (This would allow a maximum of 2.5 dwelling units on a 40-acre parcel.) Clustering of dwelling units is encouraged to maximize buffers and open space.

"Rural Gateway Community" means a location near major recreational facilities including the entrances to Mt. Rainier National Park where commercial businesses providing goods and services meeting the needs of a local rural community, visitors and tourists are concentrated.

"Rural lands" means all lands, which are not within an urban growth area and are not designated as natural resource lands having long term commercial significance for production of agricultural products, timber, or the extraction of minerals.

"Rural Neighborhood Centers" land use designation means an area having established commercial uses that provide for limited convenience shopping and services and immediate access onto state routes, major or secondary arterials. New Rural Neighborhood Centers should be located more than two miles from other Rural Centers. Rural Neighborhood Centers should only provide limited convenience shopping and services which meet the daily needs of residents of the surrounding rural area.

"Rural open space" means an area in a rural zone classification which is permanently designated and recorded to remain primarily unimproved in public or private ownership. Rural open space serves to retain the visual, aesthetic, and functional qualities of the rural landscape and may be characterized by undisturbed natural vegetation or resource type uses.

"Rural residential use" means the following land uses: single-family attached; two-family; uses accessory to single-family attached and two-family; and other agricultural uses, including, but not limited to, livestock grazing and barns.

"Rural Separator" land use designation means an area that allows a density of one dwelling unit per two and one-half acres. Clustering of dwelling units is encouraged to maximize buffers and open space.

"Rural set aside land" means an area in a rural zone classification which is designated to remain primarily unimproved until such future time when the Comprehensive Plan designation and zone classification changes to allow further development.

"Rural Ten" land use designation allows a basic density of one dwelling unit per ten acres. However, density incentives shall be provided. If 50 percent or more of the property is designated as open space, a density of two dwelling units per ten acres is allowed. However, the minimum lot size for any new lots created shall be one acre. Clustering of dwelling units is encouraged to maximize buffers and open space.

"Rural Twenty" land use designation allows a basic density of one dwelling unit per 20 acres. However, density incentives shall be provided. If 50 percent or more of the property is designated as open space, a density of four dwelling units per 20 acres is allowed. However, the minimum lot size for any new lots created shall be one acre. Clustering of dwelling units is encouraged to maximize buffers and open space. Open Space shall be located in the area adjacent to Designated Forest Land.

"Salmonid" means any member of the family Salmonidae, which includes all species of salmon, trout, and char.

"Sanitary sewer" means the system that carries liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters to a wastewater treatment facility. Also called wastewater collection facilities.

"Satellite Cities and Towns" means those incorporated cities or towns that are not located within the Comprehensive Urban Growth Area, but are located within the Rural Area of Pierce County. Satellite Cities and Towns include: Bonney Lake, Buckley, Carbonado, DuPont, Eatonville, Gig Harbor, Orting, Roy, South Prairie and Wilkeson.

"Satellite system" means a water or sewer system whose service area is remote from other systems and for which connection to adjacent water or sewer systems is not feasible. Under provisions of the Coordination Act, technical assistance and administrative services may be provided to satellite systems.

"Scale of development" means the relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics, to its surroundings.

"Screening" means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, or densely planted vegetation. Impervious trails, septic system drainfields and similar uses may be permitted within screening areas if the integrity of the screening can be maintained.

"Secondary treatment" means the second step in purifying sewage which uses biological processes in addition to settling and provides purification from 85 to 95 percent.

"Seismic hazard areas" means areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.

"Sending site" means designated lot or lots where landowners may sell their development rights either directly to a receiving site owner, a Development Rights Bank, or a TDR investor in exchange for placing a conservation easement on the property.

"Septage" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from an on-site sewage system with a septic tank.

"Service provider" means the department, district, or agency responsible for providing the specific public facility or service.

"Setback" means the minimum required distance between any structure and a specified line such as a lot, public or private right-of-way, easement, future street right-of-way as identified through an official control or buffer line that is required to remain free of structures unless otherwise provided herein.

"Sewage collection facilities" means pipelines, pump stations, lift stations and appurtenances which transport wastewater and sewage from points of origin to wastewater treatment plants, or which convey treated wastewater to points of discharge. (See wastewater collection facilities.)

"Sewer Facilities" means a sewer line pursuant to the Pierce County Sanitary Sewer Utility Administrative Code.

"Shadow platting" means lots created as part of a recorded final plat that have been designated for future development when sanitary sewers become available. The lots are transferable and may be sold with the restriction on development.

"Shared Access Facility" means a privately-owned drivable surface which provides access for up to two single- or two-family dwelling units, and non-residential developments. A typical shared access facility is a driveway.

"Shorelands or Shoreland Areas" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this Title; the same to be designated as to location by the Department of Ecology.

"Short Plat" is the map or representation of a short subdivision.

"Short subdivision" or "short plat" means the division or redivision of land into nine or fewer lots, tracts, parcels, sites, or divisions within an urban growth area, or four or fewer lots, tracts, parcels, sites, or divisions outside an urban growth area, for the purpose of sale, lease, or transfer of ownership. A tract created for the purpose of accommodating critical areas or infrastructure, and otherwise deemed unbuildable for a dwelling unit, shall be allowed above and beyond the nine lot limitation prescribed above.

"Side channel" means the portion of the active channel that does not carry the bulk of the stream flow. Side channels may carry water only during winter flows, but are still considered part of the active channel."

"Siding" means the material used for the finished surface of a frame building.

"Sight triangle" means a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

"Sign" means any object, device, display, structure, or part thereof which is used to advertise, identify, direct, or attract attention to a product, business, activity, place, person, institution, or event using words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

"Sign area" means the total area of a sign enclosing the extreme limits of the letter, module, or advertising message visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, or decorative features which contains no written or advertising copy or logos.

"Sign height" means the vertical distance measured from the adjacent grade at the base of the sign to the highest point of the sign structure; provided, however, that the grade of the ground may not be built up in order to allow the sign to be higher.

"Sign structure" means any structure which is or was used to support a sign.

"Sign, A-board or sandwich board" means a small portable sign upon which is generally placed advertising copy denoting products or services being offered upon the premises on which such signs are placed.

"Sign, Awning" means a sign affixed to the surface of an awning and which does not extend vertically or horizontally beyond the limits of such awning.

"Sign, Back lit or internally lit" means a sign that is illuminated by a light source contained within the body of the sign.

"Sign, Building" means a sign which is permanently attached or affixed in some manner to a building wall, i.e., wall, hanging, projecting, marquee and awning signs. Building signs include both Business Identification and Business Signs.

"Sign, Business" means a sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

"Sign, Business identification" means a sign that is limited to the name, address or occupation of the person or business on the site. The business identification sign may be located within 1,000 feet of the business in areas not covered by Sign Design Standards for community plan areas, such as Chapters 18B.40, 18B.60 and 18B.100. In community plan areas with adopted Sign Design Standards, business identification signs must be located on the site of the business itself.

"Sign, Canopy" means a sign which is attached to or painted on a canopy structure.

"Sign, Community identification" means a sign which identifies a community or neighborhood.

"Sign, Construction" means a sign designating the contractor(s), architect(s), and engineer(s) participating in a construction project underway on the same premises.

"Sign, Directional" means a sign which serves solely to designate the location of any place, area, organization or business, whether on premises or off-premises.

"Sign, Electrical" means a sign or sign structure in which electrical wiring, connections, and/or fixtures are used as any part of the sign.

"Sign, Electronic" means a sign which exhibits changing natural or artificial light or color effect by electric or electronic means.

"Sign, Electronic message" means an electronically controlled sign which consists of a pattern of lights or other technology which is capable of using lights to depict action, create a special effect, or vary the message being communicated. A sign on which there is only an electronic or mechanical indication of time and/or temperature shall be considered a "time and temperature" sign.

"Sign, Façade" means a sign painted upon or erected flush along the exterior wall or window of a building which displays only one sign surface.

"Sign, Flashing" means an electrical sign or portion which changes light intensity intermittently, but does not include electronic message signs or slowly revolving signs.

"Sign, Fluorescent" means a sign containing a glass tube whose inner wall is coated with a material that produces a visible light by way of an electrical current causing vapor within the tube to discharge electrons thereby producing the light.

"Sign, Freestanding" means a sign that is not supported by or connected to a building and is permanently supported in a fixed location by one or more poles, uprights, or braces or a base structure. Freestanding signs include pole and monument signs.

"Sign, Fuel price" means a sign displaying the price of fuel for motorized vehicles.

"Sign, Gross area" means the area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements which are not a part of the display. The gross area of a 2-faced sign equals the area of one side. The "gross area" of a spherical, cubical, or polyhedral sign equals one-half the total surface area.

"Sign, Hanging" means any sign suspended from a support (canopy or marquee) at a 90-degree right angle to the adjacent exposed building face. Hanging signs are generally intended to attract pedestrians and contain no commercial messages other than the name of the business.

"Sign, Iconic" means a projecting sign containing a symbol or logo characteristic of the goods and services or the business to which it is affixed. An example of an iconic sign would be a barber pole affixed to a barber shop.

"Sign, Identification" means a sign which is limited to the name, address or number of the building, institution or person, firm, or business center upon which the sign is located.

"Sign, Identification-residential" means a sign which directs attention to uses other than private residence or home occupation, which uses are permitted outright or by Conditional Use Permit in residential, multi-residential, agricultural, or forestry-recreation zone.

"Sign, Incidental" means any signage intended for convenience and provides directions or instructions on the premises.

"Sign, Inflatable" means an advertising device that is inflated and used to attract attention.

"Sign, Marquee" means a sign hanging from below a marquee, porch, or portico.

"Sign, Menu Reader Boards for Drive-Through Facilities" means a one-sided display sign not exceeding 32 square feet and a maximum height of five feet (two permitted per site) shall be permitted. The sign shall be designed and located to be viewed exclusively by patrons of the development and not plainly visible from off-site. The 32 square feet shall not be calculated in the overall allowed sign area.

"Sign, Monopole" means a freestanding sign characterized by having a single support structure.

"Sign, Monument" means a freestanding sign that is permanently affixed to the ground at its base, is supported entirely by a base structure, and is not mounted on a pole(s).

"Sign, Multi-tenant/multi-building" means a building mounted or freestanding sign that identifies a business(es) in a multi-tenant/multi-building complex.

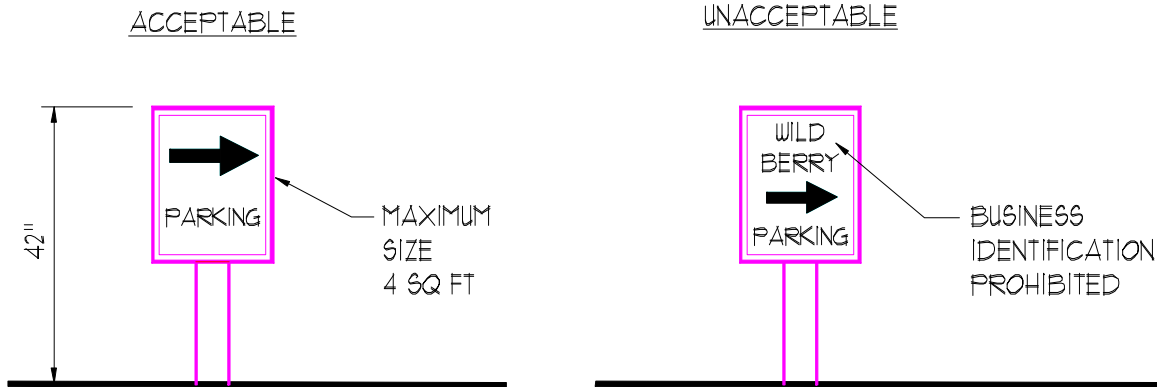
"Sign, Nameplate" means a sign which indicates no more than the name, address, and home occupation of the resident of the premises.

"Sign, Neon" means a sign containing tubes with glowing colors.

"Sign, Off Premise Advertising" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is fixed.

"Sign, Parking" means a sign, within the public right-of-way or adjacent thereto, that directs motorists to parking facilities. Parking signs are considered traffic direction signs and therefore may not contain any business identification information or advertising.

**FIGURE 18B.10-1**



"Sign, Pole" means a freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or a base structure. Enclosure of poles, uprights, and braces, associated with pole signs, with box structures does not constitute a "monument sign." Pole signs may include multiple sign cabinets.

"Sign, Portable" means any sign that is self-supporting but not permanently attached to the ground or building and can be moved from one location to another, including portable readerboards.

"Sign, Projecting" means a sign that is erected perpendicular to and supported from the wall of a building.

"Sign, Reader Board" means a sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand without altering the face or surface of the sign.

"Sign, Real estate" means a temporary sign which directs attention to the sale, lease, or rental of a particular building, property, or premise upon which it is displayed.

"Sign, Roof" means any sign erected on the roof of a building.

"Sign, Rotating" means any sign or portion thereof which physically revolves or moves in a similar manner.

"Sign, Temporary" means any banner, pennant, or other advertising display, with or without frames, constructed of cloth, light fabric, paper, plastic, cardboard, or other similar material. Temporary signs are not intended for ongoing advertising of products or services or for the naming of a business in lieu of a permitted permanent sign.

"Sign, Trailing Electronic" means any electronic sign with pulsing or continuous streaming text or text that changes in intervals of less than 20 seconds.

"Sign, Wall" means a sign painted on or attached to, and extending not more than 18 inches in depth from a façade of a building. Wall signs can be illuminated or non-illuminated and can be made of wood, rigid plastic, etc., or painted on a building. The exposed face of a wall sign is in a plane parallel to the portion of the structure to which it is attached. Signs on awnings and canopies are considered wall signs.

"Sign, Warning" means a sign designed to warn pedestrians or vehicles of some imminent danger.

"Sign, Window" means a sign located inside and affixed to windows of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building.

"Significant Oaks and Stands" means single oaks or stands of oaks smaller than one acre in size within the urban growth area that are either individual trees with a diameter at breast height of 20 inches or more; or are oak, or oak/conifer, stands in which the oak trees have an average diameter at breast height of 15 inches or more regardless of stand size."

"Significant spring-fed wetland system" means a spring-fed wetland system at least one-half acre in size.

"Significant tree" means trees identified as being significant due their age, scarcity, habitat value, or community identifying characteristics. Cottonwood trees, red alter, and trees which are determined to be hazardous by a certified arborist, professional forester, or licensed landscape architect due to damage, disease, or other reason are not considered significant but may require conservation under Pierce County's Critical Areas Ordinance.

"Single-family (Detached)" means a dwelling unit that is not attached to another dwelling unit by any means.

"Single-family (Attached)" is also commonly referred to as "Ground Level Multi-Family" and means a multi-family structure containing more than two dwelling units, each of which has ground floor access and is joined to one another only by party walls. "Two-family" dwellings are defined separately and not considered to be single-family (attached).

"Site" means a lot, parcel, tract, or combination of lots, parcels, or tracts where a development or regulated activity is proposed. When referring to a "site" in the context of a Class II or Class III (COHP) Forest Practice Permit, the site is that area designated to be harvested.

"Site development standards" means a variety of standards applied to site development that can include, among others, principles for placement of buildings on site, provision of open space, access roads, drainage facilities, lighting, parking and landscaping.

"Site Plan Review" means the design review process chosen by an applicant to meet the design objective when deviating from design standards. Site Plan Review provides an applicant with the flexibility to utilize the design guidelines or pursue a unique or innovative solution to meet the design objective. Site Plan Review is subject to review and recommendation by the applicable LUAC and subject to approval by the Director or Hearing Examiner as applicable.

"Slash" means the branches, bark, tops, chunks, cull logs, uprooted stumps and broken or uprooted trees which remain on the ground after logging.

"Slope" means an inclined earth surface, the inclination of which is expressed in two different manners: (1) as the ratio of horizontal distance to vertical distance; and (2) as a percent of vertical distance over horizontal distance (vertical distance/horizontal distance x 100 = %).

"Sludge" means a semisolid substance consisting of settled solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or system or other sources, including septage sludge, sewage sludge, and industrial sludge.

"Sludge land application site" means a site where stabilized sludge, septage, and other organic wastes are applied to the surface of the land in accordance with established agronomic rates for fertilization or soil conditioning.

"Slump" means the downward and outward movement of a mass of bedrock or regolith along a distinct surface of failure that rotates as it moves down, generally leaving a concave depression above.

"Small animals" means all animals and birds except for livestock, typically weighing less than 100 pounds.

"Small water systems" means water systems with fewer than 15 connections.

"Snag-rich areas" means forested areas which contain concentrations of standing dead trees, averaging ten snags or greater per acre, and averaging greater than 15 inches in diameter at breast height.

"Soft armoring techniques" means the use of woody plants and limited structural-mechanical systems that are integrated in a structurally and environmentally sound manner to repair and protect slopes against shallow mass wasting and surface erosion. Measures such as live stake, live fascine, brushlayer, live cribwall, vegetated geogrid, branchpacking, and live slope grating are examples of soft armoring techniques.

"Soil" means the surface layer of earth supporting plant life.

"Soil creep" means a process of slow, downslope movement over a long period of time.

"Soil treatment facility" means a solid waste facility which utilizes bioremediation, a thermal desorption process, or similar processes to treat petroleum contaminated soil or vector waste for reuse or final disposal.

"Solar access" means a property owner's right to have the sunlight shine on the owner's land.

"Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredge spoils, and recyclable materials.

"Solid waste handling facility" means any facility for the transfer or ultimate disposal of solid waste, including landfills and municipal incinerators.

"Special needs housing" means housing that is designed for an individual or family who also requires supportive social services in order to live independently or semi-independently. These households require all types of housing including emergency, transitional and permanent housing. Special need groups include but are not limited to the homeless; elderly; AIDS victims; single parents; frail elderly; runaway and homeless youth; severely physically disabled; mentally and emotionally disturbed; chronically mentally ill; developmentally disabled; farm workers (migrant labor households); and persons with substance abuse problems.

"Special occupancy structures" means those structures that have the potential to provide capacity for special groups of people such as but not limited to schools, daycare centers, resident incapacitated patients, etc.

"Special Use Permit" means an approval by the Examiner of those types of development proposals which, due to the nature of the project, involve judgment or discretion in determining compliance with the approval requirements. Development proposals subject to Special Use Permits include, but are not limited to: Conditional Use, Preliminary and Final Plats, Nonconforming Use, Planned Unit Development, Site Plan Review, Shoreline Substantial Development, Shoreline Conditional Use, Shoreline Nonconforming Use, Public Facilities Permit, Shoreline Variance, and Variance.

"Special waste to energy facility" means a combustion plant designed to burn more than 12 tons per day and specializing in disposal of or energy recovery from a single type of waste of known and consistent composition, other than municipal waste, such as tires or infectious waste.

"Species of local importance" means species that are of local concern due to their population status or their sensitivity to habitat manipulation.

"Specified anatomical areas" means and includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or (2) human male genitals in a discernably turgid state, even if completely and opaquely covered.

"Specified sexual activities" means and includes any of the following: (1) the fondling or other erotic or intentional touching of human genitals, pubic region, buttocks, anus, or female breast; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.

"Stand" means a grouping of five or more standing trees that share common characteristics such as age and species or are associated based upon similar environmental requirements. Separation of individual trees within a stand will vary based upon tree species and site specific growing conditions.

"Standard" means the criteria that each project is required to meet.

"Stockpiling" means the placement of material with the intent to remove it at a later time.

"Storefront" means that portion of the front of a building which is especially arranged to afford extensive show windows for a shop or store. Characteristically, it is a screen of windows, glazed with large sheets of plate or tempered glass so as to give the greatest possible space for display of goods.

"Stormwater conveyance facilities" means features such as gutters, pipelines, culverts, manholes, weirs, man-made and natural channels, water quality filtration systems, and drywells.

"Stormwater multiple use facilities" means stormwater pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures, and activities.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

"Stream" – See Natural Waters

"Street frontage" means the distance from which a lot line of a property adjoins a public or private street including rights-of-way.

"Streetscape" means a design term referring to all of the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.

"Stringer bridge" means a bridge constructed of lengths of timber supporting a number of small traverse members.

"Structure" means anything that is constructed in or on the ground or over water, including any edifice, gas or liquid storage tank, and any piece of work artificially built up or composed of parts and joined together. For the purposes of this regulation, structure does not include paved areas, fill, or any vehicle.

"Structure height" means the height of all structures (except buildings) is the vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

"Sub-basin watershed" means an individual drainage basin or grouping of drainage basins which forms a part of a Water Resource Inventory Area, as identified by the Washington Department of Fisheries.

"Subdivision" is any voluntary or involuntary division or redivision of land into ten or more lots, tracts, parcels, sites, or division for the purpose of sale, lease, or transfer of ownership, except lots created through a binding site plan or large lot division as defined in this Section.

"Substation" means an electric power station which serves as a control and transfer point on an electrical transmission system. Substations route and control electrical power flow, transform voltage levels, and serve as delivery points to individual customers.

"Substrate" means the soil, sediment, decomposing organic matter, or combination of those located on the bottom surface of any water type.

"Surface Mines" means:

- A. "Surface mines" means any area or areas in close proximity to each other, as determined by the department, where extraction of minerals from the surface result in any of the following:
  - 1. More than three acres of disturbed area;
  - 2. Mined slopes greater than thirty feet high and steeper than 1.0 foot horizontal to 1.0 foot vertical; or
  - 3. More than one acre of disturbed area within an eight acre area, when the disturbed area results from mineral prospecting or exploration activities.
- B. "Surface mines" include areas where mineral extraction from the surface occurs by the auger method or by reworking mine refuse or tailings, when these activities exceed the size or height thresholds listed in this definition.
- C. "Surface mining" shall exclude excavations or grading used:
  - 1. For removing the minimum amount necessary for on-site construction, on-site road maintenance, or on-site landfill construction;
  - 2. For the purpose of public safety or restoring the land following a natural disaster;
  - 3. For the purpose of removing stockpiles;
  - 4. For forest or farm road construction or maintenance on site or on contiguous lands;
  - 5. Primarily for public works projects if the mines are owned or primarily operated by counties with 1993 populations of less than twenty thousand persons, and if each mine has less than seven acres of disturbed area;
  - 6. For sand authorized by RCW 43.51.685; and
  - 7. For underground mines.
- D. "Disturbed Area" means any place where activities clearly in preparation for, or during, surface mining have physically disrupted, covered, compacted, moved, or otherwise altered the characteristics of soil, bedrock, vegetation, or topography that existed prior to such activity. Disturbed areas may include but are not limited to: Working faces, water bodies created by mine-related excavation, pit floors, the land beneath processing plant and stock pile sites, spoil pile sites, and equipment staging areas. Disturbed areas shall also include aboveground waste rock sites and tailing facilities, and other surface manifestations of underground mines.

"Surface mining activity" means the mining or extraction of rock, stone, gravel, sand, earth and other minerals as defined in RCW 78.44.031(17)(a).

"Surface water" means an open body of water that flows or is collected on the earth's surface such as rivers, lakes, reservoirs, ponds, streams, seas, estuaries, etc., and all springs, wells, or other collectors directly influenced by surface water.

"Swale" means a shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot.

"TDR acquisition" means obtaining, for the purpose of transfer, a partial interest in the sending property that conserves in perpetuity the public benefit supporting the designation or qualification of the property as a sending site.

"TDR Administrator" means the staff position or positions responsible for managing and implementing the TDR program.

"TDR agreement" means a written agreement between Pierce County and a city that describes the transfer process of density credits from Pierce County to the city.

"TDR certificate" is a form of currency that displays how many density credits are available for sale and use.

"TDR Committee" means the Pierce County committee in conjunction with the TDR Administrator that is responsible for the oversight of the Pierce County TDR and PDR program.

"TDR program" means a market based program that provides a public benefit by permanently conserving rural and resource lands by establishing a means to transfer development rights from eligible sending sites to eligible receiving sites through a voluntary process that fairly compensates landowners while providing a public benefit for communities and the environment.

"TDR sending site application" means an application that a sending site landowner must file in order to be eligible for consideration for designation as a TDR sending site.

"TDR/PDR conservation easement" means a legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values and is recorded on the title of the property. It allows the landowner to continue to own and use the land and to sell it or pass it on to heirs. Conservation easements are placed on a sending site at the time development rights are transferred from the property. The conservation easement typically prohibits any further development of the property but allows resource uses such as farming and forestry to continue.

"Taking" means the appropriation by government of private land for which compensation must be paid.

"Talus" means a homogenous area of rock rubble, ranging in average size of 0.15 to 2.0 meters (0.5 – 6.5 feet) composed of basalt, andesite, and/or sedimentary rock, including riprap slides and mine tailings and may be associated with cliffs, that provide for wildlife habitat.

"Tavern" means an eating and drinking establishment in which the serving of food is incidental to the serving of beer and/or wine, i.e., the monthly food sales shall amount to less than 60 percent of the tavern's total food-alcoholic beverage sales; there is no kitchen facility or kitchen facilities are limited to that necessary to prepare sandwiches and/or short orders of food for sale to the public; and up to 7.5 gallons of beer or other malt beverage is offered for sale and off-site consumption. Taverns require a Class B liquor license to sell beer for on- and off-site consumption. Taverns require a Class C liquor license to sell wine for on-site consumption.

"Telecommunication tower" means any structure that is designed and constructed or modified for the purpose of supporting one or more antennas, including but not limited to self-supporting lattice towers, guy towers, or monopole towers or utility power poles that have been modified or replaced at an increased height to accommodate wireless facilities. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, or personal communications services towers, and alternative tower structures.

"Telecommunications radio relay station" means a facility containing structure and equipment for the transmission of telecommunications messages between telephone system facilities, by microwave radio or similar technologies.

"Temporary erosion control" means on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity, or pollutants during development, construction, or restoration activity.

"Temporary Housing Community" means any temporary facility which is intended to provide temporary housing/shelter for more than a family as defined in PCC 18.25.030 and may house up to 60 adults no longer than 90 consecutive days.

"Temporary housing unit, construction" means a mobile home or recreational vehicle which is placed on a lot or tract of land for the purpose of providing temporary housing for an individual or a representative who is in the process of constructing a permanent use or structure on the same lot or tract in accordance with a valid Building Permit.

"Temporary housing unit, mother-in-law" means a mobile home or manufactured home which is proposed to be located temporarily on a lot, parcel, or tract of land. The lot, parcel, or tract's principal use shall be a single-family detached dwelling. The temporary housing unit shall be occupied by the parent or parents of the occupants of the dwelling, or not more than one individual who is a close relative of the occupants of the principal dwelling. An occupant of the temporary housing unit because of age, disability, prolonged infirmity, or other similar incapacitation is unable to independently maintain a separate type of residence without human assistance.

"Temporary Public Events" means any event that is held for more than one day, is temporary and not designed or intended to be a permanent use of a structure(s) or the land it occupies. Such events are open to the public with or without a fee for a specified period/duration which is prearranged with Pierce County and can accommodate 150 or more people at any given time. Any use/event which is advertised using any form of media, e.g., newspaper, internet, flyers, etc. is a public event.

"Ten-year time travel zone boundary" means the maximum distance around a pumping well from which a contaminant hypothetically present in groundwater could travel to the well within a 10-year time period.

"Terminal post office" means the government operated principal mail handling facility for a postal geographic service area.

"Tertiary treatment" means the third step in purifying sewage that removes additional nutrient levels.

"Test for concurrency" means the comparison between the impact of a proposal on Category A and B public facilities and services, to the available capacity of Category A and B public facilities and services.

"Thermal generation" means the production of electricity from combustion and steam powered turbines. The heat in thermal plants can be produced from a number of sources such as coal, oil and gas, and nuclear fuel.

"Through lot" means a lot that fronts upon two parallel street rights-of-way or that fronts upon two street rights-of-way that do not intersect at the boundaries of the lot. When a lot is both a through lot and a corner lot, front yard setbacks may be reduced to 15 feet, provided the reduced yard does not abut a State Highway, major arterial, or the primary access for the lot.

"Tidelands" means the zone between extreme low tide and extreme high tide.

"Time share unit" means units where an individual has the rights of ownership to use overnight lodging for a specified interval of time.

"Tipping fee" means the fee assessed for disposal of waste. This fee is used when estimating the cost of producing electricity from municipal solid waste.

"Tire pile" means a solid waste facility needing a Solid Waste Permit, which stores more than 800 discarded tires.

"Toe of slope" means a distinct topographic break in slope at the lower-most limit of the landslide or erosion hazard area.

"Top of slope" means a distinct topographic break in slope at the uppermost limit of the landslide or erosion hazard area.

"Toxic materials" means those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

"Toxic waste sites" means locations where hazardous or toxic substances are handled or disposed.

"Tract" means any parcel of land that is exclusive of a lot. An example of a tract for the purpose of this Title is a parcel of land that consists of sensitive areas such as open space, wetlands or steep slopes or land dedicated for roads or utility purposes. For the purpose of this definition, a tract may be buildable or unbuildable.

"Traditional development" means single-family residential development that has detached houses on individual lots.

"Transfer of Development Rights (TDR)" means the transfer of the right to develop or build from sending sites to receiving sites.

"Transfer station" means a solid waste facility needing a Solid Waste Permit which is a permanent, fixed supplemental collection and transportation facility used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a disposal facility. It may include baling or compaction activities or recycling facilities.

"Transit center" means a focal point for transit services which any allow interconnections with other route and intermodal transfers.

"Transportation Demand Management Strategies (TDM)" means strategies aimed at changing travel behavior rather than at expanding the transportation network to meet travel demand. Such strategies can include the promotion of work hour changes, ride-sharing options, parking policies, and telecommuting.

"Transportation System Management (TSM)" means the use of low capital expenditures to increase the capacity of the transportation system. TSM strategies include but are not limited to signalization, channelization, and bus turn-outs.

"Tree protection area" means a protective zone established around the canopy area of a tree to prevent damage or destruction during construction and site development activities.

"Tree" means a self-supporting perennial woody plant that matures at a height of 20 feet or greater.

"Two-family" means two dwelling units which are attached to one another. Two-family housing types are also known as duplexes. Two-family dwelling units may exceed 1,000 square feet.

"Undercutting" means the removal of material at the base of a steep slope or cliff by any manner including but not limited to the erosive action of waves, running or seeping water, or windblown sand.

"Underground storage tank" means any one or a combination of tanks (including underground pipes connected thereto) which are used to contain or dispense an accumulation of hazardous substances or hazardous wastes, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground.

"Undisturbed vegetation" means plant life, which has not been altered by actions such as tree-cutting, clearing, or grading.

"Unified Development Code" means all land use and development regulations in the Pierce County Code contained in the Title 18 series.

"Uniform Building Code (UBC)" means the most recent version of the Uniform Building Code adopted by Pierce County

"Unstable areas" refers to landslide potential. For the purposes of this regulation, a slope is generally considered to be an unstable area if it has a factor of safety of less than 1.5 for static conditions or a factor of safety less than 1.1 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the Pierce County Building Code.

"Upland" means any area that does not qualify as a wetland, natural water, or water of the State.

"Urban governmental services" means those governmental services historically and typically delivered by cities, and includes storm and sanitary sewer systems, domestic water systems, street cleaning services, and other public utilities associated with urban areas and normally not associated with non-urban areas.

"Urban growth" means the growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

"Urban Growth Area" means those areas established through the designation of a boundary which separates existing and future urban areas from rural and resource areas. An urban growth area defines where developments will be directed and supported with historical and typical urban governmental services and facilities, such as storm and sanitary sewer systems, domestic water systems, street cleaning services, fire protection services, and public transit services. Urban Growth Areas are established by the Pierce County Comprehensive Plan.

"Urban level facilities and services" means those services defined as "urban governmental services" with levels of service as defined within the Capital Facilities Element of the Pierce County Comprehensive Plan.

"Urban Neighborhood Center" land use designation means a concentrated mix of small scale retail and service commercial and office development that serves the daily needs of residents within the immediate neighborhood. Residential development at various densities may occur within the Center, if appropriate to the individual neighborhood.

"Urban open space" means an area in an urban zone classification which is permanently designated and recorded to remain unimproved in public or private ownership. Urban open space serves as a visual relief in the built environment and may be characterized by undisturbed natural vegetation or areas intended for passive recreation uses.

"Urban Service Areas" means those areas within the Comprehensive Urban Growth Area of Pierce County that are currently receiving or may receive urban services from an individual city or town located within the Comprehensive Urban Growth Area. The individual cities and towns within the CUGA, in collaboration with the County, have established Urban Service Areas (USAs). Each USA mapped within the CUGA is based upon the information provided by the individual city or town. These individual city and town USAs, within the CUGA, are

incorporated as part of the County's Comprehensive Plan. Although the County and the cities and towns within the CUGA concur that individual USAs may change as growth management planning and implementation proceed, the affected municipalities and the County agree that USA designations are provided under the terms of the June 30, 1992, Countywide Planning Policies (page 48, Policy 1.1 and 1.3) and RCW 36.70A.110.

"Urban sprawl" means the inefficient use of land.

"Urban Subcommittee" means the subcommittee of the TDR Committee established in Chapter 2.101 PCC.

"Use" means the purpose or activity for which land or buildings are arranged, or intended, or for which land or buildings are occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this Title.

"Use category" means a group of similar use types that are associated with each other to such an extent that they perform a specific land use function. Use categories are: civic, commercial, essential public facilities, office/business, industrial, residential, resource, and utilities.

"Use Permit" means a document granted by official action of the County which authorizes the development or use of land pursuant to the final development plan approval of a Special Use Permit or Administrative Use Permit. Use Permits include but are not limited to Administrative Use Permits, Conditional Use Permits, Planned Development Districts, Variances, Public Facilities Permit, Nonconforming Use Permits, and Administrative Nonconforming Use Permits.

"Use type" means a group of similar uses that are fundamentally related to each other, contain equivalent characteristics, and which fall within the same use category.

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

"Utility corridor" means a linear strip of land without definite width but limited by technological, environmental, and topographical factors, and could contain one or more utility or transportation facilities. A corridor is a land use designation, identified for the purposes of establishing policy direction as to the preferred location of compatible linear facilities and compatible land uses. Appropriate environmental review and regulatory proceedings must precede occupancy on a project-specific basis.

"Utility line" means pipe, conduit, cable, or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include but are not limited to water supply, electric power, gas, communications, and sanitary sewers.

"Utility or public maintenance facility" means facilities for open and enclosed storage and maintenance of vehicles, equipment, or related materials used in a utility or public facility.

"Utility service review procedure" means an administrative procedure set up under local agency jurisdiction to identify the water purveyor best able to serve an area where new public water service is requested.

"V zone" means those areas along Puget Sound marine waters that may be subject to high velocity wave action from storms or seismic events.

"Vacant" means uninhabited or empty in the case of a building or unimproved in the case of land.

"Variance" means a deviation from a required development standard. Variances do not apply to use, or required density, or required design standards.

"Vesting" means the establishment of a date that is used to determine which development regulations the Department and Hearing Examiner will apply to the review of a complete application or approved development permit.

"View corridor" means an area which affords views of lakes, mountains, or other scenic amenities normally enjoyed by residential property owners.

"Visioning" means a process of citizen involvement to determine values and ideals for the future of a community and to transform those values and ideals into manageable and feasible community goals.

"Volcanic hazard areas" means those areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from geologic or volcanic events on Mount Rainier.

"Wall sign" means a sign painted on or attached to, and extending not more than 18 inches in depth from a façade of a building. Wall signs can be illuminated or non-illuminated and can be made of wood, rigid plastic, etc., or painted on a building. The exposed face of a wall sign is in a plane parallel to the portion of the structure to which it is attached. Signs on awnings and canopies are considered wall signs.

"Waste to energy facility" means any solid waste facility designed as a combustion plant to dispose of solid waste or to recover energy in a useable form from mass burning, refuse-derived fuel incineration, pyrolysis, or any other means of using the heat of combustion of solid waste and which requires a Solid Waste Permit under Chapter 70.95 RCW.

"Waste storage or treatment piles" means any non-containerized accumulation of solid waste that is used for: (1) treatment; (2) storage; or (3) any kind of processing to prepare materials for markets or to produce a product. State and local solid waste regulations establish criteria for management and permitting of waste piles.

"Wastewater" means water carrying waste from domestic, commercial, or industrial facilities together with other waters which may inadvertently enter the sewer system through infiltration and inflow.

"Wastewater collection facilities" means pipelines, pump stations, lift stations and appurtenances which transport wastewater and sewage from points of origin to wastewater treatment plants, or which convey treated wastewater to points of discharge. (Also called sewage collection facilities.)

"Wastewater transfer facility" means equipment, structures, driving and parking surfaces, and appurtenances used for loading wastewater for transport to wastewater treatment facilities.

"Water body" means surface waters including rivers, streams, lakes, ponds, marine waters, estuaries, and wetlands.

"Water purification facility" means treatment plants or facilities for disinfecting water.

"Water supply system" means a system of facilities required to obtain, treat, and distribute water to customers.

"Water table" means the upper level of groundwater or the zone of saturation for underground water. It is an irregular surface with a slope or shape determined by the quantity of ground water and the permeability of the earth material. In general, it is highest beneath hills and mountains and lowest beneath valleys. Also referred to as ground water table.

"Water type" means those water definitions included within the Forest Practice Act (Chapter 76.09) and its rules and defined within Chapter 18E.60 Fish and Wildlife Habitat Areas.

"Watercourse" means a river, stream, creek or other course of flowing water that flows intermittently or perennially and discharges into another watercourse or body of water.

"Watercourse alteration" means any man-made change in the alignment, geometric cross-section, channel capacity, or channel efficiency of a watercourse.

"Watershed" means the region drained by or contributing water to a stream, lake, or other body of water.

"Wellhead protection area" means the area within the ten-year time-of-travel zone boundary of a group A public water system well, as delineated by the water system purveyor or its designee, pursuant to WAC 246-290-135.

"Wetland or Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands generally do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities; or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigated conversion of wetlands, if permitted by Pierce County.

"Wetland category" means the numeric designation (1-4) assigned to a wetland to provide an indication of that wetlands overall function and value."

"Wetland specialist" means a person with experience and training in wetlands issues and with experience in performing delineations, analyzing wetland functions and values, analyzing wetland impacts, and recommending wetland mitigation and restoration. Qualifications include: (1) Bachelor of Science or Bachelor of Arts or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife, agriculture, or related field, and two years of related work experience, including a minimum of one year experience delineating wetlands using the Unified Federal Manual and preparing wetland reports and mitigation plans. Additional education may substitute for one year of related work experience; or (2) four years of related work experience and training, with a minimum of two years experience delineating wetlands using the Unified Federal Manual and preparing wetland reports and mitigation plans. The person should be familiar with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, Corps of Engineers Wetlands Delineation Manual 1987 edition and corresponding guidance letters, March 1997 Washington State Wetlands Identification and Delineation Manual, Washington State Wetlands Rating System for Western Washington, Pierce County Site Development Regulations, Pierce County Wetland Management Policies, Ordinance Nos. 88-182 and 89-162, and the requirements of this Title.

"Wildland" generally applies to those forested areas located outside urban growth areas that have the greatest potential for wildlife, as identified by Washington Department of Natural Resources.

"Wildlife" means all species of the animal kingdom whose members exist in any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term wildlife does not include domestic mammals or the family muridae of the order rodentia (old world rats and mice).

"Wildlife biologist" means a professional with a degree in wildlife biology, or certification by The Wildlife Society, or with five years professional experience as a wildlife biologist.

"Windfirm" means a tree which is capable of withstanding windstorms.

"Window sash" means the sash or light frame, generally movable, in which the panes of glass are set.

"Window sill" means the bottom or sill of a window opening.

"Windthrow" means the uprooting of a tree due to excessive wind.

"Wireless communication facility" means facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other services licensed by the FCC and unlicensed wireless services including but not limited to associated equipment shelter, support tower, and antenna array.

"Woodwaste" means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing or wood products, handling and storage or raw materials and trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hog fuel, and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol or copper-chrome arsenate.

"Woodwaste landfill" means a solid waste facility with 2,000 cubic yards or more of capacity for there permanent disposal of woodwaste which does not contain chemical preservatives. This does not include woodwaste landfills on forest lands regulated under the Forest Practices Act but does include facilities which use woodwaste as a component of fill.

"Woodwaste recycling facilities" means operations, which are designed to provide for the reuse of woodwaste.

"X zone" means areas of Moderate Flood Hazard and in certain areas with contributing drainage areas of less than one square mile and in pothole areas may be subject to the "base flood" or more frequent flooding.

"Yard" means a space defined by the required setback on any lot, unoccupied by a structure and unobstructed from the ground upward except as otherwise provided herein.

"Yard waste" means leaves, brush, tree trimmings, grass clippings, weeds, shrubs, garden waste from vegetable garden and other compostable organic materials resulting from landscape, pruning and maintenance generated from residences or from businesses, such as lawn and garden nurseries or landscaping services. Yard waste does not include rocks, glass, plastics, metal, concrete, sheetrock, asphalt or any other non-organic land-clearing debris.

"Yarding" means the operation of transporting timber from the cutting area to a yard or landing.

"Zero-lot-line" means design that allows for the placement of a structure on the side yard property line.

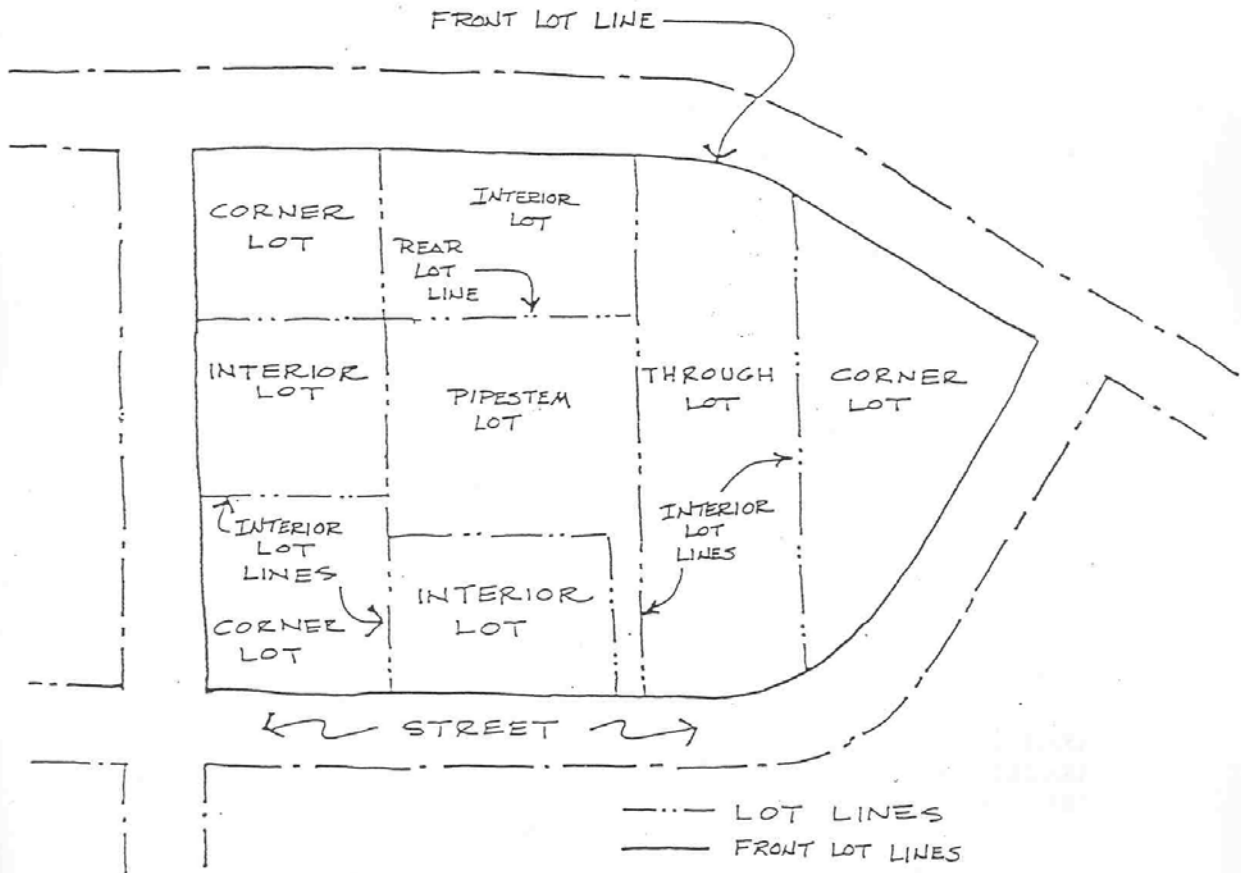
"Zero-rise" means no measurable rise in the base flood elevation (i.e., less than 0.001 foot) resulting from a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

"Zone classification" means an area accurately defined as to boundaries and location, and classified by the Zoning Code as available for certain types of uses and within which other types of uses are excluded.

"Zoning" means the process by which a county or a municipality legally controls the use of property and physical configuration of development upon tracts of land within its jurisdiction. Zoning is an exercise of the police power, and as such must be enacted for the protection of public health, safety and welfare.

(Ord. 2009-18s3 § 1 (part), 2009; Ord. 2009-24s § 1, 2009; Ord. 2008-16s2 § 4, 2008; Ord. 2008-39 § 4 (part), 2008; Ord. 2007-91s § 2, 2007; Ord. 2007-85s § 1 (part), 2007; Ord. 2007-6 § 1, 2007; Ord. 2006-103s § 1 (part), 2006; Ord. 2006-43 § 1, 2006; Ord. 2005-84s § 1, 2006; Ord. 2005-80s § 1, 2005; Ord. 2005-11s2 § 2 (part), 2005; Ord. 2005-23 § 1, 2005; Ord. 2004-58s § 1 (part), 2004)

FIGURE 1



**18.25.040 Acronyms.**

"BFE" means the Base Flood Elevation.

"CFR" means the Code of Federal Regulations.

"CFS" means Cubic Feet/Second.

"CMZ" means the Channel Migration Zone.

"DFF" means Deep and/or Fast Flowing Water.

"DFIRM" means Digital Flood Insurance Rate Map.

"EC" means the Elevation Certificate.

"ESU" means Evolutionarily Significant Unit.

"FEMA" means the Federal Emergency Management Agency.

"FIRM" means the Flood Insurance Rate Map.

"FIS" means the Flood Insurance Study.

"GIS" means the Geographical Information Systems.

"HEC-RAS" means the Hydraulic Engineering Center-River Analysis System.

"HVAC" means the Heating-Ventilation-Air Conditioning.

"LOMA" means the Letter of Map Amendment.

"LOMR" means the Letter of Map Revision.

"NAVD" means North American Vertical Datum.

"NFIP" means the National Flood Insurance Program.

"NGVD" means the National Geodetic Vertical Datum.

"NMFS" means National Marine Fisheries Service.

"OHWM" means the Ordinary High Water Mark.

"OSS" means the On-site Sewage System.

"TPCHD" means the Tacoma-Pierce County Health Department.

"UBC" means the Uniform Building Code.

"USGS" means the United States Geological Survey.

"WDFW" means Washington State Department of Fish and Wildlife.

"WDNR" means the Washington Department of Natural Resources.

(Ord. 2006-103s § 1 (part), 2006; Ord. 2004-58s § 1 (part), 2004)



## Chapter 18.40

### APPLICATION FILING

#### Sections:

- 18.40.010 Preliminary Reviews.**
- 18.40.020 Complete Applications.**
- 18.40.030 Application Processing Options.**

#### **18.40.010 Preliminary Reviews.**

Preliminary reviews are informational meetings between Department staff and an applicant prior to or concurrent with filing of a complete application. Preliminary reviews should outline requirements for filing a complete application, timelines for the County review process, application processing options, and identify environmental information on the project site including potential impacts and regulations that may mitigate environmental impacts.

- A. **Filing Review.** Department staff review an application for completeness prior to acceptance for filing. If an application is complete it can be accepted for filing. Incomplete applications shall not be accepted for filing and may be referred to a pre-application consultation, pre-filing meeting or a pre-development conference.
- B. **Pre-Application Consultation.** Pre-application consultations are conducted by Department staff who review a proposed application and determine necessary items for filing a complete application. A pre-application consultation may be provided at the request of the applicant.
- C. **Pre-Development Conference.** The pre-development conference is a process designed to define those items of Department review which, if not addressed at the conceptual plan stage, are of such significance that continuation of the project might result in substantial technical difficulties during permit processing. Representatives from various departments and the applicant will discuss a conceptual plan for the proposed project and the County's regulatory process. A pre-development conference may be provided at the request of the applicant.
- D. **Pre-Filing Meeting.** The pre-filing meeting is conducted between Department staff and a potential applicant to discuss the application submittal requirements and pertinent fees for a Use Permit or Preliminary Plat. A pre-filing meeting may be held at the request of the applicant who desires that specific submittal requirements be defined by the Department. County staff and the applicant shall be prepared to discuss the proposed project and the County's regulatory process in detail. Staff will identify issues that could require more in depth technical review during permit processing. As a result, technical studies or reports may be identified as submittal requirements for complete application. Submittal requirements defined at a pre-filing meeting shall become mandatory components of a complete application.

(Ord. 98-66S § 2 (part), 1999; Ord. 96-19S § 1 (part), 1996)

#### **18.40.020 Complete Applications.**

- A. **Form and Content.** The Department shall prescribe, on a Submittal Standards Checklist, the form and content for complete applications made pursuant to this Title including, but not limited to: Building Permits, Site Development Permits, Use Permits, Wetland Permits, Preliminary Plats, Short Plats, Final Plats, Binding Site Plans, and Large Lot Divisions.

- B. Check for Complete Application.** An application shall be considered complete when it contains the following:
1. The applicant/agent submitting for application must be the landowner(s) or must have a signed letter of authorization from the landowner(s).
  2. the correct number of completed Department master and supplemental application forms signed by the applicant which contain a detailed description of the proposed land use, proposed impervious surface, and description of all existing and proposed improvements and easements;
  3. the correct number of documents, plans, or maps identified in the applicable Development Regulation, on the Department Submittal Standards form or application, as appropriate for the proposed project;
  4. for preliminary plats only, a completed land survey of the perimeter of the site;
  5. confirmation that the water purveyor for the area is not identified as an "Inadequate Water System" per Tacoma-Pierce County Health Department records;
  6. a completed State Environmental Policy Act checklist, if required;
  7. payment of all applicable fees. In the event of insufficient funds on a draft, the application shall be deemed null and void; and
  8. proposed applications shall be consistent with the Comprehensive Plan and applicable development regulations.
- C. Related Studies and Reports.** Related studies and reports required to process the application should be identified before or at the time of filing or as soon thereafter as practical. Submittal of the studies with the application is encouraged, but is not required for an application to be considered complete. If identified and required studies and/or reports are submitted after the application is filed, the applicant shall be deemed to agree pursuant to 18.100.020 to an extension of the time period established in 18.100.010.
- D. Special Submittal Requirements.** In addition to the information required for a complete application described in PCC 18.40.020 B., the following additional information is required for a complete application in the following areas:
1. City of Gig Harbor's Urban Growth Area (UGA):
    - a. Proof that an application for development in the City of Gig Harbor's UGA has been submitted to the City for review.
    - b. Proof that a formal request for a utility extension from the City has been submitted to the City for approval.
    - c. Single-family dwelling units on existing legal lots of record shall be exempt from the additional submittal requirements.
- E. Filing Fees.** The schedule of fees for Development Regulation Permits is established in Chapter 2.05.
- F. Applications Part of Permanent Record.** Applications filed pursuant to the applicable Titles shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the agency to which the application is made. Copies of all notices and orders, certificates and affidavits of posting, mailing or publication; plans, maps, and exhibits; and any other additional application information shall be filed together with the application in the permanent official record.
- (Ord. 2004-52s § 1 (part), 2004; Ord. 2002-113s § 1 (part), 2002; Ord. 98-66S § 2 (part), 1999; Ord. 97-84 § 1 (part), 1997; Ord. 96-19S § 1 (part), 1996)

**18.40.030 Application Processing Options.**

- A. **Consolidated Permit Option.** The applicant may elect to consolidate two or more development related permits for one project action and submit the applications simultaneously. The following conditions apply to all applications filed in a consolidated permit option:
1. applications shall be reviewed concurrently;
  2. applications shall be processed within the time limits as set forth in Chapter 18.100, "Time Period for Final Decision";
  3. applications shall be subject to the public notice method and type as determined by the applicable permit categories;
  4. methods of notice must include all project permits being reviewed through the consolidated permit option; and
  5. application review type shall be based upon the permit categories set forth in the applicable development regulation.
- B. **Individual Permit Option.** The applicant may elect to individually submit applications. Each application will be processed within the time limits as set forth in Chapter 18.100, "Time Period for Final Decision."

(Ord. 96-19S § 1 (part), 1996)



## *Chapter 18.60*

### **REVIEW PROCESS**

#### **Sections:**

- 18.60.010**     **Initiation of Review Process.**
- 18.60.020**     **Initial Review.**
- 18.60.030**     **Additional Information.**
- 18.60.040**     **Combined Hearings.**
- 18.60.050**     **Right of Entry Agreement.**
- 18.60.060**     **Appendices.**

#### **18.60.010**    **Initiation of Review Process.**

The Department shall not commence the review process of any application until the application is deemed to be complete. (Ord. 96-19S § 1 (part), 1996)

#### **18.60.020**    **Initial Review.**

- A. All reviewing departments shall complete an initial review within 30 days from the application filing date for applications which require a public hearing process as set forth in Title 18A and Chapter 1.22, Pierce County Code.
- B. All reviewing departments shall complete an initial review within 60 days from the application filing date for applications which do not involve a public hearing process.
- C. After completion of the initial review, any department request for additional information, plan correction or studies shall be outlined in a written notice and mailed to the applicant. Such notice shall also contain applicable time limits for the applicant to resubmit requested material to the Department.

(Ord. 97-84 § 1 (part), 1997; Ord. 96-19S § 1 (part), 1996)

#### **18.60.030**    **Additional Information.**

- A. Acceptance of a complete application shall not preclude the Department or Examiner from requiring additional information or studies at a later date during the review process, if new information is disclosed or substantial changes in the proposed action occur.
- B. In the interest of public health, safety, or welfare or to meet the requirements of the State Environmental Policy Act or other Local or State requirements, a department may request additional application information including, but not limited to: wetland reports, geotechnical studies, hydrologic studies, noise studies, air quality studies, visual analysis, and transportation impact studies.
- C. The application shall be deemed null and void if the applicant fails to submit additional information within 180 days of the Department's or Hearing Examiner's request, unless the applicant has been granted a time period extension. The applicant shall be granted a 180-day extension if:
  - 1. The applicant requests such an extension in writing prior to the expiration of the initial 180-day time period; and
  - 2. The Director or Hearing Examiner finds that unusual circumstances beyond the applicant's control have prevented them from providing the additional information within the initial 180-day time period. Only one extension may be granted.

(Ord. 96-19S § 1 (part), 1996)

**18.60.040 Combined Hearings.**

Public meetings or required public hearings may be combined with any public meeting or public hearing that may be held on the project action by another local, state, regional, federal, or other agency, in accordance with provisions set forth in Chapter 18.80, "Notice" and Chapter 18.100, "Time Period for Final Decision." (Ord. 96-19S § 1 (part), 1996)

**18.60.050 Right of Entry Agreement.**

The County may require the applicant to execute a Right of Entry Agreement, which shall be consistent with a format approved by the Department. The Right of Entry Agreement shall:

- A. Allow County staff to access the site for purposes of inspection during the course of application review, construction, and post-construction monitoring.
  - B. Allow the County or County's agent to enter a property to construct required improvements, mitigation measures, or monitoring that has been financially guaranteed.
  - C. Run with the land and be binding on all parties having or acquiring any right, title, interest, or any part thereof of the site, including the grantor, heirs, successors, and assigns.
  - D. Remain in effect for a period of time equal to any post-mitigation monitoring specified in a permit/approval and/or financial guarantee time periods, whichever is greater.
  - E. Conform to the Right of Entry Agreement format outlined in 18.60.060 – Appendix A.
- (Ord. 2004-58s § 1 (part), 2004)

**18.60.060 Appendices.**

- A. Right of Entry Agreement.

**18.60.060 – Appendix A**  
**Right of Entry Agreement to Allow**  
**County Representatives Entry to Perform**  
**Inspections, Monitoring, Corrective Actions, and Construction**  
(Individual and Representative)

**Grantor and Grantee:** For purposes of this Agreement and for indexing by the Pierce County Auditor as required by RCW Ch. 65.04, the parties to this agreement are \_\_\_\_\_, **Grantor(s)**, and Pierce County, **Grantee**.

**Legal Description of Property:** (Note: include abbreviated legal description if complete legal will not fit here and reference to where complete legal can be found.)

**Assessor Parcel No(s):** \_\_\_\_\_

**A. Recitals.**

1. Grantor is the owner of certain real property in Pierce County, Washington, described above and referred to in this agreement as "the subject property".
2. Grantor is applying for: \_\_\_\_\_  
Permit(s)/approval(s) associated with the development of a proposed project on the subject property. The permit numbers are:  
\_\_\_\_\_.
3. Grantor acknowledges that there may be additional permits/approvals required prior to completion of the proposed project such as but not limited to: site development permits, final plat approval, wetland permits, etc. Grantor acknowledges that this right of entry agreement applies to all permits/approvals related to the proposed project even if the permits/approvals occur after the execution of this agreement.
4. In conjunction with the Grantor's proposed project referenced in Section A.2. above, the Grantor agrees to allow Pierce County personnel and its representative's access in accordance with Section B. below.

**B. Access.**

1. Grantor hereby grants to Pierce County Personnel and its representatives access to the subject property for the purpose of inspection and monitoring.
2. Grantor further grants to Pierce County personnel and its representatives access to the subject property for the purpose of completing requirements that have been financially guaranteed, such as but not limited to: site stabilization, completion of road and storm drainage construction, completion of conditions of approval, completion of mitigation measures, installation of wetland mitigation, correcting defective work, correcting defective facilities, etc.



instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of \_\_\_\_\_ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

My Appointment Expires: \_\_\_\_\_

(Ord. 2004-58s § 1 (part), 2004)





*Chapter 18.80*

**NOTICE**

**Sections:**

- 18.80.010 Introduction.**
- 18.80.020 Public Notice Matrix.**
- 18.80.030 Notice Types.**
- 18.80.040 Methods of Notice.**

**18.80.010 Introduction.**

Refer to Table 18.80.020 Public Notice Matrix for specific cross-references between methods of notice, notice types and permit categories. The following text is provided to supplement the provisions outlined in the Public Notice Matrix. (Ord. 96-19S § 1 (part), 1996)

**18.80.020 Public Notice Matrix.**

	Notice of Application	Notice of Threshold Determination	Notice of Public Hearing	Notice of Final Decision
Categories:	Day 0-14	Day 30-79	Day 30-90	Day 30-120
Building Permits, Administrative Design Review, Site Development Permits, Boundary Line Adjustments, Lot Combinations, Forest Practice Request for Single-Family Dwelling Exceptions (no SEPA, no public hearing)	<ul style="list-style-type: none"> <li>• Exempt</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant</li> </ul>
Building Permits, Site Development Permits Class IV-General Forest Practice Permits (SEPA, no public hearing)	<ul style="list-style-type: none"> <li>• Departmental Posting</li> <li>• Send SEPA Checklist to Reviewing Agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Publish in Newspaper</li> <li>• Mail to Applicant</li> <li>• Mail to Reviewing Agencies</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant and Parties of Record</li> </ul>
Administrative Permits: Admin. Nonconforming Use Permits, Admin. Use Permits, Minor Amendments, Class IV-General Forest Practice Permits, Plat Alterations (1) (SEPA, no public hearing)	<ul style="list-style-type: none"> <li>• Departmental Posting</li> <li>• Send SEPA Checklist to Reviewing Agencies</li> <li>• Mail to Adjacent Property Owners</li> <li>• Post Property</li> </ul>	<ul style="list-style-type: none"> <li>• Publish in Newspaper</li> <li>• Mail to Applicant</li> <li>• Mail to Reviewing Agencies</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant and Parties of Record</li> </ul>
Site Plan Review (no SEPA, public meeting required)	<ul style="list-style-type: none"> <li>• Departmental Posting</li> <li>• Mail to Adjacent Property Owners</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Post Property</li> <li>• Publish in Newspaper</li> <li>• Mail to Applicant</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant and Parties of Record</li> </ul>

	<b>Notice of Application</b>	<b>Notice of Threshold Determination</b>	<b>Notice of Public Hearing</b>	<b>Notice of Final Decision</b>
<b>Categories:</b>	<b>Day 0-14</b>	<b>Day 30-79</b>	<b>Day 30-90</b>	<b>Day 30-120</b>
<b>Administrative Permits: Admin. Nonconforming Use Permits, Admin. Use Permits, Minor Amendments, Plat Alterations (1), Binding Site Plans (no SEPA, no public hearing)</b>	<ul style="list-style-type: none"> <li>• Departmental Posting</li> <li>• Send Application to Reviewing Agencies</li> <li>• Mail to Adjacent Property Owners</li> <li>• Post Property</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant and Parties of Record</li> </ul>
<b>Conditional Use Permits, PDDs, PUDs, Nonconforming Use Permits, Public Facility Permits, Shoreline Substantial Dev. Permits, Shoreline Nonconforming Use Permits, Shoreline Conditional Use Permits, Rezones, Plat Alterations (1) (SEPA, public hearing required)</b>	<ul style="list-style-type: none"> <li>• Departmental Posting</li> <li>• Send SEPA Checklist to Reviewing Agencies</li> <li>• Mail to Adjacent Property Owners</li> <li>• Post Property</li> </ul>	<ul style="list-style-type: none"> <li>• Publish in Newspaper</li> <li>• Mail to Applicant</li> <li>• Mail to Reviewing Agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Adjacent Property Owners</li> <li>• Publish in Newspaper</li> <li>• Mail to Applicant</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant and Parties of Record</li> </ul>
<b>Zoning Variances, Shoreline Variances, Wetland Variances, Fish and Wildlife Habitat Stream Buffer Variances, Reasonable Use Exceptions, Forest Practice Request for Removal of Development Moratorium, Plat Alterations (1) (no SEPA, public hearing required)</b>	<ul style="list-style-type: none"> <li>• Departmental Posting</li> <li>• Send Application to Reviewing Agencies</li> <li>• Mail to Adjacent Property Owners</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Post Property</li> <li>• Publish in Newspaper</li> <li>• Mail to Applicant</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant and Parties of Record</li> </ul>
<b>Short Plats, Final Short Plats, Forest Practice Conversion Option Harvest Plans (no SEPA, no public hearing)</b>	<ul style="list-style-type: none"> <li>• Departmental Posting</li> <li>• Post Property</li> <li>• Mail to Adjacent Property Owners</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant and Parties of Record</li> </ul>
<b>Short Plats, Large Lots (SEPA, no public hearing)</b>	<ul style="list-style-type: none"> <li>• Departmental Posting</li> <li>• Send SEPA Checklist to Reviewing Agencies</li> <li>• Post Property</li> <li>• Mail to Adjacent Property Owners</li> </ul>	<ul style="list-style-type: none"> <li>• Publish in Newspaper</li> <li>• Mail to Applicant</li> <li>• Mail to Reviewing Agencies</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant and Parties of Record</li> </ul>
<b>Preliminary Plats (2) (SEPA, public hearing required)</b>	<ul style="list-style-type: none"> <li>• Departmental Posting</li> <li>• Send SEPA Checklist to Reviewing Agencies</li> <li>• Post Property</li> <li>• Mail to Adjacent Property Owners</li> </ul>	<ul style="list-style-type: none"> <li>• Publish in Newspaper</li> <li>• Mail to Applicant</li> <li>• Mail to Reviewing Agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Adjacent Property Owners</li> <li>• Publish in Newspaper</li> <li>• Mail to Applicant</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant and Parties of Record</li> </ul>

	Notice of Application	Notice of Threshold Determination	Notice of Public Hearing	Notice of Final Decision
Categories:	Day 0-14	Day 30-79	Day 30-90	Day 30-120
General Wetland Review, Single Family Wetland Review, Agricultural Wetland Review, and Fish and Wildlife Review (no SEPA, no public hearing required)	<ul style="list-style-type: none"> <li>• Post Property</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant and Parties of Record</li> </ul>

Notes:

- (1) Notice of the filing of a plat alteration shall be given to the State, municipalities, public utilities, and adjacent property owners in the following cases and manner:
  - a. When a proposed plat alteration is located within one mile of any city or town, within a city's or town's Urban Growth Area or Urban Service Area, or which contemplates the use of any public utilities, notice shall be given to the city's or town's legislative body and to the public utilities governing body.
  - b. When a proposed plat alteration is located adjacent to the right-of-way of a State highway or within two miles of the boundary of a state or municipal airport, notice shall be given to the Secretary of Transportation.
  - c. Notice shall be given to all the owners of property within the subdivision.
  - d. The notice shall include a date for a public hearing or provide that a hearing may be requested by a person receiving notice within the notice of application comment period, as set forth in Section 18.80.030 A.
- (2) Notice of the filing of a preliminary plat shall be given to the State, municipalities, public utilities, and school districts in the following cases and manner:
  - a. When a proposed subdivision which is to be located within one mile of any city or town, within a city's or town's urban growth area (UGA) or urban service area (USA), or which contemplates the use of any public utilities, notice shall be given to the city's or town's legislative body and to the public utilities governing body.
  - b. When a proposed subdivision which is to be located adjacent to the right-of-way of a State highway or within two miles of the boundary of a State or municipal airport, notice shall be given to the Washington State Secretary of Transportation.
  - c. Notice shall be given to the school district within which the subdivision is proposed.
  - d. When the proposed subdivision lies within a designated flood control zone pursuant to Chapter 86.16 RCW, notification shall be given to the Washington State Department of Ecology, or its successor.

(Ord. 2009-18s3 § 1 (part), 2009; Ord. 2005-11s2 § 2 (part), 2005; Ord. 2004-52s § 1 (part), 2004; Ord. 2002-113s § 1 (part), 2002; Ord. 99-68 § 2, 1999; Ord. 98-87 § 1 (part), 1998; Ord. 97-84 § 1 (part), 1997)

### 18.80.030 Notice Types.

#### A. Notice of Application.

1. **Time Period.** The Department shall provide a notice of application (as defined in Section 18.80.030 A.2.) to the public and agencies with jurisdiction within 14 days after acceptance of a complete application. A copy of the notice of application shall be promptly mailed to any individuals, organizations, and agencies that request such notice in writing.
2. **Contents.** At a minimum, the notice of application shall contain the following information:
  - a. the date of application and the date of the notice of application;
  - b. a description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.090;
  - c. the identification of other permits not included in the application to the extent known by the local government;
  - d. the identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, the location where the application and any studies can be reviewed;
  - e. a statement of the public comment period, which shall be not less than 14 nor more than 30 days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;
  - f. the date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;
  - g. a statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in RCW 36.70B.040;
  - h. subject property location;
  - i. name of the applicant;
  - j. Department contact and telephone number; and
  - k. applicant contact and phone number.
3. **Method.** Refer to Table 18.80.020 and Section 18.80.040 for method of providing notice of application.
4. **Comment Period.** The public and agencies with jurisdiction shall have up to 28 days from the acceptance of a complete application to provide the Department with written comments, except applications for Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, Shoreline Variances, and Shoreline Nonconforming Use Permits which shall be 30 days from the date of the notice of application.
5. **Exemptions.** Lot line or boundary adjustments, lot combinations, final plats and building and construction permits, or similar administrative approvals, which are categorically exempt from environmental review as set forth in Title 18D,

Development Regulations – Environmental, or for which environmental review has been completed in connection with other project permits shall be exempt from the notice of application procedures.

- B. Notice of Threshold Determination.** Whenever Pierce County issues a DNS under WAC 197-11-340(2), or a DS under WAC 197-11-360(3), a DEIS under WAC 197-11-455(5), an FEIS under WAC 197-11-460, or SEIS under WAC 197-11-620, public notice shall be given as follows:
1. **Time Period.**
    - a. Threshold determinations of nonsignificance (DNS/MDNS) shall be issued after the expiration of the Notice of Application comment period as set forth in Section 18.80.030 A. and a minimum of 40 days prior to a public hearing, if applicable.
    - b. Threshold determinations of significance may be issued prior to or concurrent with the Notice of Application.
    - c. The FEIS/FSEIS shall be issued within 60 days from the end of the comment period of the DEIS/ DSEIS unless the proposal is unusually large in scope, the EIS/SEIS is unusually complex, or extensive modifications are required to respond to public comments.
  2. **Contents.** At a minimum, public notice required for threshold determination shall contain the following:
    - a. statement that a DS, DNS, DEIS, FEIS, DSEIS or FSEIS has been issued;
    - b. appeal period;
    - c. if applicable, when the comment period expires; and
    - d. whenever the County issues a DS under WAC 197-11-360(3), the County shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408.
  3. **Method.** Refer to Table 18.80.020 and Section 18.80.040 for method of providing notice of threshold determination.
  4. **Comment Period.**
    - a. The threshold determination for a DNS/MDNS, issued under 197-11-340(2), shall have a 14-day comment period commencing upon the date of issuance of such determination. The appeal period shall start upon the expiration of the comment period.
    - b. The comment period on the issuance of a DS shall be a minimum of 21 days, commencing from the date of issuance of such determination.
    - c. The comment period on the issuance of the DEIS/DSEIS shall be a minimum of 30 days, and a maximum of 45 days commencing from the date of issuance of such document. The lead agency may, upon request, extend the comment period a maximum of an additional 15 days up to a maximum of 45 days total for the entire comment period.
  5. **No Action Period.** Pierce County shall not act on a proposal for which an EIS/SEIS has been required prior to seven days after the issuance of the FEIS/FSEIS.
- C. Notice of Public Hearing.**
1. **Time Period.**
    - a. The Department shall provide notice of the time and place of public hearings held by the Hearing Examiner. Notice of the public hearing shall be provided a minimum of 10 days prior to the scheduled public hearing date.

- b. **Advisory Commission Meetings.** If applicable, all advisory commission meetings shall be held prior to Hearing Examiner review. Notice of the advisory commission meeting shall be issued at the time the notice is given for a scheduled public hearing. Failure by the advisory commission to review or make a recommendation shall not preclude the Hearing Examiner from conducting the scheduled public hearing.
  2. **Content.** At a minimum, public notice of a public hearing shall contain the following information:
    - a. the date, time and place of the public hearing;
    - b. if applicable, the date, time and place of an advisory commission meeting;
    - c. the subject matter of the public hearing;
    - d. any appeals which may be reviewed at the public hearing;
    - e. if applicable, a threshold determination; and
    - f. a description of the location of the subject property (in nonlegal language).
  3. **Method.** Refer to Table 18.80.020 and Section 18.80.040 for method of providing notice of public hearing.
  4. If for any reason a public hearing on a pending action cannot be completed on the date set in the public notice, the hearing may be continued to a date certain and no further notice under this Section is required.
- D. **Notice of Final Decision.**
1. **Time Period.** The Department or Hearing Examiner shall provide a notice of final decision to the applicant and to any person who, prior to the rendering of the decision, requested specifically, in writing, a notice of the decision. This notice shall be provided within 10 days from the issuance of the final decision.
  2. **Content.** The notice of final decision may be a copy of the report, permit or decision on the application and shall include a statement of any threshold determination or an adopted Environmental Impact Statement if applicable, as set forth in Title 18D, Development Regulations – Environmental, and the procedures for administrative appeal, if applicable.
  3. **Method.** Refer to Table 18.80.020 and Section 18.80.040. for method of providing notice of final decision.

(Ord. 2009-18s3 § 1 (part), 2009; Ord. 2005-11s2 § 2 (part), 2005; Ord. 97-84 § 1 (part), 1997; Ord. 96-19S § 1 (part), 1996)

#### **18.80.040 Methods of Notice.**

Refer to Table 18.80.020 Public Notice Matrix and A.-D. below for specific cross-references between methods of notice, notice types and permit categories.

- A. **Departmental Posting.** Notice shall be posted in the Department at a central location accessible to the public.
- B. **Mailing.** Notice shall be sent by the Department, addressed through the United States mail, to the following:
  1. all property owners of record within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property;
  2. the applicant; and
  3. reviewing agencies including environmental agencies with jurisdiction, state agencies with jurisdiction, affected tribes, and each local agency or political subdivision whose public services would be affected by implementation of the proposal.

C. **Posting the Property.** Notice shall be posted by the applicant on the subject property in accordance with specifications provided by the Department. In accordance with Department property posting requirements, applicants shall submit affidavits of posting to the Department within 28 days from the filing of a complete application.

D. **Publication.**

1. **Public Hearings.** Notice shall be published in the official County newspaper and a newspaper of general circulation within the general area where the subject property is located, as determined by the Department.

2. **Threshold Determination.** Notice shall be published in the official County newspaper.

(Ord. 97-84 § 1 (part), 1997; Ord. 96-19S § 1 (part), 1996)



## *Chapter 18.100*

### ***TIME PERIOD FOR FINAL DECISION***

#### **Sections:**

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

#### **18.100.010 Notice of Final Decision.**

The Director or Examiner shall issue a notice of final decision on a permit within 120 days, of County review time, after the Department accepts a complete application as provided in Section 18.40.020 above. (Ord. 96-19S § 1 (part), 1996)

#### **18.100.020 Exclusions to Time Periods.**

The 120-day time period established in Section 18.100.010 above shall not apply in the following situations:

- A. Any period during which the applicant has been requested by the Department to correct plans, perform required studies, or provide additional information. This period of time shall be calculated from the date the Department or Examiner notifies the applicant of the need for additional information until the Department or Examiner notifies the applicant that the additional information satisfies the request or 14 days after the last required submittal of the information, whichever is earlier;
- B. Any period during which an EIS is being prepared in accordance with time periods set forth in Title 18D, Development Regulations – Environmental, including any time period for appeal of an Administrative Official's Determination of Significance;
- C. Any period for appeals of administrative decisions, as set forth in Chapter 1.22, Pierce County Code;
- D. Any extension of time mutually agreed upon in writing between the applicant and the Department;
- E. If the permit requires approval of a New Fully Contained Community, Master Planned Resort, or Master Planned Community, (refer to Section 18A.75.050, Planned Development District, for time limitations); or
- F. Any period during which a Landmark designation, street vacation, or other approval relating to the use of public areas or facilities is being considered.

(Ord. 96-19S § 1 (part), 1996)

#### **18.100.030 Failure to Meet Time Period.**

If the Director or Examiner is unable to issue a notice of final decision within the 120 days, as prescribed in 18.100.010 above, then a written notice of this fact shall be provided to the applicant together with a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision. The Department and/or County shall not be liable for damages under this Section if the notice of final decision is not issued within 120 days. (Ord. 96-19S § 1 (part), 1996)

**18.100.040 Time Computations.**

Any reference to a time period, unless otherwise specifically stated, shall be calculated based upon calendar days. (Ord. 96-19S § 1 (part), 1996)

## *Chapter 18.120*

### **CODE INTERPRETATIONS**

#### **Sections:**

- 18.120.010 Purpose.**
- 18.120.020 Applicability.**
- 18.120.030 Definitions.**
- 18.120.040 Code Interpretation Process.**
- 18.120.050 Indexing.**

#### **18.120.010 Purpose.**

The purpose of this Section is to establish a procedure for interpreting ambiguous provisions of any applicable Title. (Ord. 96-19S § 1 (part), 1996)

#### **18.120.020 Applicability.**

The provisions of this Section shall apply to any Administrative Official's order, condition, requirement, permit, decision, or determination made pursuant to any applicable Title. (Ord. 96-19S § 1 (part), 1996)

#### **18.120.030 Definitions.**

- A. "Code Interpretation" means a written decision issued by the Director or other designated Administrative Official regarding the interpretation of any provision set forth in any code, regulation, ordinance, license or permit. Code interpretations may also be referred to as "administrative interpretations" or "administrative determinations."

(Ord. 96-19S § 1 (part), 1996)

#### **18.120.040 Code Interpretation Process.**

- A. Any person(s) may submit a written request for a code interpretation to the Director, regarding any applicable title or any subsequent amendment thereto.
- B. Only one interpretation per issue shall be rendered by the Director. In the event an interpretation is requested on an issue previously addressed, the Director shall provide a copy of the previous interpretation to satisfy such request.
- C. At a minimum the request for a code interpretation shall include:
  - 1. the section of the code that is allegedly ambiguous or needing clarification;
  - 2. the subject matter or nature of the request; and
  - 3. facts that are relevant to the request.
- D. The Director may deny or reject the request if there is no ambiguity or need for clarification demonstrated by the requestor.
- E. The Director shall provide a quarterly report to the Council on Code interpretations rendered. The report shall include, if necessary, any recommendations for Code amendments.

(Ord. 96-19S § 1 (part), 1996)

**18.120.050 Indexing.**

All code interpretations, and Hearing Examiner decision on such interpretations if applicable, shall be numbered consecutively in the order of their issuance and shall become a part of the permanent official records of the Department. Code interpretations shall be made available for public access and review until such time as the applicable section of the code is amended to provide the necessary clarification. (Ord. 96-19S § 1 (part), 1996)

*Chapter 18.140*

**COMPLIANCE**

**Sections:**

- 18.140.010 Purpose.**
- 18.140.020 Applicability.**
- 18.140.030 Permits, Approvals and Uses.**
- 18.140.040 General Enforcement Provisions.**
- 18.140.050 Penalties.**
- 18.140.060 Revocation, Modification and Expiration.**

**18.140.010 Purpose.**

The purpose of this Chapter is to establish authority and procedures for compliance with the Pierce County Development Regulations and other regulations as set forth in PCC 18.20.020 and contains enforcement, penalty, modification, expiration, and revocation provisions. (Ord. 2003-57s § 1 (part), 2003; Ord. 97-84 § 1 (part), 1997)

**18.140.020 Applicability.**

The provisions of this Chapter shall be applicable to any building or structure erected or maintained or any land use or activity on a property taken contrary to any provision of the Pierce County Development Regulations, or other regulations as set forth in PCC 18.20.020. Such activity or use shall be and is hereby declared to be an unlawful public nuisance and subject to the provisions contained within this Chapter. (Ord. 2003-57s § 1 (part), 2003; Ord. 97-84 § 1 (part), 1997)

**18.140.030 Permits, Approvals and Uses.**

- A. **Permits and Approvals.** Pierce County regulations require acquisition of permits or approvals before certain activity may be performed. It shall be unlawful to conduct these regulated activities without first obtaining a written permit or approval. When a permit or approval has been issued, it shall be unlawful to act in a manner which is inconsistent with such permit or approval.
- B. **Uses.** The Development Regulations identify zone classifications and uses allowed in various geographic areas. It shall be unlawful to use property contrary to those zones and use classifications unless such use is considered to be legally nonconforming or otherwise exempt from the Development Regulations.
- C. **No Conflicting Licenses or Permits Shall be Issued.** No license, permit, or approval for uses, buildings, or activity where the same would be in conflict with any provision of the Pierce County Development Regulations shall be issued. In the event that conflicting licenses, permits, or approvals are issued, the most restrictive license, permit, or approval shall apply while any license, permit, or approval, if issued in conflict with the provisions hereof, shall be null and void.

(Ord. 2003-57s § 1 (part), 2003; Ord. 97-84 § 1 (part), 1997)

**18.140.040 General Enforcement Provisions.**

- A. **Responsibility of Enforcement.** It shall be the duty of the Planning and Land Services (PALS) Department to enforce the provisions of the Pierce County Development Regulations.
- B. **Notice and Orders to Correct, Stop Work Orders or Any Other Written Order.**
  - 1. **Authority.** The Building Official, Fire Marshal, Planning Director, Sheriff, or their respective designees including, but not limited to, Building Inspectors, Code Enforcement Officers, Environmental Biologists, and Development Engineering staff, are hereby authorized to issue a Notice and Order to Correct, Stop Work Order, or any other written Order when any person, firm, corporation or agent thereof, has erected or maintained any building or structure, or conducted any land use or activity contrary to any provision of the Pierce County Development Regulations.
  - 2. **Orders.** Notice and Orders to Correct, Stop Work Orders, or any other written Orders shall be obeyed upon issuance of the Order. Such Order shall specify each violation by reference to the specific Title, Chapter, and Section or by reference to the approved permit. Such Order shall state that failure to comply with such Notice and Order to Correct or Stop Work Order may result in the filing of criminal misdemeanor charges as set forth in PCC 18.140.050.
- C. **Cease and Desist Orders.**
  - 1. **Authority.** The Building Official, Fire Marshal, Planning Director, Sheriff, or their respective designees including, but not limited to, Building Inspectors, Code Enforcement Officers, Environmental Biologists, and Development Engineering staff, are hereby authorized to issue a Cease and Desist Order when any person, firm, corporation, or agent thereof is making or partaking in any use of land, development, or any activity which is not permitted by the Pierce County Development Regulations.
  - 2. **Orders.** Cease and Desist Orders shall be obeyed immediately and all activity shall cease upon issuance of the Order. The Order shall specify each violation by reference to the specific Title, Chapter, and Section or by reference to the approved permit. The Order shall state that a hearing may be requested as specified in PCC 1.22.090, Appeals of an Administrative Determination.
  - 3. **Appeals and Decisions.** Appeals of Cease and Desist Orders shall proceed according to PCC 1.22.090, Pierce County Hearing Examiner Code. After hearing said matter, the Examiner shall issue a decision upholding, revoking, or modifying the prior Order. The decision of the Examiner is final and conclusive unless said matter is determined otherwise by the appropriate court.
- D. **Additional Enforcement Powers.**
  - 1. The County may require the property owner to remove or replace illegal earthwork, structures, or appurtenances (such as on-site septic systems or wells), and reclaim any illegally graded parcel. Earth material brought onto a parcel must be removed to a properly-permitted disposal site.
  - 2. The County may remove, correct, or replace any illegal or improperly placed earthwork or constructed facility, structure or appurtenances (such as on-site septic systems or wells), or portion thereof.
    - a. Earth materials brought onto a parcel must be removed to a properly-permitted disposal site.

- b. All expenses incurred by the County shall be paid by the property owner. If Pierce County is required to bring an action to recover such costs, the County will recover reasonable attorney's fees and interest at 12 percent per annum to run from the date the work was completed by the County. Applicants must agree to this provision as a condition of issuance of any permit authorized by the Development Regulations.
  - c. The County is authorized to make inspections and as required to enforce these Regulations. The County representative must be able to present proper credentials and identification before entering onto private property.
3. The County may record a Notice of Non-Compliance with the Pierce County Auditor against the property on which a violation has taken place. A Notice of Non-Compliance will be recorded only after other resolution remedies have been unsuccessfully pursued. A Notice of Non-Compliance is recorded on the title to notify any interested parties or lenders that a violation exists on the property and removal of such notice will be subject to the following:
- a. The enforcement action and associated penalties have been dismissed or decided in favor of the person to whom the violation notice was issued; or
  - b. Any monetary penalty assessed for the violation has been paid and the violation has been remedied to the satisfaction of the County (i.e., final inspections have occurred or approvals have been granted).
  - c. Once either a. or b. above has occurred, the County shall file a Notice of Compliance with the Pierce County Auditor that states the violation has been resolved and the Notice of Non-Compliance is no longer valid.

(Ord. 2009-18s3 § 1 (part), 2009; Ord. 2004-58s § 1 (part), 2004; Ord. 99-86 § 2, 1999; Ord. 97-84 § 1 (part), 1997)

#### **18.140.050 Penalties.**

The purpose of penalty provisions is to discourage violations of existing codes and regulations and to provide a mechanism to obtain redress for ecological, recreational, and economic values lost or damaged due to any unlawful actions. The type of penalties levied shall be dependent upon the specific action and Development Regulation provision(s) being violated.

- A. **Civil Infractions.** Failure to comply with any permit or decision issued pursuant to the Pierce County Development Regulations constitutes a Class 1 civil infraction as defined in Chapter 1.16.
- B. **Civil Penalty.** The provisions of this subsection are in addition to and not in lieu of any other penalty, sanction, or right of action provided by law. Any person who fails to obtain a necessary permit prior to conducting activities governed by the provisions of this Title shall be assessed a civil penalty as follows:
  1. The Director or Designee shall assess the violator a civil penalty not to exceed \$1,000.00 for each violation. Each violation or each day of continued unlawful activity shall constitute a separate violation.
  2. Any person who, through an act of commission or omission, aids in a violation shall be considered to have committed the violation for purposes of the civil penalty.
  3. The Director or Designee shall impose the penalty provided for in this Section by sending written notice, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty. Such written notice shall describe the violation with reasonable particularity and shall order appropriate corrective action(s) to be taken within a specified time period.

4. Within 30 days after the notice of penalty is received, the person incurring the penalty may apply in writing to the Director or Designee for remission or mitigation of such penalty. Upon receipt of the application, the Director may remit or mitigate the penalty upon whatever terms are deemed proper to bring about compliance with the applicable regulations.
  5. Any decision(s) regarding remission or mitigation of penalties imposed pursuant to this subsection may be appealed to the Pierce County Hearing Examiner under Chapter 1.22, PCC.
  6. If the penalty is not appealed, the violator will have up to 30 days after receipt of notice for payment of the penalty, unless a written request is made to the Director or Designee, who may then grant a longer time period for payment.
  7. All civil penalties recovered pursuant to this subsection shall be deposited into a fund of the division taking the enforcement action.
  8. Any violation of the Hearing Examiner Conditions that exceeds the requirements for a Minor Amendment as set forth in PCC 18A.85.040 C.1. shall pay a penalty in the amount of one-half the cost of the original Land Use Application fee. This penalty may not be applied toward application fees.
- C. **Misdemeanor.** Any person, firm, or corporation violating any of the provisions of the Pierce County Development Regulations or failing to obtain a permit shall be deemed guilty of a misdemeanor and shall be punishable as provided by the Statutes of the State of Washington for committing a misdemeanor.
- D. **Gross Misdemeanor.** Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this Title adopted pursuant to State law:
1. Relating to the sale, offer for sale, lease or transfer of any lot, tract, or parcel of land shall be guilty of a gross misdemeanor, and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of the Subdivision and Platting regulations shall be deemed a separate and distinct offense; and
  2. Any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of this Chapter and/or the Shoreline Management Regulations shall be guilty of a gross misdemeanor pursuant to the provisions set forth in RCW 90.58.220.
- E. **Each Day a Separate Offense-Injunction.** Each person, firm, or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of the Pierce County Development Regulations is committed, continued, or permitted by such person, firm, or corporation and shall be punishable therefore as provided for in this Chapter; and any activity, use, occupation, building, or structure maintained contrary to the provisions hereof shall constitute an unlawful public nuisance and may be enjoined as provided by the Statutes of the State of Washington.
- F. **Additional Penalties.**
1. Failure to comply with any Development Regulations will be cause for withholding or withdrawing approval of the overall project plans, revocation of the approval or permit, suspension of building inspections, forfeiture of the financial guarantee submitted to the County, and/or nonacceptance of the work by the County.

2. Any person who violates any provision of the Shoreline Management Regulations shall also be subject to additional penalties as set forth in RCW 90.58.210 and .230. (Ord. 2009-18s3 § 1 (part), 2009; Ord. 2007-85s § 1 (part), 2007; Ord. 2004-58s § 1 (part), 2004; Ord. 97-84 § 1 (part), 1997)

#### **18.140.060 Revocation, Modification and Expiration.**

The purpose of this Section is to provide the authority and procedures for the revocation, modification, and expiration of permits and approvals granted pursuant to the Pierce County regulations.

- A. **Hearing Examiner's Authority.** The Hearing Examiner has the authority to revoke or modify any permit or approval which was issued pursuant to his or her review. Prior to such revocation or modification, a public hearing shall be held by the Examiner and procedures concerning notice, reporting, and appeals shall be the same as required for the initial consideration thereof, provided that when any permit or approval is not exercised within the time specified in such permit or approval or, if no date is specified, within one year from the approval date of said permit or approval, the permit or approval shall automatically become null and void and no public hearing shall be required on the matter.
  - B. **Director's Authority.** The Director or designee has the authority to revoke or modify any permit or approval which was issued pursuant to his or her review. Prior to such revocation or modification, the Director or designee shall follow procedures concerning notice and appeals as required for the initial consideration thereof, provided that when any permit or approval is not exercised within the time specified in such permit or approval or, if no date is specified, within one year from the approval date of said permit or approval, the permit or approval shall automatically become null and void and no public hearing shall be required on the matter.
  - C. **Initiation of an Action.** An action to revoke or modify any matter set forth in subsections A. and B. may be initiated by:
    - 1. The Examiner;
    - 2. The Director; or
    - 3. The petition of any aggrieved party directly affected by the project or use together with a filing fee listed in Chapter 2.05, PCC, and filed with the Department.
  - D. **Grounds for Revocation or Modification.** Such revocation or modification shall be made on any one or more of the following grounds:
    - 1. That the approval or permit was obtained by fraud;
    - 2. That the use for which such approval or permit was granted is not being exercised;
    - 3. That the use for which such approval or permit was granted has ceased to exist or has been suspended for one year or more;
    - 4. That the approval or permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval or permit, or in violation of any statute, resolution, code, law, or regulation.
    - 5. That the use for which the approval or permit was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.
  - E. **Expiration.** When any permit or approval is not exercised by the expiration date indicated on the approval or permit or, if no expiration date, is specified, one year from the approval date, the permit or approval shall expire. No extension of the expiration date for a permit or approval shall be granted unless such extension is approved pursuant to specific provisions for the relevant permit or approval.
- (Ord. 2003-57s § 1 (part), 2003; Ord. 97-84 § 1 (part), 1997)



## *Chapter 18.160*

### *VESTING*

#### **Sections:**

- 18.160.010 Definitions.**
- 18.160.020 Purpose.**
- 18.160.030 Applicability.**
- 18.160.050 Vesting of Applications.**
- 18.160.060 Duration of Approvals.**
- 18.160.070 Modification.**
- 18.160.080 Expiration of Applications.**
- 18.160.090 Waiver of Vesting.**

#### **18.160.010 Definitions.**

For purposes of this Chapter, the following definitions shall apply:

- A. "Complete Application" means an application submitted to the County pursuant to Title 18 that contain all of the information described in Section 18.40.020.
- B. "Development Regulations," also referred to as "Land Use Controls", means the following controls placed on development or land use activities by the County, including but not limited to, comprehensive plan policies, zoning regulations, subdivision regulations, shoreline management regulations, road design standards, site development regulations (other than stormwater standards and erosion/sediment control requirements), forest practice regulations, sign regulations, critical areas and resource lands regulations, and Hearing Examiner conditions and all development regulations and land use controls that must be satisfied as a prerequisite to obtaining approval. For purposes of this Title, construction and utility regulations such as stormwater standards and erosion/sediment control requirements contained in the Site Development Regulations, building standards, fire standards, sewer utility standards, and Health Department standards are not considered development regulations or land use controls.
- C. "Vesting" means the establishment of a date that is used to determine which development regulations the Department and Hearing Examiner will apply to the review of a complete application or approved development permit.

(Ord. 98-66S § 1 (part), 1999)

#### **18.160.020 Purpose.**

The purpose of this Chapter is to implement plan policies and state laws that provide for vesting. This Chapter is intended to provide property owners, permit applicants, and the general public assurance that regulations for project development will remain consistent during the lifetime of the application. The Chapter also establishes time limitations on vesting for permit approvals and clarifies that once those time limitations expire, all current development regulations and current land use controls apply. (Ord. 98-66S § 1 (part), 1999)

**18.160.030 Applicability.**

This Chapter applies to complete applications and permit approvals required by Pierce County pursuant to Title 18, including and limited to, use permits, preliminary plats, final plats, short plats, large lot divisions, binding site plans, shoreline development permits and any other land use permit application that is determined by the Washington State legislature to be subject to the Vested Rights Doctrine. Vesting of building permit applications are governed by the rules of RCW 19.27.095 and Title 15 PCC. (Ord. 98-66S § 1 (part), 1999)

**18.160.050 Vesting of Applications.**

- A. An application described in Section 18.160.030 shall be reviewed for consistency with the applicable development regulations in effect on the date the application is deemed complete.
- B. An application described in Section 18.160.030 shall be reviewed for consistency with the construction and utility standards in effect on the date the separate application for a construction or utility permit is deemed complete. An applicant may submit a separate construction or utility permit application simultaneously with any application described in Section 18.160.030 to vest for a construction or utility standard. A site development application for stormwater design and construction may vest on the date of preliminary plat or use permit application if the applicant submits the stormwater site development application within 180 days of completed preliminary plat or use permit application and adheres to the process outlined in 18.40.010 D. The application or approval of a construction or utility permit or the payment of connection charges or administrative fees to a public utility does not constitute a binding agreement for service and shall not establish a vesting date for development regulations used in the review of applications described in 18.160.030.
- C. An application described in Section 18.160.030 utilizing vested rights shall be subject to all development regulations in effect on the vesting date.
- D. An application described in Section 18.160.030 that is deemed complete is vested for the specific use, density, and physical development that is identified in the application submittal.
- E. Applications submitted pursuant to Title 18 that are not listed in Section 18.160.030 shall be governed by those standards which apply to said application. These applications shall not vest for any additional development regulations.
- F. The property owner is responsible for monitoring the time limitations and review deadlines for the application. The County shall not be responsible for maintaining a valid application. If the application expires, a new application may be filed with the Department, but shall be subject to the development regulations in effect on the date of the new application.

(Ord. 98-66S § 1 (part), 1999)

**18.160.060 Duration of Approvals.**

- A. **Use Permits.** An approved use permit shall be allowed to develop for a period of one year from the effective date of the permit approval unless a different time limitation was specifically authorized in the final approval. The development of an approved use permit shall be governed by the terms of approval of the permit unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

- B. **Preliminary Plat.** Development of an approved preliminary plat shall be based on the controls contained in the Hearing Examiner's decision. A final plat meeting all of the requirements of the preliminary plat approval shall be submitted within five years of the effective date of the Hearing Examiner's decision. Any extension of time beyond this five year limitation may contain additional or altered conditions and requirements based on current development regulations and other land use controls.
  - C. **Use Permits Associated with a Preliminary Plat.** Use Permit applications, such as Planned Development District applications, that are approved as a companion to a preliminary plat application, shall remain valid for the duration of the preliminary and final plat as provided in subsections B. and D.
  - D. **Final Plat.** The lots in a final plat may be developed by the terms of approval of the final plat, and the development regulations in effect at the time the preliminary plat application was deemed complete for a period of five years from the recording date unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.
  - E. **Short Plat, Large Lot Division.** The lots in a short plat or large lot division may be developed by the terms and conditions of approval, and the development regulations in effect at the time the application was deemed complete for a period of five years from the recording date unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.
  - F. **Binding Site Plan.** The lots in a Binding Site Plan may be developed by the terms of approval of the Binding Site Plan, and the development regulations in effect at the time the application was deemed complete for a period of five years from the recording date unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.
  - G. All approvals described in this Section shall be vested for the specific use, density, and physical development that is identified in the permit approval.
- (Ord. 98-66S § 1 (part), 1999)

**18.160.070 Modification.**

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

- A. Modifications proposed by the Department to an application shall not be considered a new application.
- B. Any modification to an application may require revised public notice and/or additional review fees.
- C. Modifications proposed by the applicant to a pending application which meet or exceed any of the criteria in Sections C.1.- C.8. as determined by the Department shall require a new application. The new application shall conform to the development regulations which are in effect at the time the new application is submitted. The Department shall apply the following criteria to determine if a substantial modification is proposed:
  - 1. the perimeter boundaries of the original site are extended by more than 5 percent of the original lot area;
  - 2. the modification adds more than 25 percent gross square footage to proposed structures on the site;
  - 3. the modification increases the overall impervious surface on the site by more than 25 percent;

4. the modification increases the overall residential density of a site by more than 20 percent;
  5. the modification reduces designated open space by more than 10 percent;
  6. the modification increases or substantially relocates points of access unless supported by a revised traffic analysis;
  7. the modification consists of changing the original application's primary use category to a new primary use category of greater intensity, as determined by the new use's impacts, including but not limited to traffic, impervious surface, noise, glare, dust, and hours of operation; or
  8. the modification will result in a substantial change in the project's impacts and/or use.
- D. Proposed modifications to applications that do not exceed the criteria described in C.1. through C.7. shall be reviewed for the development regulations in effect on the date of the original complete application.

(Ord. 2004-52s § 1 (part), 2004; Ord. 98-66S § 1 (part), 1999)

#### **18.160.080 Expiration of Applications.**

Any application type described in Section 18.160.030 that was pending on July 28, 1996, that does not contain all submittal items and required studies that are necessary for a public hearing or has not been reviewed by the Hearing Examiner in a public hearing shall become null and void one year after registered notice is mailed to the applicant and property owner. A one time, one year time extension may be granted by the Hearing Examiner after a public hearing if the extension request is submitted within one year of the effective date of this Chapter and applicant has demonstrated due diligence and reasonable reliance towards project completion. In considering due diligence and reasonable reliance the Examiner shall consider the following:

- A. Date of initial application
- B. Time period the applicant had to submit required studies
- C. Availability of necessary information
- D. Potential to provide necessary information within one year
- E. Applicant's rationale or purpose for delay
- F. Applicant's ability to show reliance together with an expectation that the application would not expire.

(Ord. 98-66S § 1 (part), 1999)

#### **18.160.090 Waiver of Vesting**

A property owner may voluntarily waive vested rights at any time during the processing of an application by delivering a written and signed waiver to the Director stating that the property owner agrees to comply with all development regulations in effect on the date of delivery of the waiver. Any change to the application is subject to the modification criteria described in Section 18.160.070 and may require revised public notice and/or additional review fees. (Ord. 98-66S § 1 (part), 1999)