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

**Chapter 18.20**

**INTRODUCTION**

**18.20.020 Applicability.**

The regulations identified in this Title apply to Pierce County Codes including, but not limited to: ~~Title 16, Subdivisions and Platting~~; 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.



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*Chapter 18.25*

**DEFINITIONS**

"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.

"Dangerous 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.

"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.

"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.65.

"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.

"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 agricultural resource lands and recreational conservation lands 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.



1 "Purchase of Development Rights ranking criteria" means the criteria used to prioritize  
2 purchasing development rights from the most strategic farmland parcels, resource and rural farm  
3 lands, recreational trails, open space, and habitat areas.  
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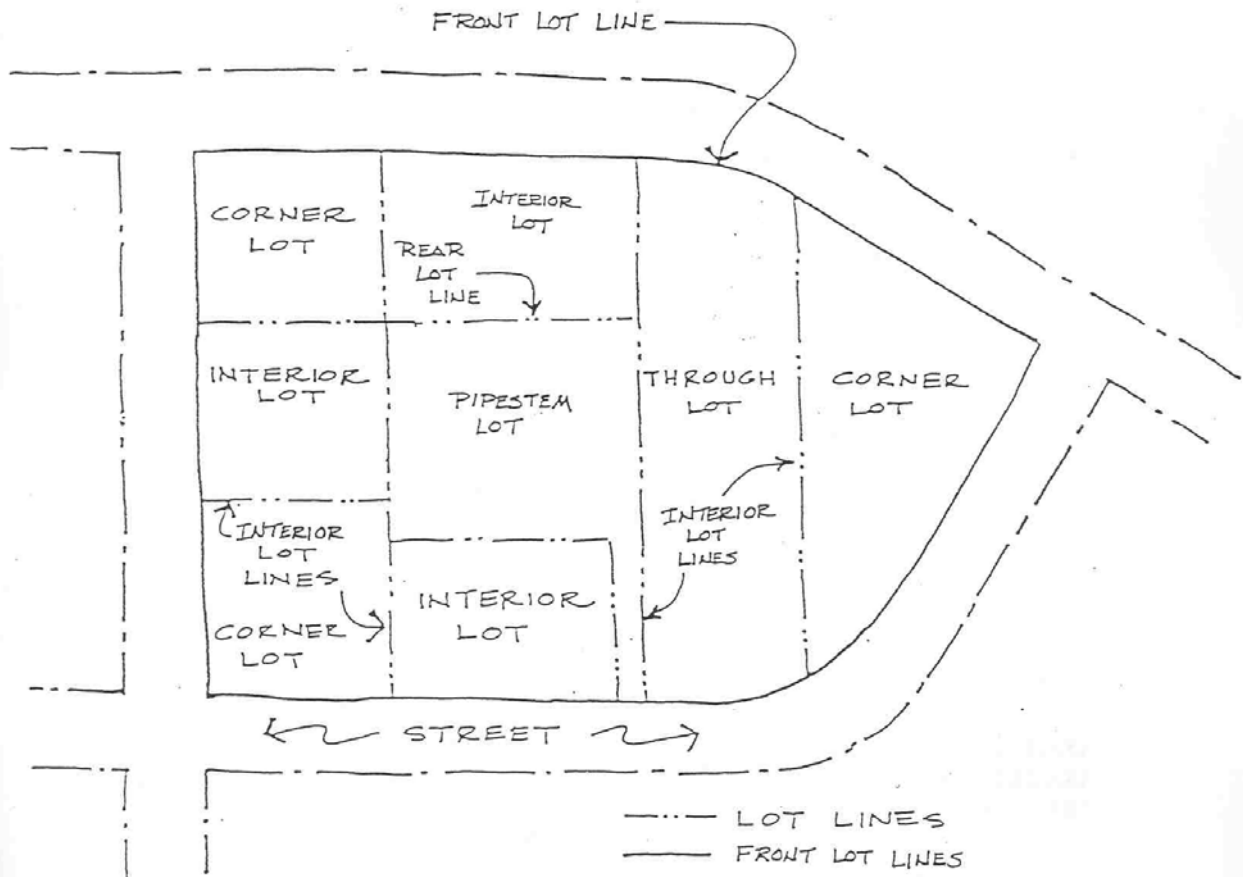
5 ~~"Reserved Road Area" means a defined area of land within the short subdivision which is~~  
6 ~~required by the County Engineer to be reserved for a future road, and said area shall be dedicated~~  
7 ~~to the County at the time of approval, but the road need not be constructed by the applicant or~~  
8 ~~developer until such time as stated in the ordinance. Setbacks shall be established as if the~~  
9 ~~reserved road area were dedicated.~~

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11 "Subdivision" is any voluntary or involuntary division or redivision of land into ten or more lots,  
12 tracts, parcels, sites, or division for the purpose of sale, lease, or transfer of ownership, except  
13 lots created through a binding site plan or large lot division process as defined in this Section.

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15 "Wildland" generally applies to those forested areas located outside urban growth areas that have  
16 the greatest potential for wildlife, as identified by Washington Department of Natural Resources.  
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**FIGURE 1**



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Chapter 18.80

NOTICE

18.80.020 Public Notice Matrix.

	Notice of Application	Notice of Threshold Determination	Notice of Public Hearing	Notice of Final Decision
Categories:	Day 0-14	Day 30-79	Day 30-90	Day 30-120
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>
Administrative Permits: Admin. Nonconforming Use Permits, Admin. Use Permits, Minor Amendments, Plat Alterations (1), Binding Site Plans (no SEPA, no public hearing)	<ul style="list-style-type: none"> <li>Departmental Posting</li> <li>Send Application to Reviewing Agencies</li> <li>Mail to Adjacent Property Owners</li> <li>Post Property</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Mail to Applicant and Parties of Record</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
<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)</b> (SEPA, public hearing required)	<ul style="list-style-type: none"> <li>• Departmental Posting</li> <li>• Send SEPA Checklist to Reviewing Agencies</li> <li>• Mail to Adjacent Property Owners</li> <li>• Post Property</li> </ul>	<ul style="list-style-type: none"> <li>• Publish in Newspaper</li> <li>• Mail to Applicant</li> <li>• Mail to Reviewing Agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Adjacent Property Owners</li> <li>• Publish in Newspaper</li> <li>• Mail to Applicant</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant and Parties of Record</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)</b> (no SEPA, public hearing required)	<ul style="list-style-type: none"> <li>• Departmental Posting</li> <li>• Send Application to Reviewing Agencies</li> <li>• Mail to Adjacent Property Owners</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Post Property</li> <li>• Publish in Newspaper</li> <li>• Mail to Applicant</li> </ul>	<ul style="list-style-type: none"> <li>• Mail to Applicant and Parties of Record</li> </ul>
<b>Short Plats, Final Short Plats, Forest Practice Conversion Option Harvest Plans</b> (no SEPA, no public hearing)	<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</b> (SEPA, no public hearing)	<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)</b> (SEPA, public hearing required)	<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>
<b>General Wetland Approval Review, Single Family Wetland Review, Agricultural Wetland Approval Review, and Fish and Wildlife Review</b> (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>

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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.

**18.80.030 Notice Types.**

**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:

**4. Comment Period.**

- a. The threshold determination for a DNS/MDNS, issued under 197-11-340(2), shall have a ~~15~~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.



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*Chapter 18.140*

**COMPLIANCE**

**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 ~~or other written Order~~ may result in the issuance of a Class I civil infraction as defined in PCC 1.16, and/or 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.



- 1 2. The County may remove, correct, or replace any illegal or improperly placed  
2 earthwork or constructed facility, structure or appurtenances (such as on-site septic  
3 systems or wells), or portion thereof.  
4 a. Earth materials brought onto a parcel must be removed to a properly-permitted  
5 disposal site.  
6 b. All expenses incurred by the County shall be paid by the property owner. If  
7 Pierce County is required to bring an action to recover such costs, the County  
8 will recover reasonable attorney's fees and interest at 12 percent per annum to  
9 run from the date the work was completed by the County. Applicants must agree  
10 to this provision as a condition of issuance of any permit authorized by the  
11 Development Regulations.  
12 c. The County is authorized to make inspections and as required to enforce these  
13 Regulations. The County representative must be able to present proper  
14 credentials and identification before entering onto private property.
- 15 3. The County may record a Notice of Non-Compliance with the Pierce County  
16 Auditor against the property on which a violation has taken place. A Notice of Non-  
17 Compliance will be recorded only after other resolution remedies have been  
18 unsuccessfully pursued ~~and upon referral of the case to the County Prosecuting~~  
19 ~~Attorney~~. A Notice of Non-Compliance is recorded on the title to notify any  
20 interested parties or lenders that a violation exists on the property and removal of  
21 such notice will be subject to the following:  
22 a. The enforcement action and associated penalties have been dismissed or decided  
23 in favor of the person to whom the violation notice was issued; or  
24 b. Any monetary penalty assessed for the violation has been paid and the violation  
25 has been remedied to the satisfaction of the County (i.e., final inspections have  
26 occurred or approvals have been granted).  
27 c. Once either a. or b. above has occurred, the County shall file a Notice of  
28 Compliance with the Pierce County Auditor that states the violation has been  
29 resolved and the Notice of Non-Compliance is no longer valid.

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31 **18.140.050 Penalties.**

32 The purpose of penalty provisions is to discourage violations of existing codes and  
33 regulations and to provide a mechanism to obtain redress for ecological, recreational, and  
34 economic values lost or damaged due to any unlawful actions. The type of penalties levied shall  
35 be dependent upon the specific action and Development Regulation provision(s) being violated.

- 36 A. **Civil Infractions.** Failure to comply with any permit ~~or other written order~~ or decision  
37 issued pursuant to the Pierce County Development Regulations constitutes a Class 1  
38 civil infraction as defined in Chapter 1.16.  
39

