

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

Chapter 18E.20

USE AND ACTIVITY REGULATIONS

18E.20.020 Regulated Uses and Activities.

B. The following activities are regulated within critical fish and wildlife habitat areas, wetlands, aquifer recharge areas, landslide hazard areas, erosion hazard areas, flood hazard areas, and/or their buffers unless exempted by Section 18E.20.030:

1. Removing, excavating, disturbing, or dredging soil, sand, gravel, minerals, organic matter, or materials of any kind;
2. Dumping, discharging, or filling;
3. Draining, flooding, or disturbing the water level or water table. In addition, an activity which involves intentional draining, flooding, or disturbing the water level or water table in a wetland or stream in which the activity itself occurs outside the regulated area may be considered a regulated activity;
4. Driving piling or placing obstructions, including placement of utilities;
5. Constructing, reconstructing, demolishing, or altering the size of any structure or infrastructure;
6. Altering the character of a regulated area by destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading, or planting;
7. Activities which result in significant changes in water temperature or physical or chemical characteristics of wetland or stream water sources, including changes in quantity of water and pollutant level;
8. Application of pesticides, fertilizers, and/or other chemicals unless demonstrated not to be harmful to the regulated area.
9. The division or redivision of land pursuant to Title 46 18F, PCC and boundary line adjustments.
10. The creation of impervious surfaces.

18E.20.030 Exemptions.

The following activities are exempt from the provisions of this Title:

AD. Wildfire – Defensible Space Activities in Areas mapped solely as Elk Herd Winter Range. Within existing lots of record located in wildland areas, the following Defensible Space Activities may take place within 30 feet of dwellings, barns, and commercial-use buildings:

1. Tree limb removal. Where understory shrubs are present below the tree, removal shall follow the guidelines of Section 18E.40 – Appendix E. Where understory shrubs are not present, tree limbs may be removed to a height of 10 feet above the ground;



2. Interruption of continuous shrub vegetation by selective thinning as defined within Section 18E.40 – Appendix E;
3. Replacement of evergreen species with less flammable, native species as defined within Section 18E.40 – Appendix E.

18E.20.050 Reasonable Use Exceptions.

C. Review.

1. **Public Hearing Required.** The Department shall set a date for a public hearing before the Pierce County Hearing Examiner after all requests for additional information or plan correction, as set forth in Section 18.60.020 C., have been satisfied. The public hearing shall follow the procedures set forth in Chapter 18.80, Development Regulations – General Provisions and Chapter 1.22 PCC.
2. **Decision Criteria.** The Hearing Examiner may approve a reasonable use exception if the Examiner determines all of the following criteria are met:
 - a. The proposed development is located on a lot that was ~~vested (see Chapter 18.160)~~ created prior to March 1, 2005, and there is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area(s) and/or associated buffers including phasing or project implementation, change in timing of activities, buffer averaging or reduction, setback variance, relocation of driveway, or placement of structure.



Chapter 18E.30

WETLANDS

18E.30.040 Wetland Standards.

The following activities may be allowed within the standard buffer established pursuant to Section 18E.30.060, when mitigated according to Section 18E.30.50 A. and B.:

- A. New construction of a single-family residence; or the reconstruction, remodeling, or maintenance of an existing single-family residence, within an existing lot of record subject to the following:
 - 6. Unless otherwise allowed by 18E.30.040 B or C., in no case shall the Department allow development within a buffer to occur closer to a wetland boundary than 75 percent of the buffer size as determined through use of 18E.30.060 and Appendix F. An applicant who wishes to modify a buffer beyond these limits must pursue a variance as defined within Section 18E.20.060.
- B. The placement of utility lines which do not require excavation or utility pole installation in any part of a buffer for a Category II, III, or IV wetland. They may be placed in a buffer for a Category I wetland, provided that the minimum distance from the wetland edge is no less than 50 percent of the Category I buffer width established for the specific land use intensity type in the table in Section 18E.30.060 A.
- C. Within existing lots of record located in wildland areas, creation of a defensible space for protection against wildfire may be allowed in buffer areas located within 30 feet of dwellings, barns, and commercial-use buildings. These allowances do not apply to features such as swing sets, fences, dog houses, and other structures that can be easily relocated. The following defensible space activities may be allowed:
 - 1. Tree limb removal. Where understory shrubs are present below the tree, removal shall follow the guidelines of Section 18E.40 – Appendix E. Where understory shrubs are not present, tree limbs may be removed to a height of 10 feet above the ground;
 - 2. Interruption of continuous shrub vegetation by selective thinning as defined within Section 18E.40 – Appendix E;
 - 3. Replacement of evergreen species with less flammable, native species as defined within Section 18E.40 – Appendix E.
- CD. New farm and agricultural activities may be permitted within a buffer subject to the following:
 - 1. Agricultural activities and structures shall comply with the provisions of Chapter 18E.070 Flood Hazard Areas.
 - 2. The agricultural activity is in compliance with the USDA, NRCS Conservation Reserve Program farm management standards.
 - 3. A copy of an approved NRCS or Pierce County Conservation District farm management plan that documents compliance with the USDA, NRCS Resource Management System Standards within the critical area has been submitted to the Department for review and approval.
- DE. Trimming of vegetation for purposes of providing view corridors will be allowed without a complete mitigation plan provided that trimming shall be limited to view corridors of a maximum 20-foot width and that benefits to fish and wildlife habitat are



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not reduced. Trimming shall be limited to hand pruning of branches and vegetation. Trimming shall not include felling, topping, or removal of trees. An applicant that wishes to remove trees or create a view corridor of larger size must complete review as set forth in Sections 18E.30.030 and 18E.30.060.



Chapter 18E.40

**REGULATED FISH AND WILDLIFE SPECIES
AND HABITAT CONSERVATION AREAS**

Sections:

- 18E.40.010 Purpose.**
- 18E.40.020 Fish and Wildlife Species and Habitat Conservation Areas.**
- 18E.40.030 Fish and Wildlife Species and Habitat Conservation Area Review Procedures.**
- 18E.40.040 Fish and Wildlife Habitat Conservation Area Standards.**
- 18E.40.050 Mitigation Requirements.**
- 18E.40.060 Buffer Requirements.**
- 18E.40.070 Appendices.**
 - A. Habitat Assessment Letters.**
 - B. Habitat Assessment Studies.**
 - C. Habitat Assessment Reports.**
 - D. Monitoring Requirements.**
 - E. Wildfire – Defensible Space Guidelines**

18E.40.040 Fish and Wildlife Habitat Conservation Area Standards.

- B. Riparian Areas, Ponds, Marine Waters Designated as Shoreline Critical Salmon Habitat, Lakes, and Associated Buffers.** The following specific regulated activities may occur within a riparian area, river, stream, pond, marine water designated as Marine Shoreline Critical Salmon Habitat, lake, or associated buffer subject to the following standards:

15. Structures and Landscaped Areas. New construction, redevelopment, reconstruction, or additions or expansions of single-family, two-family, multi-family, mobile/manufactured homes, commercial, industrial or agricultural building structures and associated landscaped areas and other related appurtenances (driveways, utilities, accessory structures, parking areas, etc.) that exceed the exemption standards set forth in Section 18E.20.030 F. and G. may be permitted subject to the following:

- a. The proposed single-family, multi-family, commercial, industrial, or agricultural building structure, accessory structures, or related appurtenances (e.g., wells, septic systems, sheds, driveways, parking areas) is located on a lot that was vested (see Chapter 18.160) prior to March 1, 2005, subject to the following conditions:
 - (1) Applicants shall demonstrate there are no other feasible alternatives on the lot that would allow the proposed development to occur completely outside the fish or wildlife habitat conservation area or the required buffer.
 - (2) The principle structure, accessory structures or related appurtenances (such as landscaped areas, wells, onsite septic systems, etc.) cannot be located outside the fish or wildlife habitat conservation area or required buffer due to topographic constraints of the parcel, parcel size and/or location of the



1 parcel in relation to the limits of the fish or wildlife habitat conservation
2 area or required buffer.

3 (3) If applicable, buffer averaging pursuant to Section 18E.40.060 C.1. or a
4 buffer reduction/building setback variance has been reviewed, analyzed, and
5 rejected as a feasible alternative to encroachment into the fish or wildlife
6 habitat conservation area or associated buffer.

7 (4) The habitat assessment report includes a buffer enhancement plan as part of
8 the mitigation required by Section 18E.40.050. The buffer enhancement
9 plan shall use native, non-invasive plant species that are indigenous to the
10 underlying soils and plant community types contained within the project
11 area and shall substantiate that an enhanced buffer will improve the
12 functional attributes of the buffer to provide additional protection for fish or
13 wildlife habitat values.

14 b. The proposed development is not located on a transitory feature such as a
15 sandbar, spit, or sand point.

16 c. Maximum disturbance (including the principal structure, accessory structures,
17 and related appurtenances such as landscaped areas, wells, onsite septic systems,
18 etc.) within the habitat area and/or associated buffer shall be: limited to 50
19 percent of the area of the buffer to a maximum of 5000 square feet, unless
20 otherwise specified in Section 18E.40.040 B.15.d.-f.

21 ~~(1) 2,500 square feet if the area of the lot within the buffer is 5,000 square feet
22 or less;~~

23 ~~(2) 5,000 square feet if the area of the lot within the buffer is 10,000 square feet
24 or greater;~~

25 ~~(3) 50 percent of the area of the lot if the area within the buffer is between
26 5,001 and 9,999 square feet; and~~

27 ~~(4) Expansions and redevelopment projects shall be limited to the lesser of
28 1,000 additional square feet of disturbance area or the same area and
29 disturbance criteria that would have been permitted if the site were
30 undeveloped.~~

31 d. Development that exceeds the requirements outlined in 18E.20.040, must be
32 located landward to the extent possible and is prohibited within 50 feet of any
33 Type S, F1, F2, or N1 water, channel migration zone, side channel, spring, or
34 off-channel habitat.

35 e. Development that exceeds the requirements outlined in 18E.20.040, must be
36 located landward to the extent possible and is prohibited within 35 feet of any
37 Type N2 or N3 water, including connectable relic channels or oxbows.

38 f. Expansions and redevelopment projects shall be limited to the lesser of 1,000
39 additional square feet of disturbance area or the same area and disturbance
40 criteria that would have been permitted if the site were undeveloped.

41 fg. The area not disturbed by development shall be managed for native or approved
42 vegetation and planted with native or approved vegetation where necessary
43 following adopted guidelines to reestablish natural forested conditions (example:
44 WDFW's Restoring the Watershed, A Citizen's Guide to Riparian Restoration in
45 Western Washington).

46 gh. The proposal complies with the standards set forth in Chapter 18E.70, Flood
47 Hazard Areas.



- 1 hi. To avoid stormwater impacts, impervious surface shall be limited to the
2 minimum amount necessary to accommodate the proposed development. Where
3 possible, impervious surfaces such as driveways, sport courts, patios, etc. shall
4 be made of pervious materials and rooftop runoff shall be dispersed and directed
5 into bioretention facilities.
- 6 ij. The conversion of lots from single-family to any other land use (e.g., multi-
7 family, commercial, industrial, agricultural) permitted in the underlying zone,
8 except forest land or natural resource conservation uses, is prohibited.

- 9 **18. Wildfire Defensible Space Activities.** Within existing lots of record located in
10 wildland areas, creation of a defensible space for protection against wildfire may be
11 allowed in buffer areas located within 30 feet of dwellings, barns, and commercial-
12 use buildings. These allowances do not apply to features such as swing sets, fences,
13 dog houses, and other structures that can be easily relocated. The following
14 defensible space activities may be allowed:
- 15 a. Tree limb removal. Where understory shrubs are present below the tree, removal
16 shall follow the guidelines of Section 18E.40 – Appendix E. Where understory
17 shrubs are not present, tree limbs may be removed to a height of 10 feet above the
18 ground;
- 19 b. Interruption of continuous shrub vegetation by selective thinning as defined
20 within Section 18E.40 – Appendix E;
- 21 c. Replacement of evergreen species with less flammable, native species as defined
22 within Section 18E.40 – Appendix E.

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- 24 **D. Standards for Other Critical Habitat Areas.** Standards for critical habitat areas not
25 listed subsections 18E.40.030 A. and B. above shall be ~~determined on a case-by-case~~
26 ~~basis,~~ administratively developed by the Department in consultation with the
27 Washington Department of Fish and Wildlife (WDFW) and shall be based upon the
28 needs of specific species or habitat area of study. The administrative standards shall be
29 on file with the Department prior to implementation and made available to the public
30 upon request. ~~The Department will coordinate with the Washington Department of Fish~~
31 ~~and Wildlife in these instances,~~ shall utilize the published ~~and when available utilize~~
32 WDFW PHS management recommendations, ~~to determine appropriate standards and~~
33 ~~development of a habitat management plan.~~ An applicant may request that the
34 Department consult directly with the WDFW on a project specific basis at any time prior
35 to the issuance of the fish and wildlife habitat approval for the project. Once issued, the
36 fish and wildlife habitat approval may be appealed following the procedures set forth in
37 Section 18E.10.090.

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40 **18E.40.070 Appendices.**

- 41 **A. Habitat Assessment Letters.**
- 42 **B. Habitat Assessment Studies.**
- 43 **C. Habitat Assessment Reports.**
- 44 **D. Monitoring Requirements.**
- 45 **E. Wildfire – Defensible Space Guidelines**
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**18E.40.070 – Appendix E
Wildfire – Defensible Space Guidelines**

Brush Thinning Guidelines

Recommended brush thinning varies upon the slope of the ground and the height of the existing vegetation.

Slope of Ground	Recommended Spacing	Example
0-20%	2 X the height of the brush	Shrubs that are 3 feet high on average should be thinned to be six feet apart.
21 – 40%	4 X the height of the brush	
41% +	6 X the height of the brush	

Ladder Fuel Separation Guidelines

The recommended vertical separation distance between shrubs and adjacent trees is 3X the height of the shrub. As an example, if shrubs 6 feet in height are located below a tree, it is recommended that the tree limbs be removed to a height of 18 feet.

Fire Resistant Plants

Tree	Shrub	Shrub	Ferns
Acer macrophyllum	Acer circinatum	Ribes spp.	Adiantum pedatum
Alnus rubra	Arctostaphylos uva-ursi	Rosa spp.	Athyrium felix-femina
Betula spp.	Amelanchier alnifolia	Sambucus racemosa	Blechnum spicant
Cornus spp.	Cladanthamnus pyrolif	Sheperdia Canadensis	Cystopteris fragilis
Fraxinus latifolia	Ceanothus velutinous	Sorbus sitchensis	Dryopteris expansa
Malus spp.	Ceanothus sanguineus	Vaccinium spp.	Gymnocarpium dryopteris
Populus spp.	Cornus stolonifera	Viburnum edule	Polypodium glycyrrhiza
Prunus spp.	Corylus cornuta	Rhamnus purshiana	Polystichum munitum
Quercus spp.	Crataegus douglasii	Rhododendron spp.	Thelypteris phegopteris
Salix spp.	Gaultheria shallon	Menziesia ferruginea	
	Gaultheria ovatifolia	Myrica gale	
	Holodiscus discolor	Oemleria cerasiformis	
	Linnaea borealis	Oplopanax horridus	



Tree	Shrub	Shrub	Ferns
	<p data-bbox="505 237 711 268">Lonicera ciliosa</p> <p data-bbox="472 310 743 342">Lonicera involucrata</p> <p data-bbox="516 348 699 380">Mahonia spp.</p>	<p data-bbox="846 237 987 300">Pachistima myrsinites</p> <p data-bbox="802 306 1031 338">Philadelphus spp.</p>	

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Chapter 18E.50

AQUIFER RECHARGE AND WELLHEAD PROTECTION AREAS

18E.50.040 Aquifer Recharge and Wellhead Protection Area Standards.

D. **Non-Hazardous Uses.** Subdivision of land as defined in Title 1618F PCC, residential structures housing three or more units and all commercial and industrial sites or activities that do not include or involve hazardous substance processing or handling in an aquifer recharge and/or wellhead protection area are allowed subject to the following standards:



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Chapter 18E.90

SEISMIC (EARTHQUAKE) HAZARD AREAS

**18E.90.060 – Appendix B
Geological Assessments –
Fault Rupture Hazard Area Geotechnical Report**

- A. A geotechnical report shall, at a minimum, include the following:
1. The first page of the document shall be labeled identifying the submittal as a "Fault Rupture Hazard Geotechnical Report," and will include all mandatory items listed in Section 18E.90.030 B.4. The report shall be prepared under the responsible charge of an appropriately licensed geotechnical professional ~~by an engineer and shall be co-written by a geotechnical professional where geological interpretations and conclusions critical to the assessment of liquefaction and/or dynamic settlement hazard and potential effects are necessary or prudent.~~

