

**FINDINGS OF FACT**

The Pierce County Council Finds:

1. Periodic updates to the Pierce County Development Regulations, Title 18 – General Provisions, Title 18A – Zoning, Title 18B – Signs, Title 18E – Critical Areas, Title 18F – Land Divisions and Boundary Changes, 18H – Forest Practices and Tree Conservation, and Title 18J – Design Standards and Guidelines, are necessary to correct problems which have been identified by those using the documents, or to clarify areas which are subject to interpretation.
2. In past years since the adoption of the Pierce County Development Regulations, Title 18-General Provisions, Title 18A – Zoning, Title 18B – Signs, Title 18E – Critical Areas, Title 18F – Land Divisions and Boundary Changes, 18H – Forest Practices and Tree Conservation, and Title 18J – Design Standards and Guidelines, staff has compiled a list of necessary "clean-up" amendments that will provide for clear and predictable implementation of the regulations. The proposed amendments address these identified problem areas.
3. Pierce County has established planning policies and regulations under Revised Code of Washington (RCW) 36.70A.040 and has adopted a comprehensive plan and development regulations in compliance with Chapter 36.70A.
4. Pierce County Council Resolution No. R2007-149 requested the Planning and Land Services Department evaluate the impacts of indoor and outdoor wedding facilities and other uses described in the Civic Use Category under the Community and Cultural Services Use Type in Title 18A, "Development Regulations – Zoning," to determine whether opportunities for consolidation of levels existed.
5. Revisions to Civic Use Category, Community and Cultural Services Use Type include a new evaluation method for levels within the use type based upon building size and whether outdoor use exists to allow clear evaluation of the appropriate level for uses within this Use Type. In conjunction with the revisions to these levels, corresponding alterations were made to the use tables Countywide.
6. Policies within the Pierce County Comprehensive Plan do support small indoor or outdoor Community and Cultural Services Use Types as allowed within the Reserve 5 land use designation outside of community plan areas.
7. Policies within the Gig Harbor Community Plan do support small indoor or outdoor Community and Cultural Services Use Types to be allowed within the Reserve 5 land use designation.



- 1 8. The Graham Community Plan policies regarding uses within the Reserve 5 zone  
2 classification are limited, and do not support Community and Cultural Services Use  
3 Types with an outdoor element.  
4
- 5 9. Policies within the Alderton-McMillin Community Plan do support small indoor or  
6 outdoor Community and Cultural Services Use Types to be allowed within the  
7 Reserve 5 land use designation.  
8
- 9 10. After evaluating the impacts of indoor and outdoor wedding facilities and other  
10 uses described in the Civic Use Category, it is apparent that outdoor events, such  
11 as weddings and receptions, have a far greater impact on surrounding uses than  
12 indoor facilities. As such, development regulations for the establishment of  
13 outdoor event facilities and a corresponding definition should be added to Title  
14 18A, "Development Regulations – Zoning" to mitigate the operation of said event  
15 facilities with regard to noise, parking, access, setbacks and buffering, lighting and  
16 hours of operation.  
17
- 18 11. A minimum 30 foot setback provides adequate separation to mitigate impacts to  
19 surrounding properties and, furthermore, may be increased by the Hearing  
20 Examiner as part of a conditional use permit if warranted by circumstances onsite.  
21
- 22 12. The proposed development regulations for outdoor event facilities are adequate  
23 and, furthermore, may be increased by the Hearing Examiner as part of a  
24 conditional use permit if warranted by circumstances onsite.  
25
- 26 13. Indoor and outdoor wedding facilities are primarily civic in nature as opposed to  
27 commercial. The use is very similar to other types of facilities that often serve as  
28 wedding facilities (parks, churches, community centers, etc.), therefore, wedding  
29 facilities are a civic use and belong within the Community and Cultural Services  
30 Use Type as categorized in Title 18A – Zoning.  
31
- 32 14. There is a need for this type of venue and even more so for those not associated  
33 with a place of worship.  
34
- 35 15. A successful, privately operated, wedding facility may conduct in excess of 80  
36 functions per year.  
37
- 38 16. After considering other wedding and event facilities in Pierce County, both  
39 permitted and unpermitted, it revealed that many facilities are associated with a  
40 single-family residence and operated in ways similar to a cottage industry with only  
41 a few events per year, while others functioned as a primary use facility holding  
42 numerous indoor and outdoor events year-round. As such, provisions have been  
43 made to allow an outdoor event facility as a Cottage Industry 2 with limitations on  
44 the number of events per year to address those facilities which are operating on a  
45 limited basis. The Community and Cultural Services Use Type will be used to  
46 evaluate all facilities exceeding the allowed Cottage Industry 2 level.  
47

- 1 17. Resolution No. R2008-23 requested that Planning and Land Services evaluate and  
2 provide recommendations on issues, as derived from three working groups  
3 assigned to identify potential conflicts and inconsistencies within the Development  
4 Regulations. Planning and Land Services evaluated each of these items, as  
5 requested. Some issues have resulted in code amendments as outlined within the  
6 findings contained herein.  
7
- 8 18. Stormwater ponds are often constructed within a development then deeded to the  
9 County. Residential developments Countywide require active and passive  
10 recreation areas based upon the number of dwelling units being created. Storm  
11 ponds are allowed to be credited toward passive open space requirements when  
12 designed as a site amenity. Public storm facilities should not be designed as a site  
13 amenity to ensure ease of maintenance and function. The additional language has  
14 been added to Title 18J – Design Standards and Guidelines to make this  
15 distinction.  
16
- 17 19. Garage setback reduction provisions exist in most areas of Pierce County, which  
18 allow homes constructed within the Moderate Density Single-Family zone to  
19 reduce front setbacks from 20 or 25 feet to 15 feet when the garage is setback an  
20 additional 5 feet back from the front of the principle structure. The Frederickson,  
21 Mid-County, Gig Harbor Peninsula and Graham Community Plan areas do not  
22 allow this reduction. The respective community plans for these areas do not  
23 contain policies that would discourage such a reduction.  
24
- 25 20. This setback should be available in other community plan areas to allow for  
26 reasonable flexibility on building sites within a Moderate Density Single-Family  
27 designation.  
28
- 29 21. This provision has not been applied to the Gig Harbor Peninsula Community Plan  
30 area, as this setback reduction allowance would be in conflict with City of Gig  
31 Harbor regulations, therefore in conflict with community plan policies that urban  
32 development be consistent with the City of Gig Harbor regulations.  
33
- 34 22. The South Hill Community Plan includes policies regarding nonconforming signs  
35 and emphasizes the need for a system to reduce the number of nonconforming  
36 signs either through removal or replacement. As such, the amendments are  
37 included in Title 18B, “Development Regulations – Signs,” to require the removal of  
38 a non-conforming sign when a new like-sign is being requested within the South  
39 Hill Community Plan area.  
40
- 41 23. When Chapter 18H.40, “Development Regulations, Forest Practices and Trees  
42 Conservation” was adopted, provisions for variances to standards were included  
43 for off-site mitigation. Since adoption, a program has not been implemented to  
44 track and evaluate off-site mitigation. As such, this Section has not been  
45 implemented. Without implementation of off-site mitigation variances, no other  
46 variance option is available. Provisions should be made for on-site mitigation



1 specifically to deal with significant tree variances for situations when no other  
2 design alternatives exist.

- 3
- 4 24. Native vegetation requirements are based upon zone classification and use type,  
5 assigning a specific percentage of the site to be preserved in or replanted with  
6 native vegetation. This requirement is often grouped with other regulations to meet  
7 the required area, such as, landscape buffers, tree conservation areas, and critical  
8 areas.
- 9
- 10 25. Small subdivisions have the burden of meeting multiple requirements, such as,  
11 road, sidewalk, and storm drainage construction creating a burden on applicants.  
12 An exemption from both native vegetation and tree conservation requirements  
13 should be created for those short plats of four lots or less within the urban area  
14 whose total project area is less than one acre.
- 15
- 16 26. Section 18E.40.040 D. should be modified to require Planning and Land Services,  
17 when developing regulations for Other Critical Area Habitats, to consult with  
18 Washington State Department of Fish and Wildlife (WDFW). This will allow more  
19 dialogue between the Pierce County and WDFW, and provide opportunity for the  
20 applicant to gain information from WDFW as well.
- 21
- 22 27. Resolution No. R2008-71s called for inclusion of the Garfield Street Activity Center  
23 Design Guidelines to be included within Title 18J, "Development Regulations –  
24 Design Standards and Guidelines." This Section has been included by reference  
25 within the portion of that Title applicable to the Parkland-Spanaway-Midland  
26 Community Plan area.
- 27
- 28 28. Wind power generation equipment is becoming more prevalent both as a primary  
29 use and as an accessory use to residential, civic, commercial, and industrial uses.  
30 Pierce County has received inquiries regarding small wind power generation  
31 equipment, for which regulations do not currently exist. Development regulations  
32 are proposed that allow for small wind power generation facilities accessory to  
33 residential, civic, commercial, and industrial uses of an appropriate size to power  
34 those uses. Furthermore, the proposed regulations provide adequate mitigation  
35 regarding any impacts created by the generators.
- 36
- 37 29. In order to better streamline the enforcement process for land use violations taking  
38 place within Pierce County, it is necessary to revise Chapter 18.140, "Development  
39 Regulations, General Provisions – Compliance," to better reflect the preferred  
40 process of penalty and enforcement. This process would allow criminal  
41 misdemeanor charges to be filed when a violator does not comply with the terms of  
42 a written order issued by Planning and Land Services.
- 43
- 44 30. The protection of Prime Agricultural Soils under the Agricultural Resource Land  
45 (ARL) land use designation is a goal of the Pierce County Comprehensive Plan.  
46 The associated policies seek to limit uses on ARL zoned parcels to those uses  
47 related to agriculture or limited residential development. The allowance for the



1 Industrial Use Category, Food and Related Products Use Type has been removed  
2 from the ARL zone Countywide to further implement the goal of preserving Prime  
3 Agricultural Soils by disallowing industrial uses to be located upon them.  
4

5 31. The Public Works and Utilities Department is required to obtain right-of-way  
6 associated with many road projects throughout the County. A new method to  
7 assess building setbacks based upon right-of-way need is proposed. This will  
8 reduce the likelihood that buildings will be placed within an area needed for future  
9 right-of-way, thereby reducing the probability that those buildings would be  
10 required to be condemned by Pierce County to obtain that right-of-way.  
11

12 32. The Graham Community Plan implementing regulations contain setbacks for urban  
13 development in excess of those adopted throughout Pierce County. Where there  
14 are provisions which allow for reductions to required setbacks when critical areas  
15 or their buffers would prevent development, it is whether these provisions would  
16 apply only to both new developments and existing lots of record. Therefore  
17 language has been included to clarify that these provisions should apply to  
18 construction on both new developments and existing lots of record.  
19

20 33. The Upper Nisqually Valley Community Plan policies recognized a need to provide  
21 for employee housing within its community plan area. These policies recognize the  
22 Village Commercial (VC) and Tourist Commercial (TC) zone classifications as  
23 appropriate for employee housing. It appears development regulations for the area  
24 inadvertently exclude employee housing from the TC zone classification. This use  
25 level should be added to the TC zone classification to rectify this issue.  
26

27 34. Commercial Use Category, Storage Use Type included a description of mini-  
28 storage services, excluding commercial storage and associated moving  
29 companies. It is appropriate to expand the description of this use level to include  
30 moving companies associated with commercial storage. This addition of this use  
31 type includes the expansion of the allowed size of buildings. Because the  
32 proposed building sizes approached warehousing levels, the new storage and  
33 moving levels are allowed only in those zones that allow warehousing to prevent  
34 unforeseen impacts to zone classifications with less intense commercial and  
35 industrial development.  
36

37 35. Commercial moving companies often employ a higher density of people with  
38 higher wages than most warehousing jobs. Therefore, revisions are proposed that  
39 would allow these companies to locate in additional zones throughout the County,  
40 thus providing more opportunities for living wage employment at higher densities,  
41 meeting the goals of the Pierce County Comprehensive Plan regarding  
42 employment generation.  
43

44 36. Pierce County has limited available land remaining which is appropriate for  
45 industrial development. In recent years, this land has been rapidly developed for  
46 expansive warehouses. These warehouses have a low employment density and  
47 utilize large tracts of land. A limitation on the maximum parcel size allowed for



1 warehouse development would continue to accommodate warehousing, while  
2 reducing the amount of land utilized to accommodate warehouses. A revision  
3 limiting the maximum parcel size for warehouse development to five acres should  
4 be included in the proposed amendments.

5  
6 37. Warehousing, distribution, and freight movement are within one use type under the  
7 Industrial Use Category. It is appropriate to separate these uses, as their impacts  
8 and space needs are different. Provisions have been included which remove  
9 "freight movement" from this use type to a new use type entitled "Transportation  
10 and Logistics," which would include dispatching and service of fleet trucks and  
11 cross dock facilities for rapid transfer of goods from one transportation source to  
12 another. This use type is generally less land intensive than warehousing and  
13 distribution and likely to create a higher job density with higher wages.

14  
15 38. Cargo containers have become an increasingly popular accessory and temporary  
16 storage use. These containers are often placed without building permits and  
17 without respect to parking areas, access, critical areas or design standards.  
18 Building permits are required for their placement, as is design review as a  
19 commercial building. These structures are appropriate in some areas as a means  
20 of temporary storage or in industrial areas for permanent storage; however, they  
21 are not appropriate for residential areas or neighborhood commercial areas.  
22 Provisions have been included to allow cargo containers as a Temporary Use in  
23 Employment Center and Urban Center land use designations. Provisions have  
24 been added to allow cargo containers as an accessory to industrial uses.

25  
26 39. Alleys are a common feature within residential neighborhoods. Development  
27 Regulations include provisions for reduced setbacks for detached accessory  
28 structures in the rear yard or along alleys; however, recent development trends are  
29 moving toward attached garages with access onto an alley. Development  
30 Regulations do not allow setback reductions for attached structures; therefore, it is  
31 necessary to include provisions for attached garages to be afforded the same  
32 setbacks as detached garages when an alley is the only vehicle access to the  
33 house.

34  
35 40. An increase in the Gross Vehicle Weight (G.V.W.) allowed for vehicles associated  
36 with home occupations and cottage industries is necessary to accommodate those  
37 businesses meeting the standards of these categories whose vehicles are  
38 generally less than 24 feet in length or involve a full-size truck and equipment  
39 trailer. This revision does not increase the number of vehicles allowed associated  
40 with a Home Occupation of Cottage Industry.

41  
42 41. In forest fire-prone areas of Pierce County, it is necessary for landowners to create  
43 a "defensible space" surrounding their living area to protect their possessions from  
44 forest fire. This defensible space may be cleared of vegetation regardless of  
45 critical area requirements. The maximum clearing area is a 30-foot perimeter, as  
46 adopted by the Washington Department of Natural Resources. Guidelines for



1 defensible space include mitigation in critical areas, such as fire resistant plantings,  
2 should be included.  
3

4 42. Significant tree retention requirements were included within the Tree Conservation  
5 Ordinance to encourage retention of several species of mature native trees. In  
6 addition to the tree species identified as "Significant," trees not of a native species  
7 or not identified as significant may grow to excessive sizes, provide valuable  
8 habitat, or serve as historical or cultural landmarks and should receive additional  
9 credit for their retention. These trees are identified as "Legacy Trees" and have  
10 been added to the Significant Tree list within Chapter 18H.40, "Development  
11 Regulations, Forest Practices and Tree Conservation – Tree Conservation."  
12

13 43. Trees are a valuable asset to Pierce County's health, quality of life, and aesthetic.  
14 A diversity of ages and species exists for trees on some sites. This diversity  
15 provides valuable habitat and aesthetic to the community. Significant Tree  
16 requirements provide that a certain percentage of Significant Trees be retained on  
17 each site. Trees retained should be reflective of the age and diversity of species  
18 within a stand of trees to better reflect the character of the site and preserve the  
19 habitat function of multiple species, ages, and sizes.  
20

21 44. Rural Pierce County is comprised of both vast forested tracts and pasture areas  
22 used for agriculture and grazing. When development on these parcels occurs, it is  
23 generally residential and requires some degree of clearing for forested sites. On  
24 previously cleared sites however, the proposed density is low and resulting lots are  
25 of a size that would accommodate agriculture and grazing. Tree planting within  
26 these areas is both uncharacteristic and unwanted. Provisions exist within Chapter  
27 18H.40, "Development Regulations, Forest Practices and Tree Conservation –  
28 Tree Conservation," which allow for either planting exemptions for agricultural uses  
29 or reduced plant sizes with an increase in number of plants for large tracts of land.  
30 These provisions currently apply to only those subdivisions resulting in lots of five  
31 acres or greater in size, excluding many subdivisions on the cusp of five acre lots  
32 or with the same density. Amendments are proposed to alter this standard for both  
33 Tree Conservation and Native Vegetation requirements. Thus allowing for any  
34 subdivision resulting in lots of five acres or greater, a density of 0.2 dwelling units  
35 per acre or less, or lots of more than 1/128th of a section to utilize these reduced  
36 standards to accommodate planting on large tracts of land. This change  
37 accomplishes the same vegetation goals and is more reasonable for the  
38 developer.  
39

40 45. The Planning and Land Services Department presented the proposed  
41 amendments to all of the Land Use Advisory Commissions between November  
42 and December 2008. Their recommendations were presented to the Planning  
43 Commission for consideration at the December 9, 2008, meeting.  
44  
45



- 1 46. The Planning and Land Services Department presented the proposed  
2 amendments to the Pierce County Planning Commission for its review and  
3 consideration at scheduled meetings held on November 25, 2008, December 9,  
4 2008, and January 13, 2009.
- 5
- 6 47. Chapter 36.70A of the Revised Code of Washington, the Growth Management Act,  
7 requires Pierce County to adopt development regulations that are consistent with  
8 and implement the adopted Comprehensive Plan.
- 9
- 10 48. The proposed amendments have been reviewed pursuant to the State  
11 Environmental Policy Act (SEPA).

