



# Pierce County Council

930 Tacoma Ave S, Rm 1046  
Tacoma, WA 98402-2176  
(253) 798-7777  
FAX (253) 798-7509  
Toll-Free (800) 992-2456  
[www.piercecountywa.org/council](http://www.piercecountywa.org/council)

Passed at the Community  
Development Committee  
Meeting on August 4, 2014  
on a voice vote.

## Committee Amendment No. 13 Proposed Ordinance No. 2013-45s Salmon

**Date:** July 17, 2014

**To:** **Community Development Committee**  
Rick Talbert, Chair  
Douglas G. Richardson, Vice Chair  
Stan Flemming, Member  
Jim McCune, Member

**From:** Connie Ladenburg, Council District 4

**Hearing Date:** August 4, 2014

**Attachments:** NA

**Subject:** **Critical Area Exemptions and Waivers**

The following amendment would revise the provisions related to Critical Area Exemptions and Waivers.

1. On page 14 of Exhibit D, starting on line 11, delete subsection 18E.40.030 B. "Review Waiver Allowances in its entirety and renumber the remaining subsections accordingly.
2. On page 10 of Exhibit D, starting on line 29, insert the following:

**18E.20.035 Review Waiver Allowances.**

This Section defines the types of projects or situations that may be waived from all, or portions of this Title's review requirements. A determination on the appropriateness of a waiver will be made by County staff through discussion with an applicant or review of plans. An applicant waived from the review requirements of this Section may still be required to complete title and land division notification, and critical area boundary identification requirements.

- A. **Previously Studied Areas.** Projects located in an area that has been the subject of a previously submitted and approved assessment, report, etc., and staff determines that all of the following conditions are met:
1. The provisions of Title 18E PCC have been previously addressed as part of another approval;
  2. There has been no material change in the potential impact to the critical area or required buffer since the prior review;
  3. There is no new information available that is applicable to any review of the site or particular critical area; and
  4. No more than five years have elapsed since the issuance of the previous permit or approval.
- B. **Substantial Improvements.** Activities that are within a fish and wildlife habitat area buffer or wetland buffer but that are separated from the critical area by an existing permanent

substantial improvement which serves to eliminate or greatly reduce the impact of the proposed activity upon the critical area. Examples of features that may serve as a substantial improvement include permanent structures (such as homes and commercial buildings), larger paved areas (such as commercial parking lots and major roadways), dikes, and levees. Smaller structures (such as sheds and outbuildings) and smaller paved areas may not serve as substantial improvements.

**C. Category III and IV Wetlands.** The mitigation requirements of PCC 18E.30.050, Wetland Mitigation, will not be imposed for activities within:

1. Category III wetlands less than 2,500 square feet in size which are not:
  - a. Contiguous with a freshwater or estuarine system;
  - b. Located within shoreline jurisdiction; or
  - c. Part of a mosaic wetland complex, as set forth in PCC 18E.30.020 E.2.
2. Category IV wetlands less than 10,000 square feet in size which are not:
  - a. Contiguous with a freshwater or estuarine system;
  - b. Located within shoreline jurisdiction; or
  - c. Part of a mosaic wetland complex, as set forth in PCC 18E.30.020 E.2.

**D. Shoreline Stabilization.**

1. Repair of existing shoreline stabilization measures or structures.
2. Replacement of existing shoreline stabilization measures or structures with a similar structure may be allowed if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves. The repair or replacement shall not serve to expand the area protected by any existing structures or increase the length of erosion protection structures and should be designed to decrease the impacts of such structures on regulated fish or wildlife habitat. See also Chapter 18S.30.070 PCC for Shoreline Stabilization and Chapter 18E.110 PCC for Erosion Hazard Area regulations.

**E. Public Trails.** Construction of a pedestrian trail may be allowed within the buffer of a wetland, riparian area, lake or pond, without the requirement to submit a wetland analysis report, subject to the following criteria:

1. The trail shall be 12 foot maximum width;
2. The trail shall be constructed within the outer 10 percent of the standard (i.e. not averaged or reduced) wetland buffer or buffers identified in Table 18E.30.060 Table 1;
3. The trail shall be constructed of pervious material;
4. The trail shall disturb less than 6,000 square feet;
5. The trail requires less than 50 cubic yards of fill;
6. The trail does not cross or alter any regulated drainage features or natural waters;
7. The trail shall be located outside of fish and wildlife habitat conservation areas and their associated buffers other than those associated with a riparian area, lake or pond; and
8. The trail shall be a component of a pedestrian-only public trail system approved by the County Council.

**F. Emergency Action.** Emergency action necessary to prevent imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation shall be allowed as follows:

1. For a threat to be considered "imminent" there must be a reasonable expectation that the threat will occur prior to the time period necessary to obtain the necessary County reviews;
2. The landowner shall be required to complete applicable County review after the fact and may be required to modify or remove any emergency repair work and provide mitigation for any impacts to regulated areas;
3. This exemption does not apply to shoreline erosion protection measures unless the landowner can demonstrate that there is an imminent threat to an existing residential, commercial, industrial, agricultural structure, or associated utilities;

4. The landowner is encouraged to contact the Department prior to undertaking emergency action to evaluate the emergency and proposed actions.
3. On page 3 of Exhibit D, line starting on line 16, strike “single-family residential structures and accessory” to show the revised subsection as follows:
  1. Interior or exterior reconstruction, remodeling, or maintenance of existing structures that do not result in an expansion of the building footprint or increase the building height. The exemption shall not apply to reconstruction which is proposed as a result of site or structural damage associated with a critical area, such as slope failure in a landslide hazard area or flooding in a flood hazard area.
4. On page 3 of Exhibit D, starting on line 33, insert the following subsection as follows and renumber the remaining subsections accordingly:
  3. A residential building permit for a lot which was created through a land division action subject to previous reports and assessments as required under this Title; provided that the previous reports and assessments adequately identified the impacts associated with the current development proposal; there has been no material change in the potential impact to the critical area or required buffer since the prior review; and there is no new information available that is applicable to the review of the site or the particular critical area.