

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

*Title 18A*

**DEVELOPMENT REGULATIONS – ZONING**

**CHAPTERS:**

- 18A.05 INTRODUCTION.**
- 18A.10 ZONE CLASSIFICATIONS.**
- 18A.15 DENSITY AND DIMENSION STANDARDS.**
- 18A.17 PIERCE COUNTY (OUTSIDE COMMUNITY PLAN AREAS) USE AND DENSITY AND DIMENSION TABLES.**
- 18A.18 ALDERTON-McMILLIN USE AND DENSITY AND DIMENSION TABLES.**
- 18A.19 ANDERSON AND KETRON ISLANDS USE AND DENSITY AND DIMENSION TABLES.**
- 18A.20 BROWNS POINT/DASH POINT USE AND DENSITY AND DIMENSION TABLES.**
- 18A.22 FREDERICKSON USE AND DENSITY AND DIMENSION TABLES.**
- 18A.23 GIG HARBOR PENINSULA USE AND DENSITY AND DIMENSION TABLES.**
- 18A.24 GRAHAM USE AND DENSITY AND DIMENSION TABLES.**
- 18A.26 KEY PENINSULA USE AND DENSITY AND DIMENSION TABLES.**
- 18A.27 MID-COUNTY USE AND DENSITY AND DIMENSION TABLES.**
- 18A.28 PARKLAND-SPANAWAY-MIDLAND USE AND DENSITY AND DIMENSION TABLES.**
- 18A.29 SOUTH HILL USE AND DENSITY AND DIMENSION TABLES.**
- 18A.31 UPPER NISQUALLY USE AND DENSITY AND DIMENSION TABLES.**
- 18A.33 USE CATEGORY DESCRIPTIONS, ACCESSORY USES, TEMPORARY USES.**
- 18A.35 PARKING, OPEN SPACE, AGRICULTURAL USES, NONCONFORMING STANDARDS.**
- 18A.65 AFFORDABLE HOUSING INCENTIVES.**
- 18A.75 USE PERMITS.**
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- 18A.95 REZONE PROCEDURES.**

**Appendices:**

- A. Waterfront Titles in the State of Washington.**



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*Chapter 18A.05*

**INTRODUCTION**

**18A.05.035 Coordination with Other Titles.**

Administration of this Title shall be coordinated with the provisions of the following Pierce County Code (PCC) Titles when applicable.

**D. Development Regulations.**

10. Title 18S, Development Policies and Regulations – Shorelines.

E. Title 19A – Comprehensive Plan.

F. ~~Title 20 – Shoreline Management and Use Regulations.~~

**18A.05.050 Interpretation of Uses and Use Tables.**

A. Use tables are provided for urban and rural zoning classifications, respectively. Zoning classifications are shown across the horizontal axis, and use category and type are shown down the vertical axis.

4. **Water Dependent Uses.** Water dependent uses, to include associated incidental and necessary uses, that are located within shoreline jurisdiction and regulated by Title 18S PCC, Development Policies and Regulations – Shorelines, shall not be regulated by the Use Tables of Title 18A PCC. A water-dependent use is a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.



Chapter 18A.15

DENSITY AND DIMENSION STANDARDS

18A.15.020 Residential Density.

G. Density Incentives.

1. Urban Centers and Districts Density Incentives.

- a. **Urban Open Space.** A density incentive of one additional dwelling unit per acre above the base density shall be granted to attain the maximum density in exchange for every 5 percent of the total gross acreage of the project site designated as urban open space.
  - b. **Transfer of Density.** The maximum density may also be achieved through the transfer of density credits pursuant to Chapter 18G.10 PCC.
  - c. **Natural Shoreline Environment Designation.** New divisions of land within the Natural Shoreline Environment Designation are prohibited from exceeding base density.
  - d. **Senior Housing.** In the MSF zone classification, developments of up to 8 dwelling units per acre are allowed when exclusively for senior living. In the HSF zone classification, the maximum density may be increased to a total of 14 dwelling units per acre for senior housing only. Senior housing means a development limited to occupants who are at least 55 years of age. These types of developments shall only be considered when sewer services are available, housing types are consistent with those allowed in the underlying zone classification, at least two viable modes of transportation serve the development, and when adequate land use controls are prescribed through conditions of a use permit or plat.
2. **Rural Density Incentive.** A property owner may designate a portion of a development project as open space. Standards for open space dedications are located in PCC 18A.35.050. If open space land incentives are utilized and the property is not located in a Case II Volcanic Hazard Area or Natural Shoreline Environment Designation, the maximum densities shall be as follows:

18A.15.040 Setback and Height Standards.

- A. **Tables.** Density and dimension tables are included in the Chapters containing Use Tables and Density and Dimension Tables for each community plan and for unincorporated Pierce County areas that are not included in community plans – see Chapters 18A.17 through 18A.31 PCC.
- B. **General Setback Standards.**
  - 9. **Fences, Retaining Walls and Bulkheads.** Any artificially constructed barrier of any material or combination of materials erected to enclose, screen, separate, or erected between lands of different elevations used to resist the lateral displacement of any material, control erosion, or protect structures may be erected within required setbacks. The maximum height for such structures shall be to a maximum height of 6 feet, or a maximum height of 8 feet for security fencing necessary for a Utility Use or an Agricultural Use, provided all applicable sight distance requirements of Title 17B PCC are met, except that there shall be no height limit for bulkheads.



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**11. Water Access Facilities.** See PCC 18S.40.140 H.5. for water access facility setbacks waterward of the OHWM.

C. **Setback Exceptions.** The following list provides specific opportunities for reduction to a standard setback. These exceptions may be used to reduce a standard setback when applicable, unless the standard setback has already been reduced through a variance, including those approved through the Planned Development District (PDD) or Conditional Use Permit (CP) process; further exceptions, reductions or deviations shall not be allowed unless another variance is approved.

**6. Rear Yard Exceptions.**

e. For lots abutting a shoreline, the ordinary high water mark may be considered as the rear lot line for purposes of setbacks.



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**Chapter 18A.33**

**USE CATEGORY DESCRIPTIONS, ACCESSORY USES, TEMPORARY USES**

**18A.33.300 Accessory Uses and Structures.**

**G. Residential Accessory Use List.**

**13. Accessory Dwelling Unit (ADU).**

c. **Design.** The following standards shall apply when the separation between the principal dwelling and proposed accessory dwelling is less than 100 linear feet:

(1) The entrance to an attached ADU shall not be directed toward any front yard unless utilizing an existing doorway.

(2) Detached ADUs shall be no closer to the front lot line than the front edge of the principal dwelling. This provision shall not apply to waterfront lots regulated pursuant to Title 18S PCC, Development Policies and Regulations – Shorelines Pierce County Shoreline Management Regulations, Title 20.

**H. Shoreline Accessory Uses.** Please refer to Title 18S PCC, Development Policies and Regulations – Shorelines Shoreline Management Use Regulations, Title 20 of the Pierce County Code, for accessory use standards applicable within a regulated-shoreline area.



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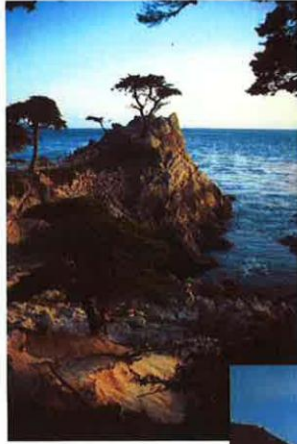
**Appendices:**

**A. Waterfront Titles in the State of Washington.**

**Appendix A**

**Waterfront Titles in the State of Washington**





## **Waterfront Titles in The State of Washington**

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### **Chicago Title Insurance Company**

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[george.peters@ctt.com](mailto:george.peters@ctt.com)





### LATERAL LINES

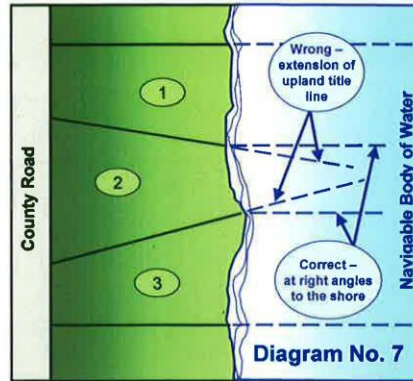
Another area where misconceptions abound is in the question of how property lines extend out into the *tidelands* or *shorelands*, assuming they have been conveyed by the State. These boundary lines are commonly termed “*lateral lines*.”

Note that tidelands or shorelands are usually conveyed to the abutting *upland* owner, and the lateral lines in such cases would normally extend out over the submerged lands from a point on the shoreline where the upland boundary intersected. However, such submerged lands can be owned by someone other than the abutting upland owner, and the lateral lines between adjoining owners of such *submerged lands* may have no relationship to the boundaries of the upland parcel.

A waterfront owner is not allowed to unilaterally project the upland boundaries out into the tidelands or shorelands. To do so might deprive either that owner or a neighbor of tidelands or shorelands to which one would be entitled under our Supreme Court decisions.<sup>43</sup>

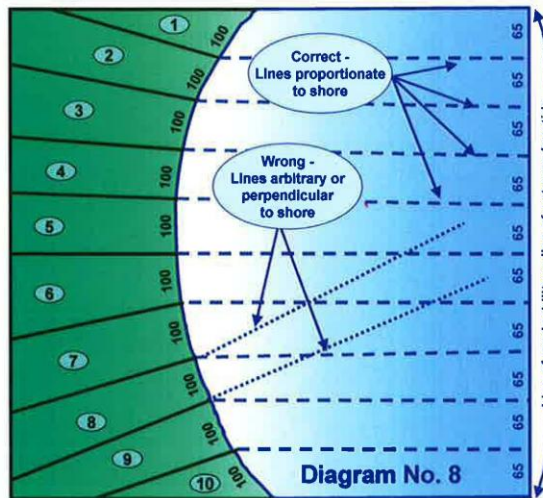
There are no statutes defining the direction of these lateral lines through tidelands or shorelands. Neither is there any helpful language in the original deeds of these lands from the State of Washington. The deeds simply convey all tidelands or shorelands, for example: “...all tidelands of the second class lying in front of and abutting Government Lot 3, Section [ ], Township [ ] North, Range [ ] East, W.M.”

To find what rules might apply, we turn to decisions by our State Supreme Court for interpretation of the word “abutting.” The basic rule, where the beach is a relatively



straight line, would be that the lateral lines are projected into the water at right angles to the line of *ordinary high tide* (in the case of tidelands) or to the line of *ordinary high water* (in the case of shorelands). See DIAGRAM NO. 7.

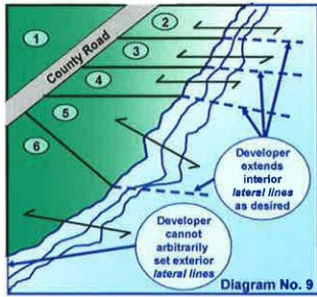
The Supreme Court has applied a different rule where the properties are on a cove. In such a situation, the right angle rule does not usually provide an equitable division of the submerged lands to the abutting waterfront owners. In one case<sup>44</sup> the court set out a method for projecting the lateral lines on a cove which makes a much fairer distribution of submerged lands. The technique involves connecting the property line at the shore line to proportionate lengths of frontage at the line of extreme







low tide (for tidelands conveyed after 1911; mean low tide for tidelands conveyed earlier) or the line of *navigability* (for shorelands). See DIAGRAM NO. 8.



Of course, an owner of upland property which includes the abutting submerged lands and which is large enough to be divided into smaller parcels is free to subdi-

vide the property, including submerged lands, and delineate the specific locations of the interior lateral lines. In DIAGRAM NO. 9 a developer has laid out such a waterfront plat, in which the direction of the lateral lines of the interior lots have been fixed without applying the usual rules from our court decisions. Note, however, that the exterior boundary lines (that is, on either end of the entire submerged lands parcel) cannot be fixed without agreement and conveyance with the adjoining submerged land owners.

A title insurer generally cannot insure an owner of any waterfront property, no matter what the configuration of the shoreline, as to the location of the lateral lines unless

1. there has been a court decree establishing the location of such lines (which decree would also presumably confirm the title of each owner in the respective portions on either side of the lines), or
2. a plat created by a common owner, or
3. an agreement has been entered into by the adjoining owners establishing the mutual lateral boundaries.

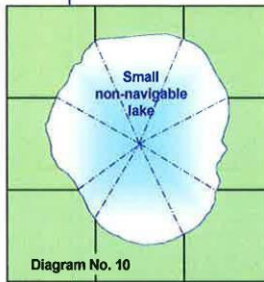
Such an agreement must also, of course, include mutual conveyance between the owners to actually confirm title according to the agreed upon boundaries.

### NON-NAVIGABLE LAKES

All bodies of water are assumed to be *navigable* unless a court has determined otherwise. This would be true even if the water was not shown on the Government Survey and/or no *meander lines* were shown on that survey, and/or the adjoining *uplands* are not described as *government lots*.

With respect to the beds of known non-navigable lakes, they are *submerged lands* but are not *shorelands*, and the State of Washington has no interest in them. Such beds are owned by the adjoining property owners.

Where all of the land surrounding a small, non-navigable lake is owned by one person, that person also owns the bed of the lake. However, when



there are multiple owners around the lake, the rules for *lateral lines* are not as clearly drawn by court decisions as they have been for tidelands and shorelands. Property owners on such lakes may agree to each own an undivided interest in the entire lake. In some cases they have divided the bed of

round lakes by making pie-shaped connections to the center of the lake. Each owner, then, would have fee title to the pie-shaped parcel of the bed of the lake that adjoined the upland parcel. See DIAGRAM NO. 10.

On non-navigable lakes that are not round, abutting waterfront owners have generally developed common sense allocations of the beds using center lines along the long lengths of the lake. See DIAGRAM NO. 11.

