



**PLANNING
AND
LAND
SERVICES
DEPARTMENT**

**UNDERSTANDING THE SHORELINE
REGULATIONS FOR
SINGLE FAMILY DEVELOPMENT**

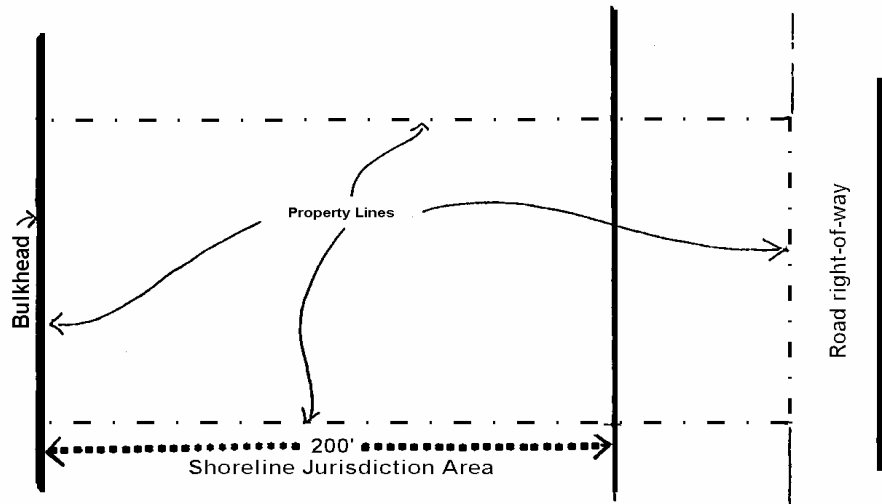


Shoreline Use Regulations, Title 20
Revised Code of Washington, RCW 90.58
Washington Administrative Code, WAC 173.27

Shorelines of the State:

The shorelines in Pierce County, identified as Shorelines of the State, are regulated by the Pierce County Shoreline Management Regulations Title 20, the Revised Code of Washington (RCW 90.58) and the Washington Administrative Code (WAC 173.27). The shorelines are categorized into 5 environments: Urban, Rural-Residential, Rural, Conservancy, and Natural. Urban is the least restrictive and Natural is the most restrictive. The shoreline jurisdiction area is 200 feet from the line of ordinary high water, including any associated wetlands, which may extend beyond 200 feet. The line of ordinary high water is usually an obvious line of vegetation, the tow of a bank or a lawfully constructed bulkhead.

Section 20.04.130 of the Shoreline Regulations define development in part as “the construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel or minerals, bulkheading, driving of pilings, placing of obstructions, or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Shorelines Management Act at any state of water level.”



Exempt Uses:

Some developments are exempt from the permitting process, provided they meet the development standards of the Shoreline Regulations. These exempt uses include: piers/floating docks, floats, and other developments that do not exceed a fair market value, including labor and materials, of \$5,000. On fresh-water shorelines the exemption limit for piers/floating docks is \$10,000. Single family residences, garages, and bulkheads, constructed for the use of the owner, are exempt if they meet the development standards even if they exceed the \$5,000 value/cost limitation, unless the project involves moving or grading more than 250 cubic yards of material (per WAC 173.27.040 (2)(g)). Other accessory uses, such as a swimming pool, must receive approval of a shoreline substantial development permit before they can be constructed, even if the bulk criteria are met.

Examples:

- Single-family residence for use by owner and bulk criteria met – Exempt.
- Single-family residence for use by owner with grading of more than 250 cubic yards – Shoreline Substantial Development Permit.
- Single-family residence built to sell, meets bulk criteria – Shoreline Substantial Development Permit.

All new residential development is prohibited over water. Nothing is allowed with the last 15-feet before the shoreline except water dependent accessory uses that have received approval of a Shoreline Conditional Use Permit.

Development Standards:

The development standards for residential structures (residences, garages, sheds and so on) include a 50-foot setback from the line of ordinary high water. Applicable development standards from the Development Regulations-Zoning Title 18A will regulate other yard setbacks. There is a 35-foot height limit from average finished grade, a maximum of 33 1/3% impervious cover (an area that water cannot penetrate), and a limit of moving, removing or placing more than 250 cubic yards of material.

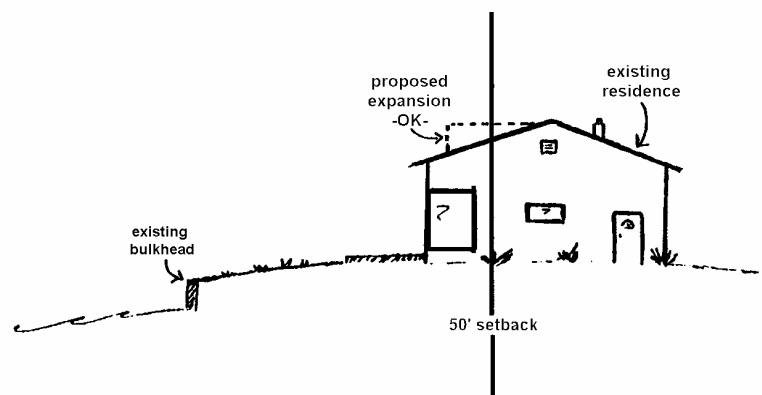
Setback Exceptions:

The shoreline setback for any proposed building or structures on a vacant lot that has a common property line with one or more lots which is/are developed with a principal use/uses and which abut the ordinary high water line shall be as follows: Not less than the average of the setbacks of the principal uses on the adjacent properties. (In determining the average, a vacant parcel shall be considered a 50 foot setback.) However, no building will be required to be setback more than 50, nor allowed closer than 15' to the ordinary high water line or lawfully established bulkhead.

The shoreline setback for lots of record as of April 4, 1975, having a depth of less than 115 feet may be reduced, if appropriate by one foot for each foot that the lot is less than 115 feet deep, but in no case shall such adjustment result in a setback of less than 15 feet.

Existing Structures:

Existing structures, located within the 50-foot setback, may be expanded. If the expansion does not extend beyond the existing footprint or height, it would not require a shoreline variance. If the expansion increases the height of the structure or extends beyond the existing footprint, approval of a shoreline variance would be required.



Shoreline Variance:

If you cannot meet the development standards, a shoreline variance may be applied for (except for moving more than 250 cubic yards of earth, which requires a substantial development permit). The applicant must prove no reasonable use of the property is possible if the variance is not granted. Desiring a larger home, better view or greater profit, is not considered justification for a variance. The issuance of a Shoreline Variance shall be predicated upon a determination that the project will be consistent with the criteria listed in Title 20, and those listed in WAC 173.27.170. The Washington State Department of Ecology has final approval authority.

Section 20.72.020

- a. There are conditions or circumstances involved with the particular project that make strict application of the regulations unnecessary or unreasonable for the applicant's proposal.
- b. Granting the Variance will not violate, abrogate, or ignore the goals, policies, or individual environment purposes spelled out in the Master Program.
- c. No other applicable regulations will be violated, abrogated, or ignored.
- d. Public health, safety and welfare will not be adversely affected.
- e. Specific provision or provisions to be relaxed clearly did not foresee or consider the particular situation the applicant is facing.

WAC 173.27.170

- (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program;
- (b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
- (c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
- (d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and is the minimum necessary to afford relief; and
- (e) That the public interest will suffer no substantial detrimental effect.

Shoreline Exemption:

Some uses require an official shoreline exemption application. These include piers, floating docks and bulkheads that meet the bulk criteria of the Shoreline Use Regulations.

Some emergency situations are also exempt from the shoreline regulations. They require a written exemption and the property owner must provide the justification (such as a geotechnical report) in order for the exemption request to be evaluated. The appropriate shoreline permit is still required; an emergency exemption may be granted in the interim.

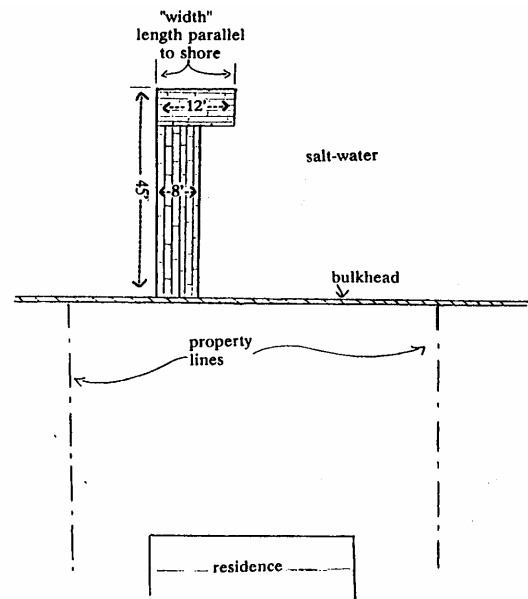
A pier/floating dock may be granted a Shoreline Exemption permit if there is a single-family residence on the site. For a pier/floating dock to be exempt it must meet the following criteria:

On salt-water shorelines:

- The length cannot exceed 50 feet from the line of ordinary high water;
- The depth, at the end of the structure, cannot exceed 8 feet as measured at mean lower water;
- The width (defined as "length parallel to shore:" cannot exceed 8 feet; and
- The cost/fair market value (whichever is greater) cannot exceed \$5,000 fair market value.

On fresh-water shorelines:

- The length cannot exceed 30 feet from the line of ordinary high water;
- The depth, at the end of the structure, cannot exceed 8 feet as measured at ordinary high water;
- The width (defined as "length parallel to shore") cannot exceed 8 feet; and
- The cost/fair market value (whichever is greater) cannot exceed \$10,000 fair market value.



An anchored float, of no more than 100 square feet, may be allowed instead of an attached pier/floating dock on either salt or fresh water, located in front of the property.

Examples: (fmv=fair market value)

- Dock/pier 50’ long, 8’ wide and less than \$5,000 fmv on a salt-water lot with a single family residence – Shoreline Exemption.
- Dock/pier 30’ long, 8’ wide and less than \$5,000 fmv on a vacant salt-water lot – Shoreline Substantial Development Permit.
- Dock/pier 30’ long, 12’ wide and less than \$10,000 fmv on freshwater - Shoreline Substantial Development Permit.
- Dock/pier 30’ lone, 8’ wide and less than \$10,000 fmv on a fresh-water lot with a single family residence – Shoreline Exemption.

Note: SEPA is required for these examples if a building permit is required.

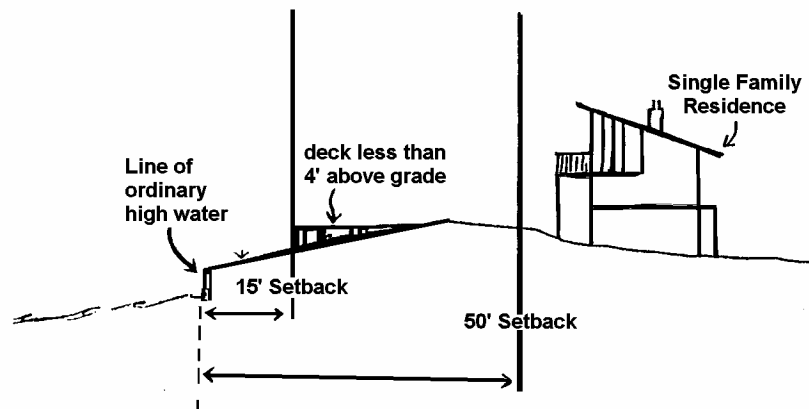
Decks:

Decks may be located within the 50-foot setback, as close as 15-feet to the shoreline, if they are no higher than 4 feet above grade, including railings.

This has been expanded to allow a fence no higher than 4-feet to extend into the 50 foot setback provided it is no closer than 15-feet to the shoreline.

Examples:

- Add a grade level deck to an existing residence with a proposed setback of 30’ from the line of ordinary high water – Shoreline Exemption.
- Add a second-story deck to an existing residence setback less than 50’ from the ordinary high water – Shoreline Variance.



Bulkheads:

Any bulkhead, no matter what size, is regulated by the Shoreline Regulations. A bulkhead greater than 4-feet in height, measured from finished grade, including anything below ground, also requires a building permit and environmental review (SEPA). A shoreline exemption can be granted when the “sole purpose of a bulkhead is to protect an existing single-family residence, and appurtenant structures, from loss or damage by erosion” (WAC 173.27.040(2)(c)), and for normal maintenance and repair of the bulkhead (WAC 173.27.040(2)(b)). In the case of an emergency situation, Per WAC 173.27.040(2)(d), a bulkhead may be granted written shoreline exemption for construction necessary to protect property from damage by the elements, provided:

- There is imminent threat to public health, safety or the environment which requires immediate action within a time too short to allow further compliance with the WAC [obtain appropriate permits]; and
- There is no development of new protective structures where none previously existed. [This shall be proven by a geotechnical report].

If Pierce County deems the appropriate means to address the emergency situation to be a new protective structure, upon abatement of the emergency situation, the new structure shall be removed or the appropriate permits that would have been required without the emergency must be obtained.

In no case will a permit for a bulkhead be granted for the purpose of creating land.

Examples:

- Bulkhead for existing single family residence experiencing erosion – Shoreline Exemption and SEPA (if a building permit is required).
- Bulkhead on a vacant lot – Shoreline Substantial Development Permit and SEPA.

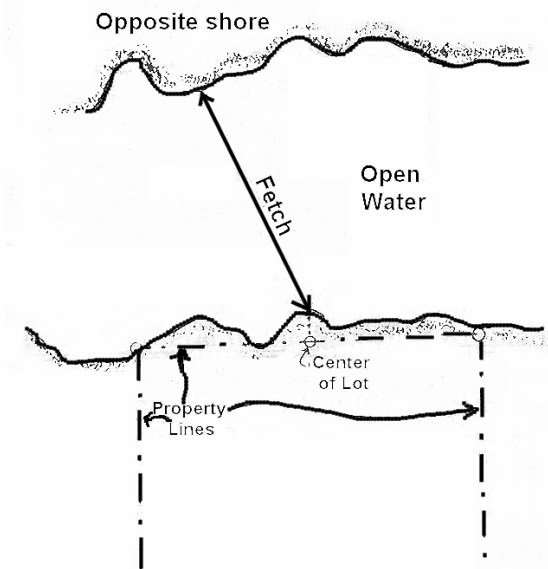
Projects Exempt from Building Permit:

If a development does not require a building permit, the development standards of the Shoreline Regulations still apply. If the development standards cannot be met, the appropriate permit must be requested. An example would be a 10’ by 12’ structure to store personal watercraft. A building permit is not required for a structure less than 120 square feet. If the structure is placed 50+ feet from the bulkhead, no shoreline permit would be required if it is accessory to a single family residence. If it is within 50-feet of the shoreline, it would require a Shoreline Conditional Use Permit.

Shoreline Substantial Development Permit:

If you wish to exceed the criteria for a pier/ramp/floating dock, you must obtain approval of a Shoreline Substantial Development Permit. The guidelines for reviewing a dock that exceeds the criteria are:

- The length should only be long enough to obtain a depth of 8 feet at mean lower water ;
- The length should not exceed 150 feet in length, nor
- The length should not exceed 15% of the fetch (a straight line drawn from the center of the subject parcel to the closest point on the opposite shore), whichever is less.



Shoreline Conditional Use Permit:

A Shoreline Conditional Use Permit is required for boat houses, stairs and ramps to the beach, and other water-dependent structures to be located within the 50-foot setback. Final approval comes from the Department of Ecology with a recommendation from Pierce County.

The Washington State Department of Ecology reviews all shoreline applications and has final approval authority on Shoreline Variances and Conditional Use Permits.

The Washington State Department of Fish and Wildlife reviews shoreline applications and requires a Hydrologic Project Approval (HPA) for some projects, including bulkheads, piers and docks.

**THE FOLLOWING SHORELINES ARE REGULATED BY
PIERCE COUNTY SHORELINE MANAGEMENT REGULATIONS**

LAKES:

Alder Lake	Lake Twenty-seven
Bay Lake	Morgan Lake
Carney Lake	Muck Lake
Clear Lake	Mud Lake
Cranberry Lake	Ohop Lake
Crescent Lake	Rapjohn Lake
Harts Lake	Silver Lake
Kapowsin Lake	Spanaway Lake
Kreger Lake	Stansberry (Holiday) Lake
Lake Florence	Surprise Lake
Lake Josephine	Tanwax Lake
Lake Minterwood	Tule Lake
Lake Tapps	Whitman Lake

MARINE:

All marine waters in Pierce County

RIVERS AND STREAMS:

Beaver Creek	Mashel River	Spanaway Creek
Busy Wild Creek	Milky Creek	Tanwax Creek
Carbon River	Minter Creek	Twenty-Five Mile Creek
Chambers Creek	Mowich Creek	Unnamed Trib. to Mashel Rvr
Clark's Creek	Muck Creek	Voight Creek
Clearwater River	Niesson Creek	West Fork of the White River
Clover Creek	Nisqually River	White River
Evans Creek	Ohop Creek	Wilkeson Creek
Gale Creek	Puyallup River	
Greenwater River	Rocky Creek	
Kapowsin Creek	Rushing Water Creek	
Little Mashel River	South Creek	
Lynch Creek	South Prairie Creek	

DEFINITIONS:

- Dock A Dock shall mean a structure which abuts the shoreline and floats upon the water and is used as a landing or moorage place for marine transport or for recreational purposes.
- Fetch Fetch shall mean the horizontal distance across a body of water measured in a straight line from the most seaward point along the ordinary high water line or lawfully established bulkhead on a given stretch of shoreline to the closest point on the ordinary high water line or lawfully established bulkhead on the opposite shoreline.
- Float A Float shall mean a structure comprised of a number of logs, boards, barrels, etc., fastened together into a platform capable of floating on water, used as a landing or moorage structure for marine transport or for swimming purposes. Floats are either attached to a pier or are anchored to the bedlands so as to allow free movement up or down with the rising or falling water levels.
- Gangway or Ramp A Gangway or Ramp shall mean a sloping structure that provides access from a pier to a float. Gangway shall also include a sloping structure for marine transport or for recreational purposes.
- Grade Grade is the lowest point of elevation of the finished surface of earth or water between the structure and the property line or within 5 feet of the structure if the property line is more than 5 feet away.
- Pier A Pier shall mean a structure which abuts the shoreline and is built over the water on pilings and is used as a landing or moorage place for marine transport or for recreational purposes.



Pierce County Planning and Land Services
2401 South 35th Street
Tacoma, WA 98409
(253) 798-7200
www.piercecountywa.org/pals
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