

O. Mooring Structures

Definitions. Mooring Structures include piers, docks, floats and buoys and their associated pilings, ramps, lifts and railways. Any mooring structure or grouping of structures that provide docking space for more than ten boats is considered a marina and shall also follow the marina regulations at section xxx.xx.

For purposes of this section, the following definitions shall apply:

A *pier* is a rigid structure built over the water, attached to the shore and used as a landing place for marine transport or for recreational purposes.

A *dock* is a structure floating upon the water and attached to the shore, used as a landing place for marine transport or for recreational purposes. May also be the floating structure at the end of a pier and ramp.

A *float* is an anchored floating platform for water-dependent recreational activities such as swimming or diving. Also known as a recreational float.

A *ramp* is a structure between a pier and dock which adjusts its angle based on the tidal elevation, allowing access to the float at all times.

A *buoy* is an anchoring device with a float used to secure a vessel. An *anchor* is a similar device, but without a float.

A *boat launch*, as used here, is a solid ramp, usually made of concrete, used for the purpose of placing watercraft in and out of the water. A *marine rail system* is a pair of sloping tracks which extends into the tidelands, used for the same purpose.

Environment Designations Permit Requirements.

When proposed in the Aquatic Designation and adjacent to:

1. Natural:
Prohibited for single-use;
CUP for joint or public use.
2. Rural Conservancy, Urban Conservancy, Shoreline Residential, and High Intensity:
SDP.

Application Requirements.

In addition to the general permit requirements, proposals for mooring structures shall include the following:

1. A staff consultation meeting with the Kitsap County Department of Community Development, and state agencies and tribes with jurisdiction shall be required prior to application for new piers and docks, pursuant to Section 22.xx.xxx (Permit Provisions, Review and Enforcement).
2. Description of the proposed structure, including size, location, design, and any other modification required by the project;
3. Ownership of tidelands, shorelands, and/or bedlands;
4. Proposed location of mooring structures relative to property lines and ordinary high water mark;
5. Location, width, height, and length of mooring structures on adjacent properties;
6. If for residential moorage, demonstration that existing facilities, including public moorage within ten driving miles of the applicant's parcel, are not adequate or feasible to accommodate the proposed moorage;
7. Demonstration that alternative types of moorage, including buoys, are not adequate or feasible;
8. Written confirmation from each adjoining landowner indicating whether or not a joint-use mooring structure agreement will be entered into;
9. Habitat surveys shall be required for mooring structures, with the exception of buoys, and shall be conducted according to the Washington Department of Fish and Wildlife, Washington Department of Natural Resources, and the Army Corps of Engineers parameters, where applicable;
10. The applicant shall have the burden of providing the requested information in the manner prescribed by this section. (Current 22+)

Development Standards.

General

1. Mooring structures shall follow all applicable state and federal requirements for building standards, materials, installation timing and surveys.
2. Mooring structures shall only be allowed in critical saltwater and freshwater habitats when the standards provided in this Section for such habitats are met.
3. Overwater structures shall be constructed to the minimum size necessary to meet the needs of the proposed water-dependent use, including single family residences, provided the additional development standards of this section are met.(WAC+)
4. Buoys shall be preferred over piers, docks or floats. In critical saltwater and freshwater habitats, the applicant shall be required to demonstrate that a buoy is not a feasible option.
5. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on overwater structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated. (WAC)
6. New piers and docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water dependent use and may be permitted, provided that it is designed and intended as a

- facility for access to watercraft and otherwise complies with the provisions of this section. (WAC)
7. Single-use mooring structures, with the exception of buoys, shall be prohibited except where it can be demonstrated that a joint use facility is not feasible. (Current 22)
 8. Moorage structures for new residential development of two or more dwellings shall be limited to a single, joint-use community facility, with no more than one moorage space per dwelling unit or lot. (WAC)
 9. Except when accessory to single family residences, any new pier or dock construction may only be permitted if the applicant has demonstrated that a specific need exists to support the intended water-dependent use. This may include justification through port or county comprehensive plans. (WAC)
 10. Mooring structures shall be readily discernible under normal daylight conditions to the unaided eye at a minimum distance of one hundred yards and must be marked for night-time visibility. (Current 22+)
 11. No creosote, chromate copper arsenate, or pentachlorophenol treated wood, or other comparably toxic compounds shall be used as part of the decking, pilings, or other components of any in-water structures such as docks, piers, and floats. These types of treated wood shall only be used for above- water structural framing. (DNR)
 12. During maintenance, existing deteriorated treated wood shall be replaced with alternative materials such as untreated wood, steel, concrete, or recycled plastic, or encased in a manner that prevents metals, hydrocarbons and other toxins from leaching out. (DNR)
 13. Tires are prohibited as part of above and below water structures or where tires could potentially come in contact with the water. (DNR)
 14. During maintenance or repair of a pier, dock or ramp, existing tires used for flotation shall be replaced with inert or encapsulated materials such as plastic or encased foam. Likewise, any un-encapsulated foam material must be removed or replaced.(DNR)
 15. To prevent scouring of the substrate, power-assisted pressure washing or cleaning of equipment, machinery, or structures in water less than 7 feet deep shall be prohibited. In addition, equipment that contains or is covered with petroleum based products should not be pressure washed in or over the water. (DNR)
 16. New covered moorage, over-water boat houses, side walls or barrier curtains associated with single family residential moorage are prohibited. When covered moorage and covered watercraft lifts are replaced, the replacement structures should use transparent roofing materials that are rated by the manufacturer as having 90% or better light transmittance. (DNR)
 17. New structures shall be designed and located so no new bulkheading or armoring of the shoreline is necessary. (DNR)
 18. Functional grating resulting in a total open area of a minimum of 24% must be installed on piers which are new or replacement greater than 50%. This can be achieved by installing grating with 60% open area on at least 40% of the pier or by grating a larger percentage of the pier with grating with openings of less than 60%. (Corps)

19. Grating must not be covered, on the surface or underneath, with any stored items and must be kept clean of algae, mud or other debris that may impede light transmission. (Corps)

Critical Saltwater Habitats Standards

1. All mooring facilities shall be designed and constructed to avoid, or where avoidance is not feasible, to minimize and mitigate impacts to ecological functions and critical saltwater habitats and species, such as eelgrass beds and fish habitats and processes such as currents and littoral drift. (WAC)
2. Where existing covered moorage, covered watercraft lifts and boathouses associated with single family residences occur within critical saltwater habitats, the structure shall either be removed by the end of the life of the structure, or relocated at the time of greater than 50% replacement to avoid critical saltwater habitats. (DNR)
3. New or expanded mooring structures shall provide the greater or most protective of:
 - a) A horizontal buffer distance of 25' from the outside edge of the structure to native aquatic vegetation attached to or rooted in substrate;
 - b) A horizontal buffer equal to the maximum distance shade will be cast by the structure and vessel;
 - c) A 4' vertical buffer from eelgrass or relevant submerged aquatic vegetation;
 - d) A buffer the diameter of the turning circle, if the structure is to be utilized for motorized vessels. The turning circle is defined as 3.5 times the length of the longest vessel to use the structure. (DNR and Corps)
4. In areas that have not been documented as spawning sites, but contain characteristics that would support forage fish spawning, the habitat survey shall be conducted over a two year period throughout the assumed local spawning season. If the proponent is unwilling to bear the time and expense of such a survey, the project must be designed and operated under the presumption that forage fish spawning does occur at the site, pursuant to Department of Fish and Wildlife standards. (DNR)
5. For sites adjacent to sand lance and surf smelt spawning areas, all in-water work that has the potential to increase suspended sediments in the spawning area during the spawning period shall require a buffer of at least 2' vertical separation from the tidal elevation of the spawning bed, or a buffer of 180' horizontal distance from the lower edge of the spawning habitat zone. In-water work should occur during an outgoing tide when the water line is below the lower edge of a surf smelt/sand lance spawning habitat zone (5-6' MLLW). (DNR)

Pilings

1. New or replacement pilings may be made of steel, concrete, plastic, untreated or treated wood, except creosote and similar products. (Corps)
2. New pilings must be spaced 20' lengthwise. If the structure is less than 20' in length, pilings may be allowed at the ends of the structure only. In areas with forage fish spawning or rearing and submerged aquatic vegetation, when allowed, pilings must be spaced 40' lengthwise. (Corps)
3. A maximum of two moorage pilings beyond a float may be allowed to accommodate moorage of boats exceeding the length of the float. (Corps)
4. New or replacement pilings shall be driven only during construction windows approved by Washington Department of Fish and Wildlife. These include protection for spawning periods and periods of presence of juvenile salmonids, forage fish and groundfish.

Piers

1. Single use piers may not exceed 4' in width (6' if wheelchair access is needed), and joint use piers may not exceed 6' in width, unless otherwise approved by the US Army Corps of engineers, if applicable to the proposal. (Corps)
2. In no case shall piers and their associated docks extend greater than 15% of the perpendicular shore-to-shore distance across a water body, except where a navigational study has been submitted for County review and approval. The navigational study shall analyze impacts to local recreational use, and recommend mitigation measures to minimize such impacts.
3. Piers shall have a north-south orientation to the maximum extent feasible. For every 10 degrees difference from this orientation, the structure shall be 2/3 of one foot greater in height, to the extent which it does not create an aesthetic conflict.
4. New, repair or replacement piers must be oriented in a straight line. (Corps)
5. The construction of new covered structures on piers is prohibited. This does not include electrical utility boxes, or if such structure is an element of an approved marina, port or park plan. (approx. Corps)
6. The width of the ramp connecting the pier must not exceed 4' in width. (Corps)
7. New and replacement ramps or gangways shall be fully grated with 60% open area. (Corps)

Docks and Floats

1. All foam material whether used for flotation or for any other purpose must be encapsulated within a shell that prevents breakup or loss of the foam material into the water and is not readily subject to damage by ultraviolet radiation or abrasion. (DNR)
2. Flotation shall not be installed under functional grating. (Corps)
3. Docks and floats, nor any watercraft, shall not ground out at low tide and shall not be permitted to rest landward of mean lower low water.

4. Floats shall be suspended at all times a minimum of 1' above the substrate. The preferred method is to suspend the float above the substrate by installing float stops on piling. The stops must be able to fully support the entire float during all tidal elevations. In some instances, stub pilings or float feet may be considered. (Corps)
5. Single-use docks attached to piers shall not exceed 8' in width and 30' in length. Functional grating must be installed on at least 50% of the surface area. (Corps)
6. Joint-use docks attached to piers shall not exceed 8' in width and 60' in length. (Corps)
7. Single-use recreational floats shall not exceed sixty-four square feet in size and joint-use recreational floats shall not exceed two-hundred square feet in size.
8. Single-use recreational floats shall not exceed 8' in width and 30' (15' for lakes) in length. Joint-use recreational floats may be a maximum 8' in width and 60' (30' for lakes) in length. In either case, the float must have at least 50% functional grating. (Corps-lakes)
9. Community recreational floats associated with public parks and other recreational facilities shall be a maximum of 300 square feet in size and shall not be permitted to rest landward of mean lower low water.

Boat Launching Ramps, Railways and Lifts

1. Private boat launches shall not extend below ordinary high water, (Current 22) unless they:
 - a) are elevated, and
 - b) will result in no net loss of shoreline ecological functions, and
 - c) minimize aesthetic impacts.
2. Commercial or community boat launching ramps shall provide a wash-down drainage crypt which incorporates oil-water separators for the treatment and disposal of wastewater associated with the boat launching ramp. (Current 22)
3. Private marine rail systems are preferred over private boat launch ramps. (Current 22)
4. Marine rail systems shall be maintained in operating condition or must be removed (Current 22).
5. Marine rail systems shall be designed, to the greatest extent feasible, so they are not barriers to littoral drift. (Corps)
6. Floating watercraft lifts shall be located greater than 9' water-ward from the ordinary high water mark. (DNR)
7. The area of floating boat lifts to be installed on the overwater structure must be included in the float grating calculations. (Corps)

Buoys and Anchors

1. One mooring buoy may be permitted per residence, pursuant to the standards in this section.

2. Mooring buoys may be permitted at public parks, provided they are part of an approved park plan.
3. Mooring buoys and/or anchors shall not be used for moorage of live-aboard boats or houseboats. Other extended moorage or anchoring shall only be allowed in waters of the state when permission is obtained from the state, and impacts to navigation and public access are mitigated. (current 22 and WAC)
4. Mooring buoys shall have a helical anchor with a mid-line float and located in -16' or deeper for minimal impacts to the substrate and aquatic vegetation.
5. Mooring buoys are limited to use for vessels no longer than sixty (60) feet in length.
6. Mooring buoys are subject to Washington Department of Natural Resources approval for placement in state owned aquatic lands (RCW 79.105.430), and Washington Department of Fish and Wildlife approval for any mooring buoy placement.
7. Recreational mooring buoys shall be registered with the Kitsap County Department of Community Development. (Current 22)

Lakes, Rivers and Streams

1. Mooring structures shall be prohibited on rivers and streams. (Current 22+)
2. No mooring structures shall be constructed within 100' of the mouth of a river, stream or creek. (Corps)