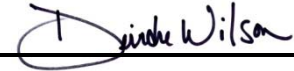


**Planning and Land Services Department  
CURRENT PLANNING SECTION POLICY**



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<b>Policy Number:</b>	<b>CP2015-02</b>
<b>Title:</b>	<b>Recreational Buoys Accessory to A Single-Family Residence</b>
<b>Date:</b>	<b>April 13, 2015, revised April 27, 2015, revised September 4, 2015</b>
<b>Management Approval:</b>	<b>Deirdre Wilson</b>
<b>Related Documents:</b>	<b>PCC Title 20</b>
<b>Previous Related Policy:</b>	<b>PALS policy dated 6/26/13</b>

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**Purpose:** This policy identifies Pierce County Shoreline Master Program (SMP) and Washington State Department of Natural Resource (DNR) permitting requirements for personal use of recreational buoys accessory to single-family residences.

**Discussion:** This policy applies to placement of a private recreational buoy for personal use, accessory to a single-family residence, in tidal waters and lakes and streams subject to the Shoreline Management Act (SMA) in unincorporated Pierce County.

Pierce County has jurisdiction under SMA for development over all waters subject to the SMA and the land underlying those waters, regardless of land ownership.

The attached reference table identifies County and DNR permitting requirements for anchor buoys used to moor private recreational watercraft accessory to a single-family residence. It addresses only SMP and DNR approvals, and does not address other required approvals, including but not limited to approvals required by other Pierce County agencies, Washington Department of Fish and Wildlife, and U.S. Army Corps of Engineers.

Table Notes

- “Beds of Navigable Waters” (BNW) means:
  - In rivers and lakes not subject to tidal flow, BNW means those lands lying waterward of and below the line of navigability. See definition at RCW 79.105.060(2).
  - In tidal waters, BNW means those lands lying waterward and below the extreme low tide mark. See definition at RCW 79.105.060(2).
- In lakes and streams, buoys are allowed only in BNW, and not above the line of navigability.
- In tidal waters, buoys are allowed only in BNW, and not in tidelands.
- “Tidelands” means the entire area between OHWM and the line of extreme low tide. See definition at RCW 79.105.060(22).
- In unincorporated Pierce County, DNR owns all saltwater BNW.

Recreational Buoys Accessory to Single-Family Residences Reference Table			
Property Ownership		Permitting Requirements	
		Pierce County	Department of Natural Resources (DNR)
<b>TIDAL WATERS</b>			
1.	Waterfront Property Owner wants to install a buoy	Letter of Exemption from Substantial Development Permit	No-Fee Registration
2.	Tideland Owner is <u>not</u> adjacent Waterfront Property Owner, and wants to install a buoy	Letter of Exemption from Substantial Development Permit	Fee Registration
3.	Boat Owner is neither the Waterfront Property Owner or Tideland Owner, and wants to install a buoy 200 feet or less from Ordinary High Water Mark (OHWM)	Authorization from Waterfront Property Owner, and <del>Letter of Exemption</del> Substantial Development Permit	Fee Registration
4.	Boat Owner is neither the Waterfront Property Owner or Tidelands Owner, and wants to install a buoy more than 200 feet from OHWM	<del>Letter of Exemption</del> from Substantial Development Permit	Fee Registration
<b>LAKES AND STREAMS</b>			
1.	Waterfront Property Owner wants to install a buoy on DNR-owned Beds of Navigable Water	Letter of Exemption from Substantial Development Permit	No-fee Registration
2.	Waterfront Property Owner wants to install a buoy on Beds of Navigable Water not owned by DNR	Authorization from Bedlands Property Owner, and Letter of Exemption	No registration or other approval from DNR
3.	Bedlands Property Owner wants to install a buoy on DNR-owned Beds of Navigable Water	Letter of Exemption from Substantial Development Permit	Fee Registration
4.	Bedlands Property Owner wants to install a buoy on Beds of Navigable Water that he/she owns	Letter of Exemption from Substantial Development Permit	No registration or other approval from DNR
5.	Boat Owner is neither the Waterfront Property Owner or Bedlands Property Owner, and wants to install a buoy 200 feet or less from OHWM	Authorization from Waterfront Property Owner, and <del>Letter of Exemption</del> Substantial Development Permit	Fee Registration if on DNR-owned Beds of Navigable Waters
6.	Boat Owner is neither the Waterfront Property Owner or Bedlands Property Owner, and wants to install a buoy more than 200 feet from OHWM	<del>Letter of Exemption</del> from Substantial Development Permit	Fee Registration if on DNR-owned Beds of Navigable Waters

### **Analysis for September 2015 Revision**

An exemption from the substantial development permit process is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the applicable master program and the Shoreline Management Act.

PCC 20.56.030 A.1.b.: Anchor buoys permitted outright for lot owner@ 1 per lot owner (interpret to mean waterfront property owner), or 1 per 100 feet of shoreline. Thus, exemption for waterfront owner.

PCC 20.56.030 A.2.a.: Anchor buoys which exceed the limitations above are subject to SD. Thus, non-waterfront property owners are subject to SD.

In the Residential Development chapter, PCC 20.62.040 A.1.c.(4) calls out buoys as permitted outright if accessory to a single-family residence, if within prescribed setbacks. For a buoy accessory to a single-family residence, the setback would be 10 feet from the extension of the side property line into the water.

20.62.040 A.2.d. addresses other accessory structures. To be “accessory,” a use has to be on the same lot as the residence, per the SMP definition for “accessory building or use.”

### **Conclusion**

While the “permitted outright” buoy in A.1.c.(4) above calls out exempt buoys, A.2.d. does not address buoys not on (adjacent to) the same lot as the residence. Therefore, the SD exemption does not apply.