

Docks, Wharves and Piers
(including introductory text from Design Standards Section)

5-3 Design Standards

(A) General Requirements

~~All decks, boat ramps, boat shelters, wharves, docks, piers, aerial structures and boat service facilities~~

~~(1) All construction shall abide by Section 5-3 of these regulations the design standards in this section or otherwise required by the Sections 5-1 and 5-2 of these regulations, and "Conditions of Approval" attached to any permit issued.~~

~~(2) Where common lake-related facilities are to be constructed and shared by two or more property owners, set-back requirements from the common property or riparian boundary lines(s) may be waived, provided that all affected parties sign the Lakeshore Construction Permit application, and the application clearly specifies that the facilities are to be used in common by the parties.~~

~~(3) Properties which lack adequate lake frontage to provide for minimum setbacks shall not be allowed improvements.~~

~~(4) These design standards govern construction in Lake County in the lakeshore protection zone, excluding those portions of Flathead Lake which lie within the jurisdictional area of the City of Polson and/or areas below the elevation of 2893.2 feet (Somers datum) of Flathead Lake within the Confederated Salish and Kootenai Reservation.~~

~~(A)(B) Docks, Wharves, and Piers (for single-family or two-family residential use)~~

~~(1) Policy~~

~~(a) Open docks and floating docks which allow complete water transfer beneath the dock are preferred. Piling, floating, metal pipe, and concrete or crib pillar docks with large free water transfer areas do not impede the current flow of water, and therefore, do not allow for concentration of pollutants or nutrients behind the dock, creation of stagnant water conditions, significant change in plant or algal growth behind the dock, or significant change in patterns of erosion or deposition of lakebed or lakeshore materials due to alteration of current flows. Open docks generally have an insignificant less of an impact on the lakeshore protection zone than docks that restrict water transfer.~~

~~(b) Partially open docks which provide for restricted water transfer may be allowed. Such docks partially impede the free transfer of water beneath the dock, and as such, they may cause minor adverse impacts to water quality. Partially open docks are those constructed of closely spaced piling, closely spaced planking, concrete or crib docks with reduced free water areas, or similar structures which partially impede free water transfer.~~

- (c) Docks, wharves and piers have a high potential to interfere with public navigation and public recreation. The property owner has a riparian right to lake access; the public has a right to navigation and recreation on public waters. A balance of these two rights can be reached by considering the water depth at a given location and the distance a structure extends into and covers the public waters.
 - (d) Common shoreline dock facilities, shared by two or more owners, should be encouraged, as such facilities reduce the overall environmental impacts on the lakebed and lakeshore and ease navigational congestion on the lake.
- (2) Standards for all docks
- (a) Docks shall not exceed fifty-sixty feet (5060') in length (as measured from the mean annual high water elevation to the furthest extension of the dock) if there is approximately five feet (5') or more of water depth at the end of the dock when the lake is at its mean annual high water elevation. Exceptions may be made in cases where special circumstances require additional water depth.
 - (b) Where the depth of the water at the end of a proposed sixty foot (60') dock is less than five feet (5'), additional length may be allowed for the purpose of reaching five feet (5') of water depth at the end of the dock. No dock shall exceed one hundred feet (100') in length as measured from the mean annual high water elevation to the furthest extension of the dock into the lake.
 - ~~(c) No solid portion of a dock extending water ward from the mean annual high water elevation shall exceed twenty feet (20') in length.~~
 - ~~(d) For partially open docks, the free water area shall be at least as wide as the solid portion, unless another design which provides substantial free water area is reviewed and approved.~~
 - ~~(e)(c) Where boat access is necessary to a dock structure~~ A minimum of twenty-five feet (25') shall remain open between the dock structure and each the riparian boundary. This distance may be waived for a common dock shared by two adjacent property owners, provided all affected parties sign the Lakeshore Construction Permit application and the application clearly specifies that the shared dock is to be used in common by the parties.
 - (d) The width of a dock shall be limited to eight feet (8'). This does not include triangular bracing sections placed on the inside corners of docks, provided the bracing section does not exceed two feet (2') in length.
 - (e) The breakwater portion of a dock shall be reasonably parallel to the shoreline and shall not exceed twenty-five percent (25%) of the property's linear frontage or ~~thirty~~twenty-five feet (3025'), whichever is less, unless special circumstance warrants a modified design and such design is approved by the governing body. No solid section of the breakwater portion of a solid or partially open

Comment [MSOffice1]
Moved to Partially Open dock standards (f)(iv)

Comment [MSOffice2]
Moved to Partially Open dock standards (f)(ii)

Comment [MSOffice3]
Moved. Used to be (h)

dock shall exceed twenty-five feet (25') in length.
 (f) Breakwater baffle boards may be placed along the sides of docks to break wave action along open stretches of dock; however, the boards shall be placed no closer than three ~~(3)~~-feet (3') from the existing lake bottom or shoreline to allow for free movement of lake currents.

Comment [MSOffice4]
 Moved. Used to be (i)

(g) Covered docks are not permitted.

Comment [MSOffice5]
 Moved. Used to be (j)

~~(e)~~(h) Solid concrete, piling, plank or solid crib docks that essentially block the transfer of water beneath the dock are not permitted.

~~(f)~~ For existing nonconforming solid structures, culverts may be utilized to provide some water transfer through an otherwise solid dock provided that such docks are constructed in accordance with approved plans. In general, a twenty four inch (24") culvert should be located at a depth of one to two feet (1-2') below the mean annual high water elevation on ten-foot (10') centers. A thirty six-inch (36") culvert should be set on the lakebed on ten-foot (10') centers and located halfway between the twenty four inch (24") culverts.

~~(g)~~ (i) All docks shall be open or partially open. Partially open docks shall meet the following standards:

(i) Dock Main Stem Length

Standards

0- 25 50 feet	One or more openings which incorporate at least one-half (1/2) of the total length and along side wall area as free water area(s).
51- 75 more than 25 but less than 75 feet	Two or more openings which incorporate at least one-half (1/2) of the total length of the and side wall area as free water area(s).
76-100 <u>75 or more</u> feet	Three or more openings which incorporate at least one-half (1/2) of the total length and of the side wall area as free water area(s).

(ii) The free water areas shall be at least eight feet (8') in length. The free water area shall be at least as wide as the solid portion, unless another design which provides substantial free water area is reviewed and approved.

(iii) One of the free water areas shall be located at the mean annual high water line and extend waterward a minimum of eight feet (8').

- ~~(b)~~(d) Floating-Removable docks shall be removed from the water by December 1 and anchored securely to avoid ice damage and improve the appearance of the lakeshore. Wood skids shall may be incorporated into the bottom of the dock to protect the wood bottom during annual installation and removal. Docks shall be removed and anchored above the mean annual high water elevation and out of the lakeshore protection zone whenever possible. If topography or other property conditions preclude removal out of the lakeshore protection zone, docks shall be stored as far from the water as possible. Annual dock removal shall limit disturbance to the lakebed and lakeshore vegetation.
- (e) Lakeshore Construction Permits are required initially for placement of a removable dock. Once a removable dock is permitted, it may be annually installed and removed without requiring a permit. All "Conditions of Approval" from the initial permit remain in effect. A new permit is required if a new dock, or new location is proposed.

(4) Additional Standards – Crib Docks

- (a) All rock fill placed in crib docks shall be at least four inches (4") in diameter. Any fill placed in crib docks shall consist of clean rock and be free of any fine materials such as sand, silt and clay.
- (b) All fill placed in crib docks shall be obtained from a source outside the lake, lakebed, and lakeshore protection zone, except that large cobble and boulders lying on the lake bottom and not part of the lakebed armament may be picked from the lakebed and used for rip rap along the mean annual high water elevation, or it may be used as fill material inside cribs or behind retaining walls, provided that such rock can be picked from the lakebed without excavating any fine lakebed materials and an armament of rock or gravel remains on the lakebed in the work area to mitigate impacts to water quality.

Comment [MSOffice7]
Inserted language from
Dredge and Fill Section