



STAFF REPORT

NEVIN RESIDENCE DOCK

SHORELINE SUBSTANTIAL DEVELOPMENT AND SHORELINE VARIANCE

FILE NO. SHOR22-01 (CONSOLIDATED FILE NOS. CA22-01 AND SEPA22-02)

REPORT DATE: JUNE 21, 2022

To:	Hearings Examiner	Public Hearing date:	June 27, 2022
Applicant:	Jack Loranger 162 Krogstad Rd Washougal, WA 98671		
Proposal:	The construction of a 6' wide by 32' long (192 square foot) private recreational floating boat dock		
Location:	The project is located at 2462 SE 11 th Avenue in Camas, Washington, (Parcel 87280000) within SW and SE ¼ of Section 12, and NW ¼ of Section 13, Township 1 North, Range 3 East of the Willamette Meridian near Columbia River Mile 121.6.		
Public Notice:	The city mailed notices of public hearing to neighboring properties within 300-feet of the subject site and published in the local paper on June 9, 2022 (publication number 696040). The city issued a SEPA Determination of Non-Significance on June 9, 2022 and the comment period ended on June 23, 2022 (publication number 696030).		

TABLE OF CONTENTS

APPLICABLE LAW	2
SMP STANDARDS AND EVALUATION.....	2
BACKGROUND.....	2
MASTER PROGRAM GOALS AND POLICIES (CHAPTER 3)	2
AQUATIC SHORELINE DESIGNATION (CHAPTER 4)	3
MEDIUM INTENSITY SHORELINE DESIGNATION (CHAPTER 4)	4
GENERAL SHORELINE USE AND DEVELOPMENT REGULATIONS (CHAPTER 5)	5
CRITICAL AREAS PROTECTION (Section 5.3) (CA21-01).....	6
SPECIFIC SHORELINE USE REGULATIONS (Chapter 6)	7
SHORELINE VARIANCE (Appendix B- Section VIII)	11

STATE ENVIRONMENTAL POLICY ACT (SEPA22-02)	12
CONCLUSIONS	12
RECOMMENDATION	13

APPLICABLE LAW

THE APPLICATION WAS DEEMED COMPLETE ON **MARCH 15, 2022**, AND THE APPLICABLE CODES ARE THOSE CODES THAT WERE IN EFFECT ON THE DATE OF APPLICATION, TO INCLUDE CAMAS MUNICIPAL CODE (CMC) TITLES 16, 17 AND 18; THE CAMAS SHORELINE MASTER PROGRAM (ORD. 21-003) CONSOLIDATED WITH CRITICAL AREA REVIEW WITHIN APPENDIX C (SMP); AND THE SHORELINE MANAGEMENT ACT (RCW90-58)(WAC 173-27). **NOTE: *CAMAS SHORELINE MASTER PROGRAM (SMP) AND CAMAS MUNICIPAL CODE (CMC) CITATIONS ARE IN ITALICS THROUGHOUT THIS REPORT.***

SMP STANDARDS AND EVALUATION

- **Shoreline Substantial Development Permits** must be consistent with approved Shoreline Master Program (SMP) element goals, objectives and general policies of the designated environment; policy statements for shoreline use activities; and with use activity regulations.
- **Shoreline Variances.** The applicant must demonstrate that the variance is the minimum necessary to afford relief and that it will not cause adverse effects to the environment. SMP Variances require final approval or disapproval from the Department of Ecology after final local action has been taken.

BACKGROUND

The proposed new private recreational floating dock will be located on the Columbia River, which is a shoreline of statewide significance. The Camas Shoreline Master Program (SMP) classifies the shoreline management areas as “Medium Intensity” and “Aquatic”. In both environments, a private dock is an allowed shoreline use, which requires a Shoreline Substantial Development permit as the total cost of the development exceeds \$7,047.00 or as adjusted by the State Office of Financial Management per SMP section 2.3.2.1. A variance is requested for relief to the distance standard that new docks shall not permitted be within a 1/4 mile of an existing moorage.

The development is subject to review and approval of the following permits: Shoreline Substantial Development Permit (SDP), Shoreline Variance, Critical Areas Review and SEPA Review. This report includes the criteria for review for these permit types. It also includes a recommendation of approval of the development conditions.

MASTER PROGRAM GOALS AND POLICIES (CHAPTER 3)

At page 3-1 of the SMP, the general goals of the program are to use the full potential of the shorelines in accordance with the surrounding areas, the natural resource values, and the unique aesthetic qualities; and develop an ordered and diversified physical environment that integrates water and shoreline uses while achieving a net gain of ecological function. The dock supports the following shoreline goals such as:

SMP, Section 3.2 Shorelines of Statewide Significance, *“Development should be focused in already pre-developed shoreline areas to reduce adverse environmental impacts and to preserve undeveloped shorelines.”*

SMP, Section 3.7 Public Access and Recreation *“The goal of public access and recreation is to increase the ability of the general public to enjoy the water’s edge, travel on the waters of the state, and to view the water and the shoreline from adjacent locations.”*

FINDING: Staff finds that the general goals and policies of Chapter 3 are met as this project will not affect public use of shorelines, is in an area that is already developed with private recreational docks for single-family residences and is designed to not adversely impact shoreline ecological functions.

AQUATIC SHORELINE DESIGNATION (CHAPTER 4)

The management policies of the Aquatic Shoreline Designation at SMP Section 4.3.1.4 are as follows:

- 1) *New over-water structures should be allowed only for water-dependent uses or ecological restoration.*

FINDING: The development is the construction of a new private recreational floating dock that is solely for a water-dependent use.

- 2) *Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and natural hydrographic conditions.*

FINDING: The applicant has prepared specifications regarding the in-water work and their efforts to protect the environment.

- 3) *In-water uses should be allowed where impacts can be mitigated to ensure no net loss of ecological functions. Permitted in-water uses must be managed to avoid impacts to shoreline functions. Unavoidable impacts must be minimized and mitigated.*

FINDING: Dock installation and use will have no adverse impacts on the environment as it is located in an area surrounded by existing in-river structures.

- 4) *On navigable waters or their beds, all uses, and development should be located and designed to: (a) minimize interference with surface navigation; (b) consider impacts to public views; and (c) allow for safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.*

FINDING: Dock design will minimize interference with navigation, including fish migration, and will not impact public views.

- 5) *Multiple or shared use of over-water and water access facilities should be encouraged to reduce the impacts of shoreline development and increase effective use of water resources.*

FINDING: Proposed development is the construction of a private residential floating dock as shared use of a moorage facility is not available, which is discussed further below.

- 6) *Structures and activities permitted should be related in size, form, design, and intensity of use to those permitted in the immediately adjacent upland area. The site of new over-water structures should be limited to the minimum necessary to support the structure’s intended use.*

FINDING: The proposed floating dock dimensions are the minimum necessary to safely moor and access the dock owner’s boat.

- 7) *Natural light should be allowed to penetrate to the extent necessary to discourage salmonid predation and to support nearshore habitat unless other illumination is required by state or federal agencies.*

FINDING: Proposed new dock will be designed with a surface to allow for light penetration.

- 8) *Aquaculture practices should be encouraged in those waters and beds most suitable for such use. Aquaculture should be discouraged where it should adversely affect the strength or viability of native stocks or unreasonably interfere with navigation.*

FINDING: No aquaculture activities are proposed.

- 9) *Given that the aquatic designation is waterward of the OHWM, then when the proposed use, development, activity or modification requires use of adjacent upland property, then it must be allowed within the upland shoreline designation.*

FINDING: The proposed private recreational floating dock does not propose the use of the adjacent upland property.

MEDIUM INTENSITY SHORELINE DESIGNATION (CHAPTER 4)

The management policies of the Medium Intensity Shoreline Designation at SMP Section 4.3.4.4 are as follows:

- 1) *The scale and density of new uses and development should be compatible with sustaining shoreline ecological functions and processes, and the existing residential character of the area.*

FINDING: The new private recreational floating dock is similar to and less impactful than the existing neighboring properties moorage facilities and therefore compatible with the existing residential character of the area.

- 2) *Public access and joint use (rather than individual) of recreational facilities should be promoted.*

FINDING: The Port of Camas-Washougal marina is located immediately to the east and two residential properties with existing boat docks/gangways are to the west of the property. Per the applicant, moorage at the nearby port is unavailable.

- 3) *Access, utilities, and public services to serve proposed development within shorelines should be constructed outside shorelines to the extent feasible, and be the minimum necessary to adequately serve existing needs and planned future development.*

FINDING: Access, utilities, and public services are not proposed for construction for the floating dock, and therefore this criterion is not applicable.

- 4) *Public or private outdoor recreation facilities should be provided with proposals for subdivision development and encouraged with all shoreline development if compatible with the character of the area. Priority should be given first to water-dependent and then to water-enjoyment recreation facilities.*

FINDING: The proposal is not a subdivision and therefore this criterion is not applicable.

- 5) *Commercial development should be limited to water oriented uses. Non-water oriented commercial uses should only be allowed as part of mixed-use developments where the primary use is residential*

and where there is a substantial public benefit with respect to the goals and policies of this Program such as providing public access or restoring degraded shorelines.

FINDING: Commercial development is not proposed and therefore this criterion is not applicable.

GENERAL SHORELINE USE AND DEVELOPMENT REGULATIONS (CHAPTER 5)

The following general regulations of Chapter 5 Section 5.1 (beginning on page 39) are as follows:

1. Shoreline uses and developments that are water-dependent shall be given priority.

FINDING: The development is water-dependent.

2. Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline functions on other properties.

FINDING: The proposed work will not affect shoreline functions on other properties or require remedial action.

3. Shoreline uses and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be demonstrated that stabilization is the only alternative to protecting public safety and existing primary structures.

FINDING: Per the applicant, the dock will be constructed off-site, floated into place and secured with pilings. These project improvements will not require shoreline stabilization at the time of the development or in the future.

4. Land shall not be cleared, graded, filled, excavated or otherwise altered prior to issuance of the necessary permits and approvals for a proposed shoreline use or development to determine if environmental impacts have been avoided, minimized and mitigated to result in no net loss of ecological functions.

FINDING: Clearing and grading is not proposed. The applicant has applied for proper permits and has not requested to begin work prior to receiving approvals.

5. Single family residential development shall be allowed on all shorelines except the Aquatic and Natural shoreline designation, and shall be located, designed and used in accordance with applicable policies and regulations of this Program.

FINDING: Single-family residential is not proposed and therefore this criterion is not applicable.

6. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered or land divided without full compliance with CMC Title 17 Land Development and CMC Title 18 Zoning.

FINDING: The proposed development requires compliance with the applicable regulations from CMC Title 17 Land Development and CMC Title 18 Zoning.

7. On navigable waters or their beds, all uses and developments should be located and designed to: (a) minimize interference with surface navigation; (b) consider impacts to public views; and (c) allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.

FINDING: The proposed private residential floating dock is located in between an existing moorage facility and private residential docks/gangways. As a result, the project will not impact surface navigation or impact public views. Further, the biological evaluation did not find any negative impacts to fish and wildlife.

8. Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and regulations of this Program as amended and all other applicable federal, state, and local statutes, codes, and ordinances.

FINDING: No other hazardous materials are expected as part of this development.

9. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.

FINDING: Work will occur as authorized by the appropriate state agency.

10. The applicant shall demonstrate all reasonable efforts have been taken to avoid, and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline function is achieved. Applicants must comply with the provisions of Appendix C with a particular focus on mitigation sequencing per Appendix C, Section 16.51.160 Mitigation Sequencing. Mitigation Plans must comply with the requirements of Appendix C, Section 16.51.170 Mitigation Plan Requirements, to achieve no net loss of ecological functions.

FINDING: The application includes a Biological Evaluation in which a discussion on impacts was included, which is further discussed in Section 5.3 below.

11. The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.

FINDING: The application includes a biological evaluation and indicated the two, 12-inch diameter hollow steel dock pilings will temporarily impact 2 square feet of the riverbed approximately 321 feet waterward of the OHWM. The dock installation will have no effect on bank margin habitat, channel migration and floodplain processes.

12. Within urban growth areas, Ecology may grant relief from use and development regulations in accordance with RCW 90.58.580, and requested with a shoreline permit application.

FINDING: The activity is in city limits and therefore this criterion is not applicable.

CRITICAL AREAS PROTECTION (SECTION 5.3) (CA21-01)

The subject parcel includes the following critical areas as regulated by the SMP: Frequently Flooded Areas; and Fish and Wildlife Habitat Conservation Areas. Critical area regulations are located within the SMP, Appendix C.

Frequently Flooded Areas- SMP Appendix C, Chapter 16.57

Clark County GIS mapping identifies frequently flooded areas (i.e. special flood hazard area) within the project area. The cement footing and the two 12-inch steel pilings to support the new floating dock will be located within the Columbia River. As such, the applicant submitted a floodplain development permit application as required by CMC 16.57.050.B.

Fish and Wildlife Conservation Areas- SMP Appendix C, Chapter 16.61

Clark County GIS mapping identifies a water body (i.e. Columbia River) within the project site. As such, the applicant submitted a Critical Areas Report dated October 2021 and a Biological Evaluation dated January 2022 prepared by Applied Ecosystem Services LLC.

Per the Biological Evaluation, two 12-inch diameter hollow steel pilings will be installed by a vibratory hammer that will temporarily impact 2 square feet of the riverbed approximately 321 feet waterward of the OHWM. Mitigation is not required as the piling installation is short term and any flow diversions around each piling will not affect fish. As the private recreational floating boat dock is located between the existing Port of Camas-Washougal marina and similar private recreational docks/gangways, the proposed dock installation will not change impact the river hydraulics, sediment transport or water temperature including fish passage. As such, mitigation measures are not proposed.

Per the Critical Areas Report, the project also includes the removal of an existing decomposing wood dock at the river's edge, which should be revegetated to ensure no net loss of ecological functions and conditioned as such.

FINDING: The proposed design alternative is the least impactful to habitat functions as the placement of the new floating dock is located between the existing neighboring moorage facility and docks/gangways. The existing decomposing wood dock to be removed, should be revegetated to ensure no net loss of ecological functions and conditioned as such.

SPECIFIC SHORELINE USE REGULATIONS (CHAPTER 6)

SMP Section 6.3.3.4 Moorage Facilities: Docks, Piers, and Mooring Buoys

The specific use regulations for moorage facilities begins at page 57 of the SMP. Not all the regulations are applicable to this proposal. The applicant addresses the criteria of this section beginning at page 5 of the narrative.

1. All boating uses, development and facilities shall protect the rights of navigation.

FINDING: The proposed private recreational floating dock is located to not interfere with navigable waters.

2. Mooring buoys shall be used instead of docks and piers whenever feasible.

FINDING: A new private recreational floating dock is proposed.

3. Mooring buoys shall be placed as specified by WDFW, DNR, and the U.S. Coast Guard to balance the goals of protecting nearshore habitat and minimizing obstruction to navigation....

FINDING: Mooring buoys are not proposed and therefore this criterion is not applicable.

4. Mooring buoys shall be discernible from a distance of at least one hundred (100) yards shall be equipped with reflectors for nighttime visibility....

FINDING: Mooring buoys are not proposed and therefore this criterion is not applicable.

5. Mooring buoys for residential use on a river shall be securely anchored to pilings to allow for changes in river level and shall be designed to withstand the one-hundred (100) year flood or be seasonably removable.

FINDING: Mooring buoys are not proposed and therefore this criterion is not applicable.

6. Moorage facilities should not be located in areas with important bank margin habitat for aquatic species or where wave action caused by boating use would increase bank erosion rates.

FINDING: The new private recreational floating dock is not located in an area with important bank margin habitat and wave action caused by boating is not anticipated to increase bank erosion rates.

7. Piles or other in-water portions of the moorage structure shall not be treated with pentachlorophenol, creosote, CCA or comparably toxic compounds. If ACZA piling are proposed, the applicant will meet all of the Best Management Practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers. Any paint, stain, or preservative applied to the overwater structure shall be completely dried or cured prior to installation.

FINDING: Pilings are proposed to be made of steel.

8. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.

FINDING: The applicant will comply with state guidelines for in-water construction.

9. Covered moorage shall be prohibited.

FINDING: Coverage moorages are not proposed.

10. Moorage facilities in waters providing a public drinking water supply shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete, or steel.

FINDING: Although steel construction is proposed for the piles, the Columbia River is not a public drinking water supply source.

11. Existing residential moorage facilities shall be allowed as follows:

a. Existing, legally-established, private recreational dock and floats for individual lots in existing subdivisions and for existing individual single-family developments are considered conforming uses and structures.

FINDING: The proposal is for a new private residential floating dock for recreation, and therefore this section is not applicable.

12. One new private recreational moorage facility, non-commercial dock, or mooring buoy is allowed as follows (e.g. : one facility not a combination of options):

a. For individual residential lots, the applicant shall demonstrate that existing facilities such as marinas and shared moorage are not adequate or not available for use.

b. For each shoreline lot, or parcel, or contiguous group of lots or parcels in a single ownership that existed on the effective date of this Program (regardless of zoning), if shared moorage is unavailable within one-quarter (1/4) mile or proposed facility (shoreline distance).

FINDING: The Port of Camas/Washougal marina is located within a ¼ mile to the east of the subject property. Per the applicant, there is not available moorage at the Port. The applicant

has been on a waiting list for more than 2 years and the Port does not anticipate availability in the near future. The applicant has proposed a variance to the distance dimension to meet this provision.

13. *Only a single, joint-use moorage facility may be permitted in association with hotels, land divisions, and multi-family residences.*

FINDING: The proposal is associated with a single-family residence; therefore, this criterion is not applicable.

14. *Provisions for waste discharge shall be made in all proposal for public moorage facilities, and shall include oil containment barriers when required by the U.S. Coast Guard under provisions of the Federal Water Pollution Control Act.*

FINDING: The proposal is a private facility; therefore, this criterion is not applicable.

15. *All moorage facilities shall be constructed and maintained in a safe and sound condition. Those that are abandoned or unsafe shall be removed or repaired promptly by the moorage owner or lessee.*

FINDING: The proposed private recreational floating dock will be constructed by a licensed contractor and repairs will be promptly made by the property owner.

16. *Overwater structures shall be located in water sufficiently deep to prevent the structure from grounding out at the lowest low water or stoppers should be installed to prevent grounding out on state-owned aquatic lands.*

FINDING: The proposed private recreational floating dock will be located where there is 8 feet of water at low water events to prevent the dock from grounding out.

17. *Docks and piers are prohibited along braided or meandering river channels, or where the river channel is subject to change in direction or alignment (e.g. Washougal River).*

FINDING: This section of the Columbia River is not braided or meandering and therefore this criterion is not applicable.

18. *Docks and piers shall be located to avoid fish spawning locations to the extent practicable.*

FINDING: Due to the existing Port marina to the east and the two adjacent existing recreational boat docks/gangways to the west, the proposed private recreational floating dock is not in a known area of fish spawning locations.

19. *Fixed-piers shall not be permitted for residential use on rivers. Floating docks shall be required in rivers and streams unless it can be demonstrated that fixed docks will result in substantially less impact on geo-hydraulic processes and flood hazards can be minimized or mitigated.*

FINDING: The proposed private recreational floating dock will be secured to pilings, not piers.

20. *Docks for residential use on a river shall be securely anchored to pilings to allow for changes in river level, and shall be designed to withstand the one-hundred (100) year flood or be seasonably removable.*

FINDING: The proposed private recreational floating dock will include two 12-inch steel pilings designed to withstand the 100-yr. flood.

21. *All docks shall include stops that serve to keep the floats off the lake or river beds at low water levels. If a bulkhead-like base is proposed for a fixed pier or dock where there is net positive littoral drift, the base shall be built landward of the OHWM or protective berms. When plastics or other non-biodegradable*

materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.

FINDING: The proposed private recreational floating dock is located in area where the floats will not ground out at low water levels and the floats will be encapsulated for containment.

22. New subdivisions (more than two lots) with shoreline frontage shall provide joint-use moorage facilities if any are proposed....

FINDING: The proposal is not a subdivision, and therefore this criterion is not applicable.

23. Applicants for joint-use docks and piers shall demonstrate and document that adequate maintenance of the structure, activities, and associated landward area will be provided by identified responsible parties.

FINDING: The proposal is not a joint-use application, and therefore this criterion is not applicable.

24. The maximum dimensions of a dock or pier shall be no greater than necessary but may be adjusted only to protect sensitive shoreline resources.

a. A dock or pier (gangway and floating structure combined) shall be long enough to obtain a depth as required by WDFW at its landward edge. A dock may be extended until the water depth reaches a minimum of eight (8) feet in depth at ordinary low water, or as otherwise required by WDFW, or to a maximum of three-hundred (300) feet, whichever is reached first.

FINDING: Although the proposed private recreational floating dock will be approximately 321-feet from the shoreline, the floating dock has a minimum water depth of 8-feet below, which is also required for docks used for motorboats per criteria 25 below.

b. To prevent damage to shallow water habitat, piers and/or ramps shall extend at least twenty (20) feet perpendicular from the OHWM.

c. Piers and ramps shall be more than four (4) feet in width.

d. The bottom of the fascia boards on the pier or bottom of the landward edge of the ramp shall be elevated at least two (2) feet above the horizontal plane of the OHWM.

e. Grating or clear translucent material shall cover the entire surface of the pier and ramp. The open area of grating shall have a minimum of sixty percent (60%) open. Clear translucent material shall have greater than ninety percent (90%) light transmittance as rated by the manufacturer.

FINDING: Subsections b-e are not applicable as the proposed floating dock does not include piers or ramps.

f. Docks and piers shall be set back a minimum of ten (10) feet from side property lines, except that joint-use facilities may be located closer to or upon a side property line when agreed to by contract or covenant with the owners of the affected properties.

FINDING: The proposed private recreational floating dock will be a minimum of 10 feet from the side property lines.

g. The Administrator may adjust the dimension in this section by equal to or less than ten (10) percent on a case-by-case basis if there are factors such as safety, ADA accessibility, or potential environmental damage. If the proposal requires more than a ten (10) percent deviation, than a Shoreline Variance permit will be required.

FINDING: The proposal does not require a 10% deviation, and therefore this criterion is not applicable.

25. Docks used for motorboats should be located where the water will be deeper than seven (7) feet at the lowest low water to avoid prop scour.

FINDING: The proposed private recreational floating dock will be used for motorboats and is located where the water depth is at 8 feet in compliance with this requirement.

26. Recreational floats shall be allowed only when located as close to the shore as possible, and no farther waterward than any existing floats and established swimming areas.

FINDING: The proposal private recreational floating dock is used for motorboats per the criteria above and not a recreational float. Therefore, this criterion is not applicable.

27. Pilings shall be constructed as follows:

a. Piling diameter shall be minimized to meet the structural requirements of expected loads. In lakes, the piling shall not exceed four (4) inches in diameter. If a piling is encased in a sleeve, the piling plus sleeve diameter shall not exceed five (5) inches. In rivers, the piling shall not exceed twelve (12) inches in diameter with sleeve.

FINDING: As the proposed private recreational floating dock is located on the Columbia River, the two (2) proposed pilings are 12-inches in diameter in compliance with this requirement.

b. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in a structure damage from driftwood impact or entrapment. Minimum pile spacing is eighteen (18) feet on the same side of any component of the overwater structure.

FINDING: The two (2) new 12-inch pilings are spaced greater than 18-feet apart.

28. Overhead wiring or plumbing shall not be permitted on docks or piers.

FINDING: No utilities are proposed and therefore this criterion is not applicable.

SHORELINE VARIANCE (APPENDIX B- SECTION VIII)

The applicant requested a variance from the required ¼ mile distance to an existing moorage facility. A request for a variance to a development may be authorized when the applicant can demonstrate all of the following:

1. That strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property. The fact that there is the possibility that the property might make a greater profit by using the property in a manner contrary to the intent of the Program is not a sufficient reason for a variance;

FINDING: The strict application of prohibiting docks within a ¼ mile of available shared moorage significantly interferes with the reasonable use of the property that is enjoyed by neighboring properties. Moorage at the nearby Port is currently unavailable.

2. That the hardship is specifically related to unique conditions of the property (e.g. irregular lot shape, size or natural features) and not, for example, from deed restrictions or the applicant's own actions;

FINDING: The hardship is related to the unique condition of the property as it is currently located close to the Port, which is not due to the applicant's action.

3. *That the design of the project is compatible with the other authorized uses in 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 environment.*

FINDING: Design of the floating dock is compatible with other authorized uses in the area and with uses planned for the area under the comprehensive plan and shoreline master program. The floating dock is designed and located to not cause adverse impacts to the environment.

4. *That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;*

FINDING: The construction of other docks on the Columbia River have also requested gangways and more pilings than the subject proposal. No special privilege is requested that is not enjoyed by other properties in the area.

5. *That the variance requested is the minimum necessary to afford relief;*

FINDING: The variance request is the minimum relief due to the specific conditions.

6. *That the public welfare and interest will suffer no substantial detrimental effect.*

FINDING: The development will not impact any public shoreline or river use.

7. *If proposed waterward of the OHWM, or within any wetland as defined by RCW 90.58.030(2)(h), it may be authorized provided the applicant can demonstrate all of the criteria of this subsection (1-7) can be met and that the public rights of navigation and use will not be adversely affected.*

FINDING: The private recreational floating dock is waterward of the OHWM and will not adversely affect the public rights of navigation.

STATE ENVIRONMENTAL POLICY ACT (SEPA22-02)

A SEPA checklist was submitted, and a Determination of Non-Significance (DNS) was issued June 9, 2022, as the project site contains environmentally sensitive areas per CMC 16.07.025. The comment period ends June 23, 2022. At the writing of this staff report, no SEPA comments have been received.

FINDING: Staff finds SEPA agency comments should be complied with if submitted and conditioned as such.

CONCLUSIONS

1. Based upon the submitted plans and reports, staff finds that the project is consistent with the general goals and policies of the SMP pursuant to SMP Chapter 3 Goals and Policies, and Chapter 5 General Use & Development Regulations.
2. As proposed, the project is consistent with the SMP Chapter 6 Specific Shoreline Use Regulations, at SMP Section 6.3.3.4 Moorage Facilities: Docks, Piers, and Mooring Buoys.
3. As conditioned, the development can comply with the variance regulations of SMP, Appendix B, and the critical area regulations of SMP, Appendix C.

RECOMMENDATION

Staff recommends **APPROVAL** of the Nevin Residence dock (File #SHOR22-01) as conditioned below.

Proposed Conditions of approval:

1. The shoreline decision is valid for a period of five years.
2. The applicant shall comply with SEPA agency comments if submitted.
3. The removal of the existing decomposing wood dock shall be revegetated to ensure no net loss of ecological functions.