COMMUNITY DEVELOPMENT DEPARTMENT

Subject: Setbacks for Docks and Piers

Issue: The Development Code states that docks and piers "may be constructed within the Donner lake flood hazard area and setback area." There has been confusion on whether this section authorizes docks and piers to be constructed within the side yard setback. Also, the Town Attorney has made an interpretation on whether a dock or pier must comply with a side setback on lands beneath the high water mark of Donner Lake.

Reference: Section 18.38.050(D) (Docks and Piers)

Policy/Procedure: Docks, piers, ramps and similar structures including connecting stairways and walkways may be constructed within the Donner Lake flood hazard area, the *Donner Lake lakeside* setback area, and the rear setback area. Docks, piers, ramps and similar structures may <u>not</u> be constructed within the side setback area. The following side setback exceptions shall apply to a dock, pier, ramp, or similar structure:

    a.   Docks and piers which are placed directly upon the finish grade and do not exceed a height of 18 inches above natural grade at any point shall be exempt from the side setback (Section 18.30.120.B).

    b.   A dock, pier, ramp, or similar structure is determined to be similar to a deck for the purposes of "Allowed Projections Into Setbacks (Table 3-2)". Consequently, the dock, pier, ramp, or similar structure may project 36 inches (3 feet) into the side setback.

    c.   The dock, pier, ramp, or similar structure for a single family dwelling may extend up to an additional two feet into the required side setback if all requirements of Section 18.30.120(F)(7)(b) are met.

For the purposes of determining side setbacks for docks, piers, ramps, and similar structures, the side property lines for lakefront properties shall not be extended to encompass lands beneath the high water mark. Therefore, the side setback does not apply to those portions of docks, piers, ramps, and similar structures on the water (i.e., the lands below the high water mark of Donner Lake).

Effective Date: August 28, 2007

Approved by: _____
                      John McLaughlin, Director

Date: _____

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