Conditional Use Application

PROPERTY OWNER/CONTRACT PURCHASER (as listed on deed OR purchase contract)
Copy of purchase contract must be included with submittal for application to be accepted.
NAME: Philip & Nancy Resnikof
ADDRESS: 496 SE Schooler Cheek Rd
Linwin Cital, OR 97367
PHONE: 925-202-4246
E-MAIL: resnikoffphilagmail. com
APPLICANT:
NAME: Sume as above
ADDRESS:
PHONE:
E-MAIL:
SITE INFORMATION:
ZONING DISTRICT: Taft M-W Zone
TAX MAP AND LOT: 07-11-27 - DA - 00 101
SITE ADDRESS: 496 SE Schooner Crack Zd.
REQUESTED CONDITIONAL USE:
Cite the code section of the proposed conditional use: LCMC 17. 44.040- B

TO GRANT ANY CONDITIONAL USE, THE PLANNING COMMISSION MUST FIND, BASED UPON EVIDENCE BOTH FACTUAL AND SUPPORTIVE THAT IS PROVIDED BY THE APPLICANT, THAT ALL THE FOLLOWING ARE TRUE:



- Plan of the proposed dock showing location and all dock dimensions that are compliant with LCMC 17.44.040.B
- Description and/or materials cut sheets of the proposed materials of the dock that are compliant with LCMC 17.44.040.B

I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the foregoing information, as well as the information provided in the attached narrative, is true, complete, and accurate. I (We) acknowledge that providing false information in the application or any application materials shall be a violation and grounds to deny the application and void any approvals.

SIGNATURES:	
	3/28/22
Property Owner/Contract Purchaser (signature required)	Date 8/28/32
Applicant (signature required) Property Co-Owner	Date

All property owners listed on the deed of each parcel lot must sign the application.

All contract purchasers listed on the purchase contract must sign the application.

If contract purchasers are individuals other than the property owners shown on the deed, all property owners listed on the deed as well as all contract purchasers listed on the purchase contract must sign the application.

Philip Resnikoff 496 SE Schooner Creek Rd Lincoln City, OR 97367

3/1/2022

City of Lincoln City
Planning and Community Development
801 SW Highway 101
Lincoln City, OR. 97367

Dear Planning Department; The following is a detailed narrative to accompany the Conditional Use Application above.

My wife Nancy and I purchased our property on Schooner Creek in February of 2015. We are on the water way intersection of Schooner Creek and "No Name Creek", a small side creek. We have loved living on the creek and seeing the natural wildlife and marine life out there every day. We've enjoyed kayaking and canoeing. We had seen lots of floating docks around the city waterways and went to City Hall to inquire about necessary permits for us to put a floating dock on our property. In 2016 we were told that as long as we were not planning on dredging, drilling, placing pilings or disturbing the creek bed or marine life we did not need a permit. We described the kind of dock we were planning on with a small ramp from the shore to the dock and were told that no permit would be needed. We were advised to talk with the neighbor to assure that there would not be any impact on their property or access to the creek. We had that discussion and there was no objection as our plan was to have the dock on our side of the property boundary on "No Name Creek". Our property line extends halfway across "No Name Creek". The prior neighbor had a pontoon boat that he kept right on Schooner Creek against the back of his property. We built the dock and put it in the water in early April of 2017. It has worked well for us in getting in and out of the kayaks and canoe, especially when the grandchildren are here. I open with this brief paragraph to explain that this application is for a dock that has been in place for 5 years now. The pages following this narrative will include current photos of the dock and its location as well as a sketch of the property and the waterways involved.

Compliance with LCMC 17.77.060

- D1. In Compliance
- D2. n/a
- D3. n/a
- D4. This dock has been in this location for 5 years and has had no adverse effect on adjoining properties.
- D5. n/a

Compliance with LCMC 17.44,040,B

- Attached documents verify compliance with regulations regarding materials used to construct the dock. This application complies with the Planning Departments for submission.
- 2. This dock has not had any negative impact on the creeks with respect to pollution or the preservation of marine life or other natural resources.

- 3.a. Complies
 - b. Complies
 - c. Complies
- 4. N/a
- 5.a. The dock is on our property
 - b. The purpose of the dock is to get into and out of kayaks and canoes
 - c. The dock is located on Tax map and Lot # 07-11-27-DA-00101
 - d. There are no other similar facilities within 250 feet of this dock and a drawing of the dock and its location are attached below
 - e. The project was completed 4/4/2017
- 6.a. n/a
 - b. n/a
 - c. n/a
 - d. n/a
 - e. n/a
 - f.i. Total area of dock is 69 sf. 6feet wide by 11 1/2 feet in length.
 - ii. Complies
 - iii. Complies
 - iv. Complies
 - v. Complies
 - vi. Complies. See attached documents from wood manufacturer and "cut sheets". I want to mention here that I do not know and have never met or spoken with the gentleman who wrote the letter to the Planning Department. I contacted the company to get verification that their product does not contain any of the compounds noted in 17.040.44.B.6.f.vi. I had no idea that he had already made contact with the Planning Department and sent the letter. He went a bit further than I had asked for. I hope no offence was taken.
 - vii. Complies
 - viii. n/a
 - ix. n/a
 - x. n/a
 - xi. n./a

Submittal Attachments:

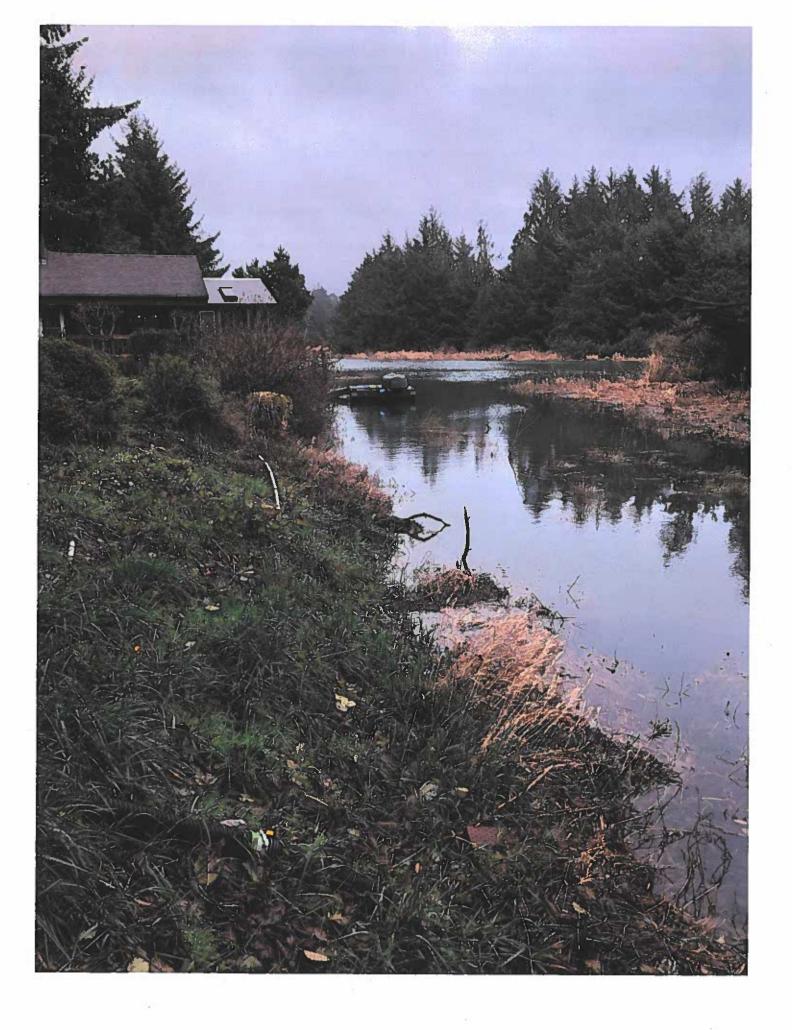
- Completed Conditional Use Application
- · Detailed written narrative
- Completed Online Direct Pay Authorization Agreement.
- Photographs of dock showing its location
- Sketch of Docks location
- Letter from Ryan Pessah dated 1/28/2022
- Cut Sheets for Wolmanized Outdoor Wood
- Description and cut sheets provided by Eagle Floats

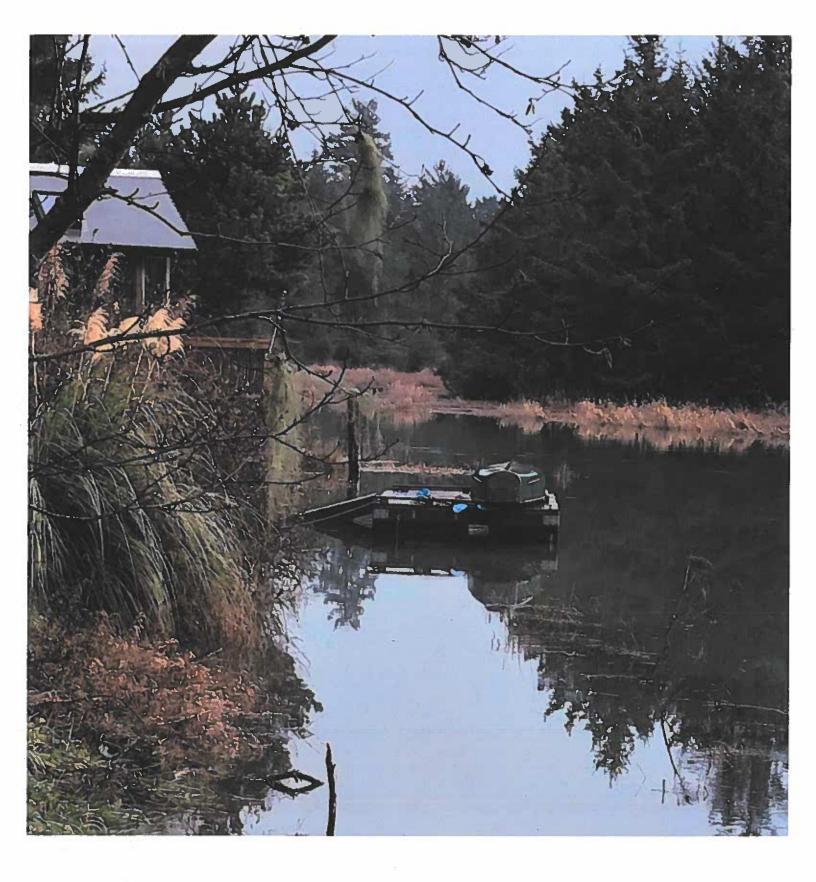
Respectfully yours,

Philip Resnikoff

Thought refu Deck tim " No Name Creek" Ropes Securing Dock to Share

+00175 7218 32







January 28, 2022

Anne Marie Skinner
Planning & Community Development Director
Lincoln City Code Enforcement
1503 SE East Devils Lake Rd
Lincoln City, OR 97367

RE: 496 S Schooner Creek RD, Lincoln City, OR, 97367 - Conditional Use Permit Criteria

Dear Anne Marie Skinner,

Thank you for calling me on Thursday, January 27, 2022, and for our discussions regarding the conditional use permit for Phil Rensikoff and Nancy Hatley. Thank you for giving Western Wood Preservers Institute the opportunity to share with you information about specific criteria within the conditional use permit.

WWPI is a non-profit trade association founded in Oregon in 1947 to serve the interests of the preserved wood industry in western North America. WWPI works with federal, state, and local agencies, as well as designers, contractors, and users over the entire preserved wood life cycle, ensuring that preserved wood is produced and used in a safe, responsible, and environmentally friendly manner. Preserved wood products are essential to our infrastructure as utility companies use preserved wood poles to provide power and telecommunication services. Railroad ties are made from preserved wood and make up the foundation of our rail system that provides safe transportation for people and goods. Dock, pier, and marina owners rely on preserved wood pilings to help import and export good as well as for recreational use because these products provide a safe and long-lasting service life.

The Lincoln City Municipal Code section 17.44.040 Standards for conditional uses, subsection (B) (6) (f) (vi) states the following:

Treated wood is not allowed as a construction material for docks or ramps. Treated wood is lumber, pilings, and other wood products preserved with alkaline copper quaternary (ACQ), ammoniacal copper arsenate (ACA), ammoniacal copper zinc arsenate (ACZA), copper naphthenate, chromated copper arsenate (CCA), pentachlorophenol, or creosote.

The dock that Mr. Phil Rensikoff and Nancy Hatley intend to use does not contain any of the preservatives mentioned in 17.44.040 (B) (6) (f) (vi). The dock is made with a U.S. EPA approved preservative, copper azole (CA). The U.S. EPA has approved CA for freshwater piling as well as freshwater and saltwater splash (marine) decking applications. Under the Lincoln City Municipal code section 17.44.040, subsection (B) (6) (f) (vi) CA is permitted.

Please do not hesitate to contact me if you have any questions about the preservatives used for Phil Rensikoff and Nancy Hatley. I am also available to answer any other questions you may have about preserved wood and wood preservatives. I look forward to work with you on updating the Lincoln City Municipal code section to remove the bias on preserved wood products.

Thank you,

Ryan Pessah

Director of Government Relations Western Wood Preservers Institute

SAFETY DATA SHEET

Issue Date 27-May-2015

Revision Date 03-Jul-2019

Version 3

1. IDENTIFICATION

Product identifier

Product Name

Wolmanized® Outdoor® Wood

Other means of identification

Product Code

23455

Synonyms

Copper Azole Treated Wood

Recommended use of the chemical and restrictions on use

Recommended Use

Treated Wood

Details of the supplier of the safety data sheet

Supplier Address

Customers and Licensees of: Arch Treatment Technologies, Inc - A Lonza Company 3941 Bonsal Road Conley, GA 30288 **Manufacturer Address**

Emergency telephone number

Company Phone Number 24 Hour Emergency Phone Number Emergency Telephone

2. HAZARDS IDENTIFICATION

Classification

OSHA Regulatory Status

This chemical is considered hazardous by the 2012 OSHA Hazard Communication Standard (29 CFR 1910.1200)

Skin corrosion/irritation	Category 3
Serious eye damage/eye irritation	Category 2B
Respiratory sensitization	Category 1
Skin sensitization	Category 1
Carcinogenicity	Category 1A
Specific target organ toxicity (single exposure)	Category 3

Label elements

Emergency Overview

Danger

Hazard statements

May cause cancer
Causes eye irritation
May cause allergy or asthma symptoms or breathing difficulties if inhaled
May cause an allergic skin reaction
May cause respiratory irritation
Causes mild skin irritation



Physical state Solid

Odor No information available

Precautionary Statements - Prevention

Obtain special instructions before use
Do not handle until all safety precautions have been read and understood
Use personal protective equipment as required
Wash face, hands and any exposed skin thoroughly after handling
Avoid breathing dust/fume/gas/mist/vapors/spray
Use only outdoors or in a well-ventilated area

Precautionary Statements - Response

IF exposed or concerned: Get medical advice/attention

IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing If eye irritation persists: Get medical advice/attention

IF INHALED: Remove victim to fresh air and keep at rest in a position comfortable for breathing

Hazards not otherwise classified (HNOC)

Not applicable

Other Information

Causes mild skin irritation

3. COMPOSITION/INFORMATION ON INGREDIENTS

<u>Substance</u>

This material is considered hazardous by the OSHA Hazard Communication Standard (29 CFR 1910.1200).

Synonyms

Copper Azole Treated Wood.

Chemical Name	CAS No.	Weight-%	Trade Secret
Wood and Wood Dust	NOT ASSIGNED	99 - 100	

The state of the s			
Copper Ethanolamine Complex	14215-52-2	0.1 - 1	
•			

4. FIRST AID MEASURES

Description of first aid measures

General advice In case of accident or unwellness, seek medical advice immediately (show directions for use

or safety data sheet if possible).

Eye contact Immediately flush with plenty of water. After initial flushing, remove any contact lenses and

continue flushing for at least 15 minutes. Do not rub affected area.

Skin contact IF ON SKIN (or hair): Remove/Take off immediately all contaminated clothing. Rinse skin

with water/shower.

Inhalation Remove to fresh air. Call a physician immediately. If not breathing, give artificial respiration.

Ingestion If swallowed, call a poison control center or physician immediately. If swallowed, do not

induce vomiting: seek medical advice immediately and show this container or label.

Most important symptoms and effects, both acute and delayed

Symptoms See Section 11: TOXICOLOGICAL INFORMATION.

Indication of any immediate medical attention and special treatment needed

Note to physicians May cause sensitization in susceptible persons. Treat symptomatically.

5. FIRE-FIGHTING MEASURES

Suitable extinguishing media

Use extinguishing measures that are appropriate to local circumstances and the surrounding environment. Carbon dioxide (CO2). Water spray or fog.

Unsuitable extinguishing media Do not use a solid water stream as it may scatter and spread fire.

Specific hazards arising from the chemical

In the event of fire and/or explosion do not breathe fumes. May cause sensitization in susceptible persons.

Hazardous combustion products Carbon monoxide. Carbon dioxide (CO2). Nitrogen oxides (NOx).

Explosion data

Sensitivity to Mechanical Impact None.

Sensitivity to Static Discharge None.

Protective equipment and precautions for firefighters

As in any fire, wear self-contained breathing apparatus pressure-demand, MSHA/NIOSH (approved or equivalent) and full protective gear.

6. ACCIDENTAL RELEASE MEASURES

Personal precautions, protective equipment and emergency procedures

Personal precautions

Ensure adequate ventilation, especially in confined areas.

For emergency responders

Use personal protection recommended in Section 8.

Environmental precautions

Environmental precautions

See Section 12: ECOLOGICAL INFORMATION.

Methods and material for containment and cleaning up

Methods for containment

Cover powder spill with plastic sheet or tarp to minimize spreading.

Methods for cleaning up

Cover powder spill with plastic sheet or tarp to minimize spreading and keep powder dry. Take up mechanically, placing in appropriate containers for disposal. Avoid creating dust. Clean contaminated surface thoroughly. Pick up and transfer to properly labeled containers. After cleaning, flush away traces with water. Take precautionary measures against static discharges.

7. HANDLING AND STORAGE

Precautions for safe handling

Advice on safe handling

Do not burn treated wood. Do not use pressure treated chips or sawdust as mulch. Use with local exhaust ventilation. May form combustible dust concentrations in air. Take precautionary measures against static discharges. Avoid contact with skin, eyes or clothing. Wash contaminated clothing before reuse. Do not eat, drink or smoke when using this product. Do not breathe dust/mist/vapors/spray.

Conditions for safe storage, including any incompatibilities

Storage Conditions

Avoid generation of dust.

Incompatible materials

None known based on information supplied.

8. EXPOSURE CONTROLS/PERSONAL PROTECTION

Control parameters

Chemical Name	ACGIH TLV	OSHA PEL	NIOSH IDLH
Wood and Wood Dust	1.0 mg/m³ Inhalable,	15 mg/m³ Total Dust	-
NOT ASSIGNED	0.5 mg/m³ Inhalable Western Red	5.0 mg/m³ Respirable Fraction	
14	Cedar	S.P 17555 755	

Appropriate engineering controls

Engineering Controls

Showers. Eyewash stations. Ventilation: Saw, cut or machine wood outdoors or in well ventilated areas. Due to the explosive potential of dust when suspended in air, precautions should be taken when sawing, sanding, or machining wood or wood products to prevent sparks or other ignition sources. If required, use wet methods and/or explosion suppression systems to reduce generation of dust. Local exhaust ventilation is recommended when sawing, sanding, or machining this product. General dilution ventilation is recommended in processing and storage areas.

Individual protection measures, such as personal protective equipment

Eye/face protection

Use safety glasses with side shields or chemical goggles when sawing or cutting treated or

untreated wood.

Skin and body protection

Wear leather gloves. Wear long sleeve shirt, pants, and steel-toed shoes when handling

treated or untreated wood.

Respiratory protection

None normally required. When sawing or cutting treated or untreated wood, wear a NIOSH

approved N95 or better dust mask.

General Hygiene Considerations

Handle in accordance with good industrial hygiene and safety practice. Do not eat, drink or smoke when using this product. Take off all contaminated clothing and wash it before reuse. Avoid contact with skin, eyes or clothing. Wash face, hands and any exposed skin

thoroughly after handling.

9. PHYSICAL AND CHEMICAL PROPERTIES

Information on basic physical and chemical properties

Physical state

Solid

Appearance

No information available

Odor

No information available

Vapor pressure

Color Slightly green **Odor threshold** No information available **Property Values** Remarks • Method pH No information available Melting point / freezing point No information available Boiling point / boiling range No information available Flash point **Evaporation rate** No information available Flammability (solid, gas) No information available Flammability Limit in Air Upper flammability limit: No information available Lower flammability limit: No information available

No information available

Vai	рог	den	sity

No information available

Relative density

No information available

Water solubility

No information available

Solubility in other solvents

No information available

Partition coefficient

No information available

Autoignition temperature

No information available

Decomposition temperature

No information available

Kinematic viscosity

No information available

Dynamic viscosity

No information available

Explosive properties Oxidizing properties No information available No information available

Other Information

Softening point Molecular weight VOC Content (%) No information available No information available No information available No information available

Density Bulk density

No information available

10. STABILITY AND REACTIVITY

Reactivity

No data available

Chemical stability

Stable under recommended storage conditions.

Possibility of Hazardous Reactions

None under normal processing.

Conditions to avoid

Extremes of temperature and direct sunlight.

Incompatible materials

None known based on information supplied.

Hazardous Decomposition Products

None known based on information supplied.

11. TOXICOLOGICAL INFORMATION

Information on likely routes of exposure

Product Information

Inhalation

WOOD and WOOD DUST: May cause cancer. May cause sensitization by inhalation. May

cause allergy or asthma symptoms or breathing difficulties if inhaled.

Eye contact

WOOD and WOOD DUST :. Irritating to eyes.

Skin contact

WOOD and WOOD DUST: May cause irritation. May cause allergic skin reaction.

Ingestion

WOOD and WOOD DUST:. Harmful if swallowed.

Information on toxicological effects

Symptoms

No information available.

Delayed and immediate effects as well as chronic effects from short and long-term exposure

Chemical Name	ACGIH	IARC	NTP	OSHA
Wood and Wood Dust	X	Group 1	X	
NOT ASSIGNED		.2.		

IARC (International Agency for Research on Cancer)

Group 1 - Carcinogenic to Humans

OSHA (Occupational Safety and Health Administration of the US Department of Labor)

X - Present

Numerical measures of toxicity - Product Information

ATEmix (oral)

ATEmix (dermal)

ATEmix (inhalation-gas)

ATEmix (inhalation-dust/mist)

ATEmix (inhalation-vapor)

Numerical measures of toxicity

12. ECOLOGICAL INFORMATION

Ecotoxicity

Persistence and degradability

No information available.

Bioaccumulation

No information available.

Other adverse effects

No information available

13. DISPOSAL CONSIDERATIONS

Waste treatment methods

Disposal of wastes

This material, as supplied, is not a hazardous waste according to Federal regulations (40

CFR 261). Dispose of in accordance with federal, state and local regulations.

Contaminated packaging

No information available.

14. TRANSPORT INFORMATION

DOT

Not regulated

15. REGULATORY INFORMATION

<u>international inventories</u>	
TSCA	Complies
DSL/NDSL	Complies
EINECS/ELINCS	Complies
ENCS	Complies
IECSC	Complies
KECL	Complies
PICCS	Complies
AIC\$	Complies

Legend:

TSCA - United States Toxic Substances Control Act Section 8(b) Inventory

DSL/NDSL - Canadian Domestic Substances List/Non-Domestic Substances List

EINECS/ELINCS - European Inventory of Existing Chemical Substances/European List of Notified Chemical Substances

ENCS - Japan Existing and New Chemical Substances

IECSC - China Inventory of Existing Chemical Substances

KECL - Korean Existing and Evaluated Chemical Substances

PICCS - Philippines Inventory of Chemicals and Chemical Substances

AICS - Australian Inventory of Chemical Substances

US Federal Regulations

SARA 313

Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). This product does not contain any chemicals which are subject to the reporting requirements of the Act and Title 40 of the Code of Federal Regulations, Part 372

SARA 311/312 Hazard Categories

Acute health hazard	Yes
Chronic Health Hazard	Yes
Fire hazard	Yes
Sudden release of pressure hazard	No
Reactive Hazard	No

CWA (Clean Water Act)

This product contains the following substances which are regulated pollutants pursuant to the Clean Water Act (40 CFR 122.21 and 40 CFR 122.42)

Copper Ethanolamine Complex is expressed as Copper

Chemical Name	CWA - Reportable Quantities	CWA - Toxic Pollutants	CWA - Priority Pollutants	CWA - Hazardous Substances
Copper Ethanolamine Complex		Х	-	-

14215-52-2		

CERCLA

This material, as supplied, contains one or more substances regulated as a hazardous substance under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) (40 CFR 302)

Chemical Name	Hazardous Substances RQs	CERCLA/SARA RQ	Reportable Quantity (RQ)
Copper Ethanolamine Complex	•	Х	-
14215-52-2			

US State Regulations

California Proposition 65

This product contains the following Proposition 65 chemicals

Chemical Name	California Proposition 65	
Wood and Wood Dust - NOT ASSIGNED	Carcinogen	

Warning: This wood contains chemicals known to the State of California to cause cancer, birth defects or other reproductive harm.

U.S. State Right-to-Know Regulations

Chemical Name	New Jersey	Massachusetts	Pennsylvania
Dipropylene glycol methyl ether 34590-94-8	X	Х	X
Propiconazole 60207-90-1	X	-	-

U.S. EPA Label Information

EPA Pesticide Registration Number Not applicable

16. OTHER INFORMATION, INCLUDING DATE OF PREPARATION OF THE LAST REVISION

NFPA

Health hazards 2

Flammability 1

Instability 0

Physical and Chemical

Properties -

HMIS

Health hazards 2

Flammability 1

Physical hazards 0

Personal protection X

Issue Date Revision Date 27-May-2015 03-Jul-2019

Disclaimer

The information provided in this Material Safety Data Sheet is correct to the best of our knowledge, information and belief at the date of its publication. The information given is designed only as a guidance for safe handling, use, processing, storage, transportation, disposal and release and is not to be considered a warranty or quality specification. The information relates only to the specific material designated and may not be valid for such material used in combination with any other materials or in any process, unless specified in the text.

End of Safety Data Sheet

Floats Used for Pock

FEATURES:

- Commercial or Private Applications
- Rugged, Seamless,
 Rotationally-Molded Polyethylene
 Outer Shell
- Solid Expanded Polystyrene Foam Core
 - Fifteen (15) Year Warranty
 - Convenient Molded

Mounting Slots

- Hydrodynamically Contoured Corners
- Rigorous Testing and Quality Assurance
- Nominal Wall Thickness of .150"
- Oil, Gas and Marine Life Resistant
- Installs Quickly to Wood,
 Steel or Aluminum Frames
- US Army Corps of Engineers Approved
 - Dart Impact Tested
 - Hunt Absorbtion Tested
 - Made in the USA

Dockbuilders Eagle Floats

Dockbuilders Eagle dock floats are a one-piece rotationally molded part, which eliminates seams that could result in separation and leakage. The .150" nominal thick shell is made of extra strong virgin polyethylene containing ultraviolet inhibitors. This tough shell helps prevent damage from oil, gas, and marine organisms. Each float has a solid, foam-filled, expanded polystyrene core using precision computer-controlled technology. Dockbuilders Eagle dock floats have a flat top with molded-in mounting slots for easy attachment to any dock framework; whether wood, steel or aluminum. Floating docks built with Dockbuilders Eagle dock floats will provide long lasting and carefree encapsulated flotation, resulting in long-range savings for recreational docks and complex marinas.

Eagle Floats™ Specifications

All Eagle Floats[™] outer shells are manufactured to the following standards from 100% Virgin LLDE, filled with molded in place virgin 1pcf Expanded Polystyrene.

PROPERTIES	ASTM (1)	Typical Values (2)
Melt Index (3)	D-1238	3.5 g/10min
Density	D-792	0.941 g/cm3
Bent Strip ESCR (4)	D-1693	> 1,000 h
Flexural Modulus (5)	D-790	827 Mpa (119,950 psi)
Tensile Yield Strength (6)	D-638	20.2 Mpa (2,930 psi)
Tensile Yield Elongation (6)	D-638	12%
Tensile Ultimate Strength (6)	D-638	29.3 Mpa (4,250 psi)
Tensile Ultimate Elongation (6)	D-638	895.00%
Melting Point	E-794	125o C (257o F)
Heat Distortion Temp		
66 psi (4.64kg/cm2)	D-648	60o C (140o F)
264 psi (18.56kg/cm2)	D-648	43o C (109o F)
Vicant Melting Point	D1525	123o C (253o F)
Hardness, Shore D	D2240	61
ARM Low Temp Impact (7)	ARM Method	230 J (170 ft-lb)
0.250" (6.35 mm)		
ARM Low Temp Impact (7)	ARM Method	95 J (70 ft-lb)
0.125" (3.17 mm)		

⁽¹⁾ Properties designated have been determined using methods which are in accordance with or substantially in accordance with specified testing standards.

(3) Condition 190o C/2.16 kg

⁽²⁾ Typical values represent average laboratory values as guides only, not as specifications

(4) Condition, 100% Igepal (5) 1% Strain Value

(6) TypeIV specimen, 2" (50.8 mm) per minute test speed, 0.075" (1.9 mm) thickness

(7) - 400C