

571—16.10(461A,462A) Exceptions to Class III and Class IV permits for new structures. An application for a permit for a new dock, hoist or slip may include a request for an exception under this rule from certain limits or requirements imposed by these rules.

16.10(1) *Exceptions to length limits, hoist limits or platform size limits.* For proposed new docks, slips or hoists, Class III and Class IV permits may include exceptions to the length limit in 16.7(2), the hoist limit in 16.7(3) and 16.8(3), and the platform size limit in 16.7(4) if the applicant justifies the need for an exception and proposes a configuration of dock(s) and hoists that minimizes adverse impacts on the water body and other users.

16.10(2) *Factors for considering requests for exceptions.* In determining whether to allow a requested exception to a length limit, hoist limit or platform size limit, in whole or in part, the department shall consider each of the following factors:

- a. The extent to which the request exceeds the applicable limit;
- b. The extent to which the requested exception or a lesser exception would cause adverse impacts on the aquatic ecosystem or use of adjoining public or private property;
- c. The extent to which the requested use would provide some type of access by members of the public;
- d. Whether living units to be benefited by an exception were constructed before July 1, 2006;
- e. Whether denial of an exception would result in loss of property value that was based on a reasonable expectation of water access including storage of boats on the water body;
- f. Whether the exception was authorized by a previous permit;
- g. Whether the exception includes space for vessels without motors including paddle-only vessels and single-hulled sailboats less than 12 feet long.

16.10(3) *Exceptions from offset requirements.* An exception to the offset requirements in 16.3(3) may be granted under the circumstances listed in 16.9(461A,462A).