

Regular Council meeting of July 15, 2014.

Present were: Mayor Spieth, Councilmembers Koepke, Naillon, Neal, Hart and Roley.
Absent: none.

Meeting called to order by Mayor Spieth. Pledge of Allegiance given. Copies of the July 1st council meeting were read and approved.

Continuation of Public Hearing on proposed dock revision at Sandalia – ORO-SDP-14-2. Mayor opened the hearing by stating: "This is a continuation of a public hearing from July 1, 2014 relevant to an application for a shoreline substantial development permit to revise the approved 164' community dock with 12 slips to a 224' dock with 24 slips, each with a ground based boat lift. Also, to extend the existing shoreline permit (ORO SDP 08-10) for the remaining upland construction activities. All other approvals and conditions are to remain. The project site is the Sandalia Osoyoos Beach Resort, Sandalia Court, Oroville. File identification number ORO SDP 14-2.

The City Council should keep in mind that you should disclose any issues that may pose a conflict of interest or that would violate the appearance of fairness doctrine. This includes any communications that you may have had in the community regarding this permit application. If you have had such communication it is best to share this information to ensure that this decision-making process is fair and equitable, and to provide an opportunity for the involved parties to challenge the information you may have learned, or to challenge your ability to make a fair decision."

Mayor then asked if anyone present wished to challenge any of the Council's membership, or himself as Chairman, for conflicts of interest or appearance of fairness issues in conducting this hearing and received no comments.

Mayor Spieth then opened the testimony portion of the hearing by asking if there anyone attending that has information to present that has not already been put forth? If there is, be sure to state your name, and you wish to be a Party of Record, you must also provide us their official mailing address. No one commented

Mayor asked Mr. Wierks if he had any additional information that may address the concerns of those testifying on this application? He replied no.

Mayor requested Chris Branch to present the statement of rebuttal submitted by your permit administrator, or did he have anything to inform the Council's decision.

Chris Branch read and discussed the following:

DATE: July 7, 2014
TO: Honorable Mayor and Oroville City Council
FROM: Christian Johnson, Permit Administrator
Re: **Shoreline Administrator's Rebuttal
Sandalia Osoyoos Beach Resort
Community Dock Revision & Upland Construction Extension**

* * * * *

The Lake Osoyoos Association letter dated June 30, 2014 raises certain issues:

- 1) Drafts of various likely boats being generally between 23 and 30 inches. Agreed, that is why it is reasonable to allow the 36" depth area for dock maneuvering on the shore side of the dock assembly. This will provide between 6

to 13 inches of clearance between the lowest assemblies (such as: props, keels, skegs and rudders) of various boats and the lake bottom thereby reducing the chances of damage to the boats and disturbing the lake bottom.

2) "A measurement taken"

The topography maps shown in the application drawings was prepared by a qualified professional as a result of a grid survey performed by a reputable land survey company. As shown in the application the lake bed is not an even slope and has several variations.

3) "As the Okanogan Master Shoreline rules state in 14.15.180, "The length of any dock shall be the minimum necessary to assure navigability and protect public use of the water body."

Staff is under the impression that the Association may be confused as to the text of draft versions of proposed amendments to the Okanogan County's Shoreline Master Program (OCSMP).

For the record the current OCSMP provides as follows:

"Okanogan County Master Program for Shoreline Management

Adopted July 7, 1987

Amended May 20, 1996 (Resolution 56-96)

13.00 – Suburban Environment Regulations. The Suburban Environment is an area where there are few biophysical limitations to development. These are areas planned for expansion of nearby residential developments. In addition, these are areas where it is not desirable to locate extensive commercial or industrial development.

13.16 Piers and Docks:

A. Piers and docks are permitted in the Suburban Environment subject to the provisions of Section 11.16 A. and B.

11.16 Piers and Docks:

A. Piers and docks are permitted in association with permitted residential development provided:

1. They shall be designed so as not to restrict the flow of water.
2. Provisions shall be made to protect the navigation rights and safety of the public.

B. Boat launching sites are permitted at developed public access points provided such developments shall not substantially alter the natural characteristics of the area."

The Shoreline Management Act (RCW 90.58) does include a substantial thread of regulations that directly guide a general policy that developments are to be the least intrusive/consumptive of the shoreline but still provide for a reasonable use/activity.

Minimum necessary vs. reasonable use sets two completely different regulatory thresholds to satisfy. As stated in the Staff Report and above are the applicable regulations; draft text is just that, draft text. The decision on a permit application

must be made on the laws currently in place. The analysis of the application concludes that the proposal demonstrates compliance with the regulations.

The Department of Ecology's letter dated June 30, 2014 raised certain issues:

- 1) The proposal exceeds the threshold for a revision to an existing shoreline permit and will require a new permit.

Agreed, the applicants are seeking a new permit.

- 2) Status of wetland and shoreline mitigation required by the previous permits.

- a. The public walking trail construction, dedication and maintenance. Done.
- b. Wetland buffer planting and fencing. Done with excellent survival rate.
- c. Shoreline planting for upland construction. Done with excellent survival rate.
- d. Shoreline planting for initial dock installation. Done with marginal survival rate.

Please see addition recommended condition of approval.

REVISED RECOMMENDATION

Based on the analysis, finding of facts and conclusion, Staff recommends approval of the application.

Although the application provides that all existing conditions of approval are to be retained, Staff recommends that the conditions of approval be specified in this approval:

Revised Specified Conditions of Approval:

1. All conditions of approval of ORO PD08-1/SDP08-10 (previously ORO PD 06-1) unless specifically revised are retained and incorporated herein.

PURPOSE: To provide clarity as to the scope of the approval and the revision to the authorization.

BASIS: As stated in the purpose.

2. The permit holder shall file evidence of the DNR lease approval with the permit administrator prior to commencement of the dock installation.

PURPOSE: To confirm that the lease has been obtained that is consistent with the planned development application and approval and be informed of any conditions applied to thereof.

BASIS: A primary function of local government.

3. If hydraulic boat lifts are to be installed, the permit holder shall file evidence that the specific boat lift meets or exceeds the industry standard for hydraulic assemblies for general use in water applications prior commencement of the boat lift installation. Said hydraulic assembly shall be maintained in a manner as to protect the water quality of the State.

PURPOSE: To protect the form and function of the shoreline.

BASIS: The fragile aquatic environment and the inherent wearing of mechanical and hydraulic assemblies.

4. If the location of storage of the dock elements and boat lifts during non-use is to be on the site, the specific location shall be designated and not conflict with the already designated spaces, such as building pad and related fire separation yards, roadway,

parking, amenity, suburban riparian buffer and/or a wetlands and its' related buffers. If included, said designated site shall be within the review and approval of a related planned development approval and a shoreline substantial development permit.

PURPOSE: To ensure that the stored location does not inadvertently conflict with the purposes of other designated spaces/areas.

BASIS: The material bulk of the dock, lift and pier elements.

5. The permit holder shall install and maintain, at the permit holder's expense, safety markings visible at night, such as reflectors or lights that are posted at least on each corner of the dock such that they adequately define the presence of the structure. These markings are in addition to any safety lights and/or reflective signals prescribed by the boating safety authority of Lake Osoyoos, through regulations or otherwise, on the permitted facility.

PURPOSE: To promote the safety of users of the lake and reduce likely conflicts.

BASIS: The stated concerns regarding the matter and the routine manner in which other permitting authorities address said concerns. WAC 173-26-241(3)(c)(vii)

6. The permitted dock and pier shall be maintained in an attractive and functional condition. Any installed lighting will be minimized to satisfy the needs of safety yet not over-light and wash adjoining areas.

PURPOSE: To protect the aesthetic quality of the shoreline.

BASIS: WAC 173-26-241(3)(c)(iii)

7. This approval shall not be construed as to authorize or permit the following activities: "live-aboard", "covered moorage", "moorage rental" and "boat launch".

PURPOSE: To protect the form and function of the shoreline.

BASIS: Although these activities individually may seem insignificant; due to their cumulative effect and nature, they are designated by the State as likely to cause harm and require further review.

8. The shoreline vegetation planting for the original dock permit shall be replanted to the full initial amount.

PURPOSE: To compensate for the lake bed coverage of the portions of the dock which will remain.

BASIS: The revision to the original dock is permitted as an entirely new dock and the comments from the Department of Ecology's Shorelands/Environmental Assistance Section.

Naillon asked about "No Diving" signs being installed and maintained on the dock so to warn everyone that it is not safe to dive off the dock and that it should be made as one of the conditions.

Naillon also discussed measurements he took at the site; that he noticed that at the end of each existing boat lift there was prop washing; and how surprised he was that when you are out in the lake the additional 60' requested for the dock extension, it really doesn't seem that far out.

Mayor closed the new testimony portion of the hearing and asked council if they had any questions of the applicant, staff or others that provided testimony. Naillon asked about what was the main perceived issue for denial of the application and several commented on what they thought was the issue.

Roley stated that after taking the time to consider all the facts and testimony heard, and the fact that our summer visitor's help our community just as our year round residences do, she made a motion to adopt the Findings of Facts and to approve ORO SDP 14-2 applications with all revised specified conditions of approval. Motion was seconded by Koepke. Motion carried, 4 four, Neal abstained.

Sandy Lorentzen and Vicki Hinze updated Council on the upcoming Tumbleweed Festival that kicks off July 30th at the Pastime Bar and Grill. Movie nights include July 31st at the Oroville High School; August 1st at Alpine Brewery and August 2nd at Esther Bricques Winery. Sandy discussed the probable expansion of the event, as more and more people come to the area to participate. Our camping sites, motel and eateries will all benefit from the event.

Rosa Snider reported how well the concession stand at Osoyoos Lake Veterans Memorial park did during the last month; reported that some complaints are being made to her instead of the park office; and discussed electrical and cooling issues.

Supt. Noel reported that the NorthEnd Reservoir was completed, including punch list items that the city did; that figures are being compiled for the final pay estimate to the contractor, with deductions for liquidated damages, additional engineering fees because of the delays; and that Varela's supplement agreement should be tabled in the event that those figures also need to be revised.

Supt. Noel discussed the completion of the Trailhead Project. County had obtained a grant to complete and the city had earlier made a verbal commitment to participate. It's been determined it would be most cost effective to install state bid pre-fab vault units instead of extending water and sewer to the units. The county has asked that the city maintain the toilets and the picnic shelter. Branch stated that he was sure that after the construction is complete, the county would want to deed the property back to the city. Koepke inquired as to expense and liability coverage. Motion by Naillon and seconded by Roley the city continue to cooperate with the development of the Trailhead site and will commit to providing the maintenance. Motion carried, 4 For, Koepke against.

Clerk reported that the FAA grant offer for the Airport Runway Pavement Preservation Project should be received by next week. The project will be delayed until at least mid-August.

Branch reported delay in organization of the Council of Governances. The group is still hoping that the County will take the lead. Next meeting, which any and all councilmembers are invited to attend, will be July 28th at 2:00 in the Tonasket Senior Center.

Branch also gave an update on the possible formation of a mosquito district. Oroville will submit a map of areas to be included that is slightly expanded from the map the city used the time the city participated with Omak for spraying for mosquitos. There will be a public hearing on the issue July 23rd in the County Commissioners Meeting Room and there is an August 5th deadline for the issue to be placed on the ballot.

Branch then explained that he and the Planning Commission are in the process of finalizing the update to Oroville's Shoreline Master Plan and will have an Open House August 20th to share information with the public and the Mayor and Council.

Steve Johnston reported airport traffic is up this year and asked for consideration of increasing the credit card limit to \$400. Council okayed.

Jackie Daniels reported that she had successfully passed the National Registry AEMT test and will soon receive her certification.

Meeting temporarily adjourned at 8:20 for a 15 minute executive session regarding personnel.

Meeting reconvened at 8:37 p.m. No official action taken as result of the executive session.

Motion by Koepke and seconded by Roley the vouchers #17547-17582, \$42,268.74 be paid and the July 15th payroll of \$49,384.17, #17583-17603 be approved and the meeting be adjourned at 8:40 p.m. Motion carried.

Minutes approved _____

Mayor

Clerk