



**TOWN OF BEAUX ARTS VILLAGE**  
**TOWN COUNCIL MINUTES**

Special Council Meeting  
September 30, 2010  
Leider

Mayor Leider called the meeting to order at 7:00 pm.

**PRESENT:** Mayor Richard Leider, Councilmembers Aaron Sharp, Mike Hillberg, and Tom Stowe.

**EXCUSED:** Councilmembers Steve Eulau and Matt Leber.

**STAFF:** Clerk-Treasurer Sue Ann Spens, Town Planner Mona Green.

**GUESTS:** WABA Dockmaster Bernard Van de Kamp, WABA Permitting Agent Greg Ashley.

**PUBLIC HEARING: WABA REQUEST FOR A SHORELINE DEVELOPMENT**

**PERMIT (SDP) EXEMPTION:** Mayor Leider noted that the sole purpose of tonight's meeting is discuss and act on WABA's request for a Letter of Exemption from the Shoreline Development Permit process. He first asked for a motion from the Council.

**MOTION:** Councilmember Sharp moved to approve WABA's requires for a Letter of Exemption from the Shoreline Development Permit process for repairs to the dock pilings on their facilities at 10010 SE 28<sup>th</sup> Street. Councilmember Hillberg seconded.

He asked Mr. Van de Kamp and Mr. Ashley to describe the project and its status.

Bernard Van de Kamp first thanked the Council for fast-tracking this request. WABA began the process of obtaining permits last Spring, but learned recently that the Washington Department of Fish & Wildlife (WDFW) had changed the closing date for in-water construction work from December 31, 2010 to September 31, 2010. This change prompted the need for immediate action so that WABA can complete the most critical parts of their proposed work: repairs to dock pilings that have deteriorated due to age and exposure to the elements and which are needed to ensure that the dock survives the upcoming winter-storm season.

Mr. Ashley stated that WABA asked WDFW for a two-week extension of this deadline and has just learned that request has been granted. The new deadline for WABA's completion of in-water work is now October 15, 2010, which gives WABA just enough time to complete replacement and/or repair of the dock pilings that are most vulnerable.

Town Planner Mona Green recapped the contents of her staff report, which was included in Council packets. She noted that she is recommending that the Letter of Exemption be granted with three conditions:

1. All mitigations associated with the MDNS (Mitigated Determination of Non-Significance) issued on June 25, 2010 are incorporated into this approval.
2. A building permit issued by the Town of Beaux Arts Village is required.
3. Prior to issuance of the building permit, the applicant shall submit a copy of the Hydraulic Project Approval (HPA) from the WDFW and a copy of the approval letter from the US Army Corps of Engineers.

Ms. Green commented that the application for building permit is in its final stages of approval and that WABA has provided copies of the HPA and the Corps of Engineers letter.

Mayor Leider opened the public hearing at 7:05pm and asked for comments from the public. As there were none, he closed the public hearing at 7:06pm and opened the Council's closed deliberations.

Council deliberations centered on:

- Verifying that the various local, State and Federal regulations that govern this type of project have been or will be met. Ms. Green assured the Council on this question.
- Determining if the building permit may be delayed for any reason. Mr. Ashley assured the Council that he has satisfied every condition set by the building official, except for providing a current project valuation. That piece will be available by Monday at the latest.
- Whether the Council's action tonight is subject to the two-week waiting period established by Ordinance No. 100. Ms. Green responded that the ordinance, as written, is nearly 40 years old, and in the time since its passage, the State's regulations for waiting periods on SDP Exemptions have relaxed considerably. Imposing a waiting period on this project makes no sense, because there are no parties objecting to the proposed construction either at tonight's meeting or in writing. She believes there is no risk to the Council in approving the Letter of Exemption and allowing WABA to begin work as soon as the building permit is issued.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried. Clerk-Treasurer Spens provided Mayor Leider with the appropriate letter to sign, a copy of which was provided to Mr. Ashley. She will mail a copy of the letter and certain documents from the application to the Department of Ecology immediately.

**ADJOURN:** Councilmember Sharp moved to adjourn the meeting at 7:20 pm.

Councilmember Hillberg seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer