

RESOLUTION 2013/003

A RESOLUTION BY THE MONROE CITY COUNCIL ADOPTING THE HEARING EXAMINER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, RECOMMENDATIONS, AND CONDITIONS OF APPROVAL FOR SHORELINE CONDITIONAL USE PERMIT (SLCU2012-01) - H3O DEVELOPMENT.

WHEREAS, H3O Development submitted an application for a Shoreline Conditional Use Permit (SLCU2012-01) for the installation and operation of a cable wake board circuit and associated supporting facilities at Lake Tye; and,

WHEREAS, the Hearing Examiner for the City of Monroe did hold a consolidated public hearing on November 16, 2012 regarding Shoreline Substantial Development Permit (SL2012-01), SEPA Appeal (AP2012-02) and Shoreline Conditional Use Permit (SLCU2012-01); and,

WHEREAS, the Hearing Examiner for the City of Monroe, upon due consideration and through the development of Findings of Fact, Conclusions of Law, and Conditions of Approval, recommended to the City Council on December 11, 2012, that Shoreline Conditional Use Permit (SLCU2012-01) be approved;

WHEREAS, the City Council has reviewed the administrative record and has duly considered the recommendations of the Hearing Examiner in a closed-record proceeding in accordance with applicable City procedures; and

WHEREAS, and the City Council has determined to approve the proposed Shoreline Conditional Use Permit, and to adopt by reference the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation for Shoreline Conditional Use Permit (SLCU2012-01);

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE does resolve as follows:

Section 1. City Council Findings. In addition to the findings and conclusions set forth in the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation of Approval, the City Council hereby adopts the above recitals and the content of the Agenda Item Cover Sheet for this matter dated January 15, 2013. The City Council further enters the following additional findings and conclusions:

A. The Applicant's proposal, as conditioned, satisfies all applicable criteria for approval specified in the Monroe Municipal Code, RCW and WAC.

B. The Applicant's proposal is consistent with applicable provisions of the Monroe Comprehensive Plan, including without limitation Appendix C of the Park, Recreation and Open Space Plan 2008, which specifically contemplates an enterprise recreation facility at Lake Tye Park.

C. The Applicant's proposal has been processed in material compliance with all applicable procedures.

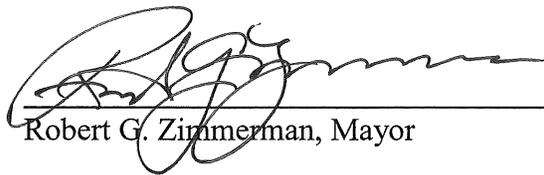
Section 2. Approval of Hearing Examiner Recommendation. The Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation of Approval attached hereto as Exhibit 1 are hereby adopted as if set forth in full and Shoreline Conditional Use Permit (SLCU2012-10) is hereby approved subject to the following conditions:

1. All development shall proceed in accordance with the mitigation conditions listed in the Mitigated Determination of Non-significance (SEPA2012-01) issued August 7, 2012.
2. All development is required to be in accordance with the approved site plans per Monroe Municipal Code 18.82.
3. Authorization to conduct construction activities is valid for five years. The hearing examiner may authorize one (1) twelve month extension.
4. The Applicant cannot commence construction until 21 days have elapsed from the date of transmittal of the Department of Ecology's final decision on Shoreline Conditional Use Permit SLCU2012-01.
5. The Applicant shall install bird diverters, or other line visibility devices placed on or parallel to cables in the Cable Wakeboard Park, including guy wires. Such diverters shall meet the specifications for the specific species targeted as provided for in the current edition of the "Avian Protection Plan (APP) Guidelines" a joint document prepared by the U.S. Fish and Wildlife Service (USFWS) and the Edison Electric Institute's Avian Power Line Interaction Committee (APLIC). The Applicant shall also incorporate a written contingency plan that lays out criteria for evaluating whether the facility with bird diverters leads to an unacceptable loss or injury to wintering waterfowl. This would include a discussion for possibly removing the cables in winter. City staff shall provide the Washington State Department of Wildlife an opportunity to review the proposed plans for diverters and the contingency plan 25 – Case no. AP2012-01/SL2012-01/SLCU2012-01 (Lake Tye Cable Wakeboard Park) criteria prior to approval. Said diverters shall be in place between November 1 and April 1 any year that towers or cables are present.
6. The Applicant is required to comply with all applicable, local, State, and Federal laws, regulations, and rules.

PASSED and APPROVED by the Mayor and City Council of the City of Monroe, Washington, at a regular meeting thereof held this 15th day of January, 2013.

CITY OF MONROE, WASHINGTON:

EFFECTIVE: 01/15/2013



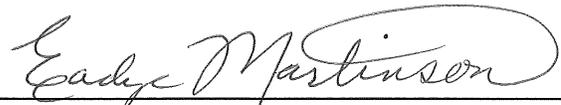
Robert G. Zimmerman, Mayor

APPROVED AS TO FORM:



J. Zachary Lell, City Attorney

ATTEST/AUTHENTICATED:



Eadye Martinson, Deputy City Clerk