Application for Use of State-owned Aquatic Lands

Applicant Name: Sandalia Osoyoos Beach Condominiums
County: Okanogan County
Water Body: Lake Osoyoos
Type of Authorization - Use: Lease – Community Dock
Authorization Number: 20-084119
Term: 12 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of community dock. It is located on Lake Osoyoos, in Okanogan County, Washington.
Vicinity Map

Legal Description

Lat. 48.95067 N, Long 119.42697 W
S22-T40N-R27E

Prepared By: Cindy Preston  Date: 6-1-2010
APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

I. SUBMISSION OF APPLICATION

NO WORK CAN BE STARTED ON THE PROJECT AREA UNTIL A USE AUTHORIZATION HAS BEEN GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES

Enclose a $25.00 non-refundable application processing fee with the application (this fee is not required for local, state, and other government agencies). This application form will be reviewed by the Department of Natural Resources upon receipt at the address given below. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before signed execution of a use authorization.

APPLICATION MUST BE FILLED OUT IN BLUE OR BLACK PEN

Please send the completed application forms to your region land manager at:

Department of Natural Resources
[Region/District Address]

II. APPLICANT INFORMATION

Date of Application: November 5, 2008

Authorization to be Issued To (how name is to appear in the lease document): Sandalia Ossooo Beach Resort:

Dick Westerling
Address: 49862 Yale Rd
City: Chilliwack, State: B.C. Zip Code: V2P-6H4
Telephone Number: 604-316-2838 FAX Number: ( )

Applicant’s Representative: Larry Lehman, Grette Associates
Relationship to Applicant: Authorized Agent
Address: 151 S. Worthen St, Ste. 101
City: Wenatchee State: WA Zip Code: 98801
Telephone Number: (509) 663-6300 FAX Number: 509-664-1882

If Property will be used for business purposes, Applicants’ Washington Department of Revenue Tax Registration Number (Unified Business Identifier) is Required:

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FOR OFFICIAL USE ONLY

Land Manager: Type: (20. 21, 22, 23, 31, 51)
Land Manager: New Application □ Renewal Application
Land Manager: Initials mblcp Aquatic Program Manager Initials

Support: Application Fee Received $25.00 7/5/01 Date

Land Records: New Application Number 20- 084119
Land Records: Trust 15/21 County 24 AQR Plate No. SS24-041

Note: 12

Form Date: March, 2006

Application for Authorization to Use SOAL
Which of the following applies to Applicant (Check One and Attach written authority to sign - bylaws, power of attorney, etc):
Corporation_________ (State of Registration): ___________ Government Agency ___________
General Partnership _________ Limited Partnership _________ X _________ Marital Community _________
Sole Proprietorship ___________ (Please Explain): ___________

Has the site use been authorized before or is it currently under lease: Yes(#) _______ No _______ X _______ Don’t Know _______

III. LOCATION
The Body of Water on which the state property is located: Lake Osoyoos
County in which the state property is located: Okanogan County
Government Lot Tax 124 PT LOT 3 (NW SW)  Section ___________ Township ___________ 40N , Range ___________ 27E E/W

A LEGAL PROPERTY SURVEY INCLUDING THE LEGAL DESCRIPTION AND OTHER INFORMATION ABOUT THE PROPERTY IS REQUIRED TO OBTAIN A USE AUTHORIZATION. THE SURVEY REQUIREMENTS ARE DESCRIBED IN SECTION VII, PROPERTY SURVEY OF THIS FORM. THE SURVEY PLAT WILL BE ATTACHED TO THE LEASE AS EXHIBIT A. (DO NOT HAVE THIS SURVEY CONDUCTED UNTIL YOU HAVE BEEN NOTIFIED IN WRITING THAT THE APPLICATION HAS BEEN ACCEPTED FOR PROCESSING.)

Physical description of Project Area (For example, Marsh, Tidewater adjacent to the Chehalis River, etc.): Residential Property adjacent to Lake Osoyoos

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:
Name: Pure Canadian LP
Address: 617 7620 Elbow Drive SW
City: Calgary State: CA Zip Code: Canada T2V1K2 Phone Number: ( )

Name: Mike Baker Et al
Address: P.O. Box 851
City: Joseph State: OR Zip Code: 97846 Phone Number: ( )

EXCEPT FOR PROPERTY LOCATED WITHIN ESTABLISHED HARBOR AREAS, PROOF OF OWNERSHIP, OR AUTHORIZATION TO USE THE ADJACENT TIDELAND, SHORELAND, OR UPLAND PROPERTY MAY BE REQUIRED. IF THE APPLICANT IS THE OWNER OF THE ADJACENT LAND, ATTACH A COPY OF THE DEED OR CONTRACT OF SALE.

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties: 4027220159, 4900060002

IV. USE OF PROPERTY
1. Describe, in detail, the proposed use of the Property.
The purpose of the proposed project is to provide the residents of the Sandals Osoyoos Beach Resort on Lake Osoyoos with lake access and boat moorage. The proposed boat lifts would allow the moored boats to be lifted out of the water to protect them from wind and wave damage due to the shallow water depths at the property. The project was originally designed to extended further into the lake; however, the applicant has coordinated with the Lake Osoyoos Association to develop a design that minimizes the impacts of the project on the aesthetics and use of the lake. The specific needs that influenced the design of the dock is the shallow water depths, the lower of the lake during winter, freezing of the lake, and the presence of salmon and other native fish species.
2. Is or will the Property be subleased to another party? Yes  No  
(If yes, submit a copy of the sublease agreement.)

3. What are the current and past uses of the site? The current use of the property is residential. It was previously used as an orchard; however, the property is currently in transition to Sandals Osovo Beach Resort, which consists of 7 townhomes (containing 32 individual units) and other buildings, along with parking areas and lawn grass.

4. Do you have any knowledge of contamination of the site by toxic or hazardous substances, or of past uses or practices that might have lead to contamination by such substances? If so, please explain: No

5. Do you know if any fill material has been placed on the property in question? If yes, please explain: No

PHYSICAL IMPROVEMENTS ARE STRUCTURES PLACED ON THE LAND THAT CANNOT BE REMOVED WITHOUT DAMAGE TO THE LAND. EXAMPLES OF SUCH STRUCTURES INCLUDE PILINGS, DOLPHINS, PIERS, WHARVES, PILING-SUPPORTED BUILDINGS, STRUCTURES BUILT ON FILL OR CONCRETE FOUNDATIONS, BURIED PIPELINES AND CABLES, AND SUPPORT STRUCTURES FOR BRIDGES.

V. IMPROVEMENTS

1. What physical improvements currently exist on the site? (Photos may be required.) The structures that have already been constructed or are currently being constructed are the pool, clubhouse, pedestrian trail, retaining walls, parking areas, and six of the townhomes. All of the infrastructure associated with the structures have also been installed.

2. If there are physical improvements currently on the site, who owns them? DDC Partners LLC and private ownership. (The townhomes are for sale.)

3. If there are physical improvements currently on the site, describe their condition: Brand new condition.

4. Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? None

5. Describe any physical improvements that the applicant is proposing to construct on the site: One temporary community dock, boat lifts and one additional townhome.

6. Has any fill material been placed on the site? If Yes, please describe: No

VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS

Copies of all government regulatory permits are required before issuance of a DNR use authorization. Your project may require some or all of these permits.

Please include the following permit applications, permits, or waivers with the application:

JARPA (Joint Aquatic Resource Permit Application)

This one form is used to apply for all of the following individual permits:

1. Section 10 Permit (Required by the US Army Corps of Engineers for any work in or affecting navigable waters, e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lines.)

2. Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption (Issued by Local Government, Application for Authorization to Use SOAL)
and is required for work or activity in the 100 year floodplain, or within 200 feet of the Ordinary High Water mark of certain waters; and which included any one of the following: dumping, drilling, dredging, filing, placement or alteration of structures or any activity which substantially interferes with normal public use of the waters.

3. **Hydraulic Project Approval** (Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.)

4. **Section 404 Permit** (Required by the US Army Corps of Engineers if your project will discharge or excavate any dredged or fill material waterward of the Ordinary High Water mark or the Mean Higher High Tide Line in tidal areas.)

5. **Section 401 Water Quality Certification** (Required by the Department of Ecology if a Section 404 permit is required.)

**NPDES (National Pollutant Discharge Elimination System Permit)**

Required by the Department of Ecology under delegated authority from the Federal Environmental Protection Agency for projects that include the discharge of fluid on or into surface water.

**SEPA (State Environmental Policy Act) Checklist and Environmental Assessments**

When you submit a permit application to any agency, if the project is not exempt, the lead agency will ask you to fill out an environmental checklist. Based on checklist answers and the reviewers knowledge of the project site, agency personnel will determine the types of impacts the project may have on the environment. The agency assessments may be the following forms: Determination of Nonsignificance, Determination of Significance, scoping documents, draft or final Environmental Impact Statements (EIS) or others prepared for the purpose of compliance.

Describe any habitat mitigation required by any of the permitting agencies identified above and identify where such mitigation is proposed to occur:

*Impacts resulting from the increase in overwater coverage will be mitigated through the installation of an equal area of vegetation plantings on the Sands Gorgeous Beach Resort property. In total, the project would result in a total of 3,458 sq ft of overwater coverage associated with the dock and 768 sq ft of inwater structure associated with the boatlifts. In other projects in eastern Washington, boatlift mitigation has been 64 sq ft for each structure. The plantings will be installed downstream (west) of the proposed dock location, at the head of the Okanogan River within the riparian buffer. Because the majority of the shoreline on the property contains some native and non-native trees and shrubs within the riparian buffer, the mitigation will be planted within a larger area in areas devoid of vegetation. Specifically, the 4,226 sq ft of mitigation will be installed within a 9,000 sq ft area. The area scheduled for mitigation planting does have existing vegetation, however, there are numerous locations that do not have native tree and shrub species (Photographs 5-6). The number of plants that will be installed is based on a 4,226 sq ft area and a spacing of 10 ft on-center for trees and 4 ft on-center for shrubs. Based on this spacing a total of 50 trees will be installed and 312 shrubs will be installed. Species to be planted will include native riparian species common to the area, including black cottonwood (Populus balsamifera ssp. trichocarpa), water birch (Betula occidentalis), mountain alder (Alnus sinuate), willow (Salix spp.), red osier dogwood (Cornus sericea), Woods' rose (Rosa woodsii), serviceberry (Amelanchier alnifolia), Black hawthorn (Crataegus douglasii), and nootka rose (Rosa nutkana). The exact location of each plant species will not be determined until the time of installation, at which time the best location will be selected. The selection of the location will be based on the presence of existing vegetation and the proximity to the river.*

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Form Date: March, 2006

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VII. PROPERTY SURVEY

STATE OF WASHINGTON DEPARTMENT OF NATURAL RESOURCES
REQUIREMENTS FOR RECORDS OF SURVEY FOR LEASES AND EASEMENTS

Records of Survey are required for easements and leases granted by the department for:

- County roads
- Highways
- Easements across high value lands
- Easements across transition lands
- Utilities
- Upland leases
- Communication sites
- Drainage or irrigation easements
- Railroads
- Aquatic land uses: exemptions are provided for recreational docks and mooring buoys per RCW 79.105.430 and for those permits issued as a Right of Entry
- Other grants as determined by the department based upon site specific considerations

The applicant is responsible for:

- All costs and work associated with creating, submitting, revising and recording the Record of Survey
- Submitting a preliminary Record of Survey for review and approval by the department prior to approval of the agreement.
- Recording the final Record of Survey with the county auditor's office.
- Submitting a digital copy in AutoCAD.DWG or DXF (drawing exchange format) of the final survey.
- Submitting two full size copies and one 8 1/2 X 11" copy and of the recorded survey including the auditor's recording information to the department.

A Record of Survey must:

1. Be produced by a licensed surveyor.

2. Meet the requirements of Title 58 RCW and Chapter 332-130 WAC.

3. Include the name of the applicant, the purpose of the easement or lease and the DNR easement or lease number.

4. Clearly show easement or lease boundaries with distances and directions of all boundary lines.

5. Show the easement or lease area to an accuracy of (±) 0.5% of the total area or (±) 10 square feet, whichever is greater.

6. (Not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean) Indicate the acreage encompassed by the lease or easement within each quarter-quarter section or government lot.

7. Show distances and directions from two or more controlling corners of a recorded subdivision, recorded survey or government survey (GLO) corners.

8. Be related by meridian and coordinate to the Washington Coordinate System NAD83(1991) by closed ties to NGS Control monuments, or the extension thereof. The designation of the control stations used shall appear on the plat.

9. Include a narrative legal description describing the servient estate (grantor's parcel) on the Record of Survey.

10. Show a detailed plan of improvements to be constructed or already existing on the easement or lease area. All improvements must be shown in sufficient detail to determine what they are used for and to ensure they are entirely within the easement area.

11. Show the location of any proposed utility.

12. (linear lease or easement) Show the lineal footage along the centerline.

Form Date: March, 2006
13. (Linear lease or easement) Show the complete alignment information and width including any necessary curve data.

14. (Easements or leases crossing a section line or state ownership boundary, not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean) Provide ties to the centerline of an easement along the section or subdivision line from the nearest appropriate Public Land Survey System (PLSS) section corner, quarter section or subdivision corner, where the easement enters and leaves the section or state ownership.

15. (Easements or leases falling entirely within one section and not crossing a section line or state ownership boundary) Provide ties from both end points of the linear easement to PLSS corners or other subdivision corners shall be provided.

16. (A lease which encroaches on a previously leased site) Show the boundary for the senior lease in the vicinity of the proposed lease shall also be shown, together with ties between the two leases sufficient to determine the full extent of the encroachments.

Additional Requirements for Communication Site Leases

17. Show ties to the corners of previously monumented communication sites adjacent to, or in the immediate vicinity of the proposed communication site.

18. Show access to the site.

19. Mark the corners of the communication site, as described and granted, with substantial permanent magnetically locatable monuments. The monuments shall be in place and obviously marked on the ground after the construction of installations and improvements.

20. Show the center of any communication site tower by Washington Plane Coordinates, NAD83 (1991), or latitude and longitude having an accuracy of and showing 3 decimals of a second.

21. On all communication sites where towers or beam paths are shown, an elevation is required at the base of the tower.

22. Show the tower height, and the height of the antenna or microwave dish and any beam path used shall have the diameter and tilt thereof shown.

23. The elevation shall be derived from an established benchmark in the vicinity of the site, or an elevation designated by the Department of Natural Resources.

Additional Requirements for Aquatic Land Uses

24. The lease of aquatic lands is often subject to preference rights. Applicants and surveyors should carefully determine the direction, and show details of the proration of coves and irregular shoreline.

25. (Lease sites which contain existing or proposed structures and improvements that are classified as a non water-dependent or a water oriented use as described within RCW 79.105.060 and WAC 332-30-106) Provide the square footage of each structure and improvement.

Additional Requirements for Aquatic Land Uses (cont.):

26. Where applicable, the survey of aquatic lands must show the location of the following lines for:

a. Tidal areas—Government meander line, the original and current locations of line of mean high tide, line of mean low tide, and line of extreme low tide. The survey must include the name of tidal bench mark(s) used or describe the alternate method employed for determining a Tidal Datum. Lease areas which contain tidelands and bedlands at a minimum must show the location of the line of extreme low tide crossing the lease area. Lease areas containing bedlands exclusively may be required to show the relationship to the line of extreme low tide and the-18 foot contour line only.

b. Lakes—Government meander line, line of ordinary high water (original ordinary high water if the lake has experienced artificial raising or lowering of the water level), and line of ordinary low water (include source of data) and line of
navigability if established.

c. Rivers - Line of ordinary high water and line of ordinary low water (include source of data) and line of navigability if established.

d. Lots and blocks of platted tide lands or shore lands, inner and outer harbor lines, waterway lines, street boundaries, any local construction limit lines, any dredge or fill areas, and easements of record within the lease site.

e. All lines must be shown in sufficient detail to compute and show the area of each area of State-owned bedlands, tidelands, shore lands, harbor area, or waterways included within the proposed lease site.

Include any other data necessary for the complete understanding of the information shown on the survey. If, in the opinion of the department, such information is lacking, the survey may be rejected.

Record of Survey Revisions:

27. Any differences between the as-built road and the regulation plat must be reflected in a revised Record of Survey and recorded with the county by the applicant.

28. When any portion of the completed improvements are located outside of the granted lease site, the as-built locations must be reflected in a revised Record of Survey and legal description. In this instance, a new application for an amended lease site may be required if the as-built location creates adverse impacts. In the case of linear leases across the bed lands of the sound or the ocean, an as-built Record of Survey and a revised legal description of the linear lease must be provided.

Survey Requirements updated July 2002.
All answers and statements are true and correct to the best of my knowledge.

Applicant

Dick Westeringh

Signed

(Applicant or Authorized Signature)

Title

MANAGING MEMBER

Company

DDC PARTNERS, LLC SANDALIA OSOCONOS BEACH CONDOS

Date

11-28-08

For additional information contact one of the following region offices:

Southeast Region
713 Bowers Rd
Ellensburg, WA 98926-9341
509-925-8510
TTY: 509-925-8527

Olympic Region
411 Tillicum Ln
Forks, WA 98331-9797
360-374-6131
TTY: 360-374-2819

Northwest Region
919 N Township St
Sedro-Woolley, WA 98284-9333
360-856-3500
TTY: 360-856-1371

Application for Authorization to Use SOAL
Northeast Region  
P.O. Box 190  
225 S Silke Rd  
Colville, WA 99114-0190  
360-684-7474  
TTY: 509-684-7474

Pacific Cascade Region  
P.O. Box 280  
601 Bond Rd  
Castle Rock, WA 98611-0280  
360-577-2025  
TTY: 360-577-2025

South Puget Sound Region  
950 Farman Ave N  
Enumclaw, WA 98022  
360-825-1631  
TTY: 360-825-6381