

On February 16, 2024, the Oceanfront Committee held the first joint meeting with members of the community and OPRD representatives. The video of this meeting has been uploaded to the Salishan website as well as the Aperion Portal.

The committee will be holding another meeting this Friday, March 8<sup>th</sup> at 3pm to continue this discussion.

Here are the main points covered in the last town hall.

#### Legal Review:

As noted in our prior communication the oceanfront area on Beach Grass Lane first started experiencing significant erosion in Early January. After several denied emergency applications from OPRD the Board approved the engagement of Legal Counsel. Andrew Stamp of Vial Fotheringham was engaged to review the jurisdiction issues with OPRD and provide advice to the Board of Directors. After a full review of SLI Documents, OPRDs administrative rules, and the State Statues Mr. Stamp provided advice to the Board that it is his belief and subsequently the belief of the Board that OPRD's current policies conflict with the State Statues. Here are a few main points that were discussed at the prior townhall meeting:

1. **Misalignment with State Statute and Agency Interpretation:** This centers on OPRD's interpretation that the Park at Beach Grass Lane is vacant land and therefore does not meet the criteria for Ocean Shores revetment. This is in conflict with the Statue and the community has issued a letter to the Department of Justice asking for a review of the agency policy. While the SLI Board has full faith in the legal arguments that have been laid out, fighting this with DOJ will likely take time.
2. **DOJ Letter:** Community and constitute pressure can be helpful in these situations, if you have legislative contacts, please reach out to the management for a copy of the DOJ letter to share with your contact.

The other side to the legal review completed by the Board was related to the question on if the community has a responsibility to maintain or take actions to stop the erosion of Beach Grass Lane common area. While there is no simple answer to this question, ultimately this comes down to how the area was noted in the original development and what does the lease requires.

1. **Park:** The common area on Beach Grass Lane is noted as a "Park" on the early maps and the plats with the county. This area has remained native oceanfront until recent years when it was used a vital access point for many of the revetment project on the spit.
2. **Maintenance Responsibility:** After a full review of the SLI documents there is not a clear-cut answer that without a doubt contemplated this current situation. However, the SLI documents including section 6 of the lease contemplate maintaining private ways, entrance and other signs, common areas, hiking trails, the office building, the swimming pools, tennis courts, basketball half-court, the community clubhouse, recreational facilities, and other facilities designed to serve the Lessees, and while there is no notation of "Parks" this area has been labeled as common area and treated as such. So based on this and other documents review it would be the advice of legal and management the Board and community has a duty to act.

## Permit Process:

To obtain an Ocean shore modification, permit the community must first demonstrate to OPRD that the properties highest and best use is at risk and there is a geological foundation for the request. The Geoengineers report must provide a full analysis of the area, the erosion rate, the designed remedy for this area, as well as why there is no alternative. Here are some of the questions that came up at the meeting:

1. **If a permit is filed how long would it take to get the permit?** It typically takes around 6 months to obtain the permit once the application is submitted.
2. **What is the timeline for filing a permit for Beach Grass Lane with OPRD?** The Board is still working on the logistics of how to navigate the OPRD requirements and demonstrate the needs. Unfortunately, the erosion rate at Beach Grass is not fast enough to use the surrounding homes as a basis for the work. The loss of land, based on the current OPRD interpretation requires a demonstration of development protection even though the community is goal 18 approved.
3. **What is the fee for filing the Ocean shore Permit?** The fee to apply for a permit is 3% of the total estimated project. Hypothetically, if the project costs \$2,000,000 the permit fee is \$60,000.
4. **What does the engineers report provide? And has this been completed?** The engineering report is necessary to demonstrate the geological need for the action. This report notes things like erosion rates and recommended designs to mitigate the erosion. This report has recently been completed by Earth Engineering and is attached to this email.

## Other questions from the Townhall:

1. **What happens if the community does nothing?** This is a very tricky one to predict but there is concern that inaction will continue to increase the cost of this work. The straight linear footage of the park is 430 feet, as the area erodes the total linear footage increases with the curvature, and the cost of backfilling these areas is cost prohibitive.
2. **Do we have a cost for the project?** The FAC and the Board have preliminary numbers based on the current cost of rip rap, however a full project budget is under development and will be shared with the community soon.
3. **The Maintenance Fees were increased in 2023. Can the money collected go to this project?** The ballot initiative to increase maintenance fees was specific to the reserve funding, Beach Grass Lane was not a part of these calculations. It was always contemplated that Beach Grass would be a separate vote.

## Next Step:

The community will hold a second town hall this Friday for members of the community to ask questions of our experts. Adam Reese from Earth Engineering will be in attendance to share the results of their engineering review. In addition, members of OPRD will be on hand to answer questions.

Ultimately, the FAC is working on a project budget that will be shared with the community in the coming weeks. This project will require a vote of the community. Once the budget has been shared the community will conduct a vote. The community will use the electronic voting system that was developed for the annual meeting next year. Please watch for additional information coming soon.

Below is the zoom meeting for the upcoming meeting;

Katie Anderson is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/83905534312?pwd=cG1XdGV5MWpvMGw4bnJ2cGsyM2ptZz09>

Meeting ID: 839 0553 4312

Passcode: 287127

---

One tap mobile

+13462487799,,83905534312#,,,,\*287127# US (Houston)

+16694449171,,83905534312#,,,,\*287127# US

---

Dial by your location

- +1 346 248 7799 US (Houston)
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 646 931 3860 US
- +1 689 278 1000 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 360 209 5623 US

Meeting ID: 839 0553 4312

Passcode: 287127

Find your local number: <https://us02web.zoom.us/j/83905534312?pwd=cG1XdGV5MWpvMGw4bnJ2cGsyM2ptZz09>