SAN JUAN COUNTY
HEARING EXAMINER

FINDINGS, CONCLUSIONS, AND DECISION

S.J.C. DEPARTMENT OF
MAY 12 2017
COMMUNITY DEVELOPMENT

Applicant(s):	Lonesome Cove Resort PO Box 1607 Bellevue, WA 98009-1607
Agent(s):	John Geniuch - DSDG PO Box 3258 Friday Harbor, WA 98250
File No.:	PEXTHX-17-0002
Request:	Shoreline Permit Extension for shoreline permit PSJ000-11-0012
Parcel No:	361812001
Location:	416 Lonesome Cove Road, San Juan Island
Summary of Proposal:	An application for time extension of one year for an existing shoreline substantial development permit
Shoreline Designation:	Rural Residential
Public Hearing:	April 20, 2017
Applicable Policies and Codes:	SJCC 18.80.110(G) Extension of Permit
Decision:	Approved

BEFORE THE HEARING EXAMINER
FOR SAN JUAN COUNTY

In the Matter of the Application of	)	
	)	NO. PEXTHX-17-0002
Lonesome Cove Resort	)	
	)	
	)	**Lonesome Cove Resort**
for an extension of an approved	)	
shoreline substantial development permit	)	
at Lonesome Cove Resort, San Juan Island	)	

S.J.C. DEPARTMENT OF
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SUMMARY OF DECISION

The request for a one-year extension of the previously approved shoreline substantial development permit authorizing significant revisions to the existing Lonesome Cove Resort at 416 Lonesome Cove Road, San Juan Island is **APPROVED**.

SUMMARY OF RECORD

Request:
John Geniuch, DSDG, on behalf of Lonesome Cove Resort (Applicant), requested a time extension of one year for an approved shoreline substantial development permit for significant revisions to the Lonesome Bay Resort on San Juan Island.

Hearing Date:
The San Juan County Hearing Examiner held an open record public hearing on the request on April 20, 2016.

Testimony:
At the open record public hearing, the following individuals presented testimony under oath:

Julie Thompson, Planner, San Juan County Department of Community Development
John Geniuch, Applicant Representative

Exhibits:
The following exhibits were admitted in the record:

1. Department of Community Development Staff Report, dated March 30, 2017
2. Request for time extension, submitted February 24, 2017
3. Staff Report (January 26, 2012) and Hearing Examiner decision in SSDP PSJ000-11-0012, issued February 24, 2012
4. Legal notice of public hearing

Upon consideration of the testimony and exhibits submitted at the open record public hearing, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. On June 26, 2012, the Applicant received approval of a shoreline substantial development permit (SSDP, PSJ000-11-0012) for significant revisions to the existing Lonesome Cove Resort on San Juan Island. The final state or federal approval required for that permit was issued by the Department of Ecology on June 26, 2012, making that date the date of SSDP approval. Therefore, the required completion date for the approved improvements is June 26, 2017. The Applicant is engaged in a sale/transfer of ownership and has requested a one-year extension of the approval through June 26, 2018. *Exhibits 1, 2, and 3; Julie Thompson Testimony.*

2. Approved SSDP projects that have been completed include: design and approval of stormwater management plan; Department of Ecology (DOE) approval of a Construction General Stormwater Permit and electronic reporting set up through DOE; individual building permits for the proposed cabins have been obtained; a contractor has been selected for the cabin construction; a new water system has been designed, approved, and construction has begun; the water tower associated with the water system has been designed and approved by the County; a contractor has been selected for the construction of the water tank; and upgrades to the large onsite septic system (LOSS) have been approved and installed. *Exhibits 1 and 2.*

3. Outstanding work to be completed includes construction of nine to 11 small cabins, finishing the large water tank, and final septic connection. *John Geniuch Testimony.*

4. An Applicant agent testified at hearing that confidence the improvements can be completed by the requested extended approval deadline is very high. He also testified that denial of the extension request would be a hardship because the engineer who designed the approved stormwater plan has passed away and being required to start over with stormwater management design and infrastructure could be unduly time consuming and expensive. *John Geniuch Testimony.*

5. Planning Staff indicated that no additional extension would be possible. *Thompson Testimony.*

6. Notice of application and hearing was published in accordance with the requirements of the County Code on March 8, 2017. The County received no public comment on the application. *Exhibits 1 and 4; Julie Thompson Testimony.*

7. Approval of the extension would not result in any conflict with the current adopted San Juan County Shoreline Master Program. Approval of the extension would not allow additional intrusion into shoreline areas beyond that previously reviewed and approved. Planning Staff recommended approval of the requested time extension without new

conditions of approval. *Exhibit 1; Thompson Testimony.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to decide applications for revisions to approved shoreline permits pursuant to San Juan County Code 2.22.100(1) and 18.80.110(M), and Revised Code of Washington 36.70.970.

Criteria for Review of Shoreline Permit Extension Requests

Pursuant to SJCC 18.80.110.G.8, unless specified otherwise in permit conditions, all development authorized by a shoreline permit shall be completed within five years of the date of permit approval or the permit shall become null and void. A permittee may request a time extension before the permit expires by making a written request to the administrator, stating the reasons. The hearing examiner will review the permit, and upon a finding of good cause:

a. Extend the permit for one year; or

b. Terminate the permit.

Conclusions Based on Findings

1. The materials submitted demonstrate that the improvements approved in the SSDP have neither languished nor been abandoned; indeed substantial progress towards completion has been shown. The Applicant submitted a timely request for extension of SSDP approval and the submitted materials made an adequate showing of good cause to extend the permit for one year to June 26, 2018. *Findings 1, 2, 3, 4, 5, 6, and 7.*

DECISION

Based on the preceding findings and conclusion, approval of shoreline substantial development permit PSJ000-11-0012 authorizing significant revisions to Lonesome Cove Resort on San Juan Island is extended for a period one year expiring June 26, 2018. Conditions of the previous approval remain in effect.

Decided May 11, 2017.

By: Sharon A. Rice

Sharon A. Rice
San Juan County Hearing Examiner

Effective Date, Appeal Right, and Valuation Notices
Hearing examiner decisions become effective when mailed or such later date in accordance with the laws and ordinance requirements governing the matter under consideration. SJCC 2.22.170. Before becoming effective, shoreline permits may be subject to review and approval by the Washington Department of Ecology pursuant to RCW 90.58.140, WAC 173-27-130 and SJCC 18.80.110.

This land use decision is final and in accordance with Section 3.70 of the San Juan County Charter. Such decisions are not subject to administrative appeal to the San Juan County Council. See also, SJCC 2.22.100.

Depending on the subject matter, this decision may be appealable to the San Juan County Superior Court or to the Washington State Shorelines Hearings Board. State law provides short deadlines and strict procedures for appeals and failure to timely comply with filing and service requirements may result in dismissal of the appeal. See RCW 36.70C and RCW 90.58. Persons seeking to file an appeal are encouraged to promptly review appeal deadlines and procedural requirements and consult with a private attorney.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.