

Before Hearing Examiner
Gary N. McLean

**BEFORE THE HEARING EXAMINER
FOR SAN JUAN COUNTY**

S.J.C. DEPARTMENT OF
NOV 22 2017
COMMUNITY DEVELOPMENT

In the Matter of Shoreline Substantial)
Development Permit Application filed by)
the San Juan County)

PUBLIC WORKS DEPARTMENT,)
Applicant,)

File No. PSJ000-17-00012

for the)

**ORCAS FERRY LANDING PUBLIC)
VIEWING AREA IMPROVEMENT)
PROJECT)**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
DECISION APPROVING
SHORELINE SUBSTANTIAL
DEVELOPMENT PERMIT**

*[Project: to construct pedestrian access to a)
public viewing area west of the Orcas Ferry)
Terminal, including a retaining wall, pavers on)
the viewing deck, planters, and interpretive)
signs]*)

I. SUMMARY OF DECISION.

The Shoreline Substantial Development Permit application submitted on behalf of the San Juan County Public Works Department is approved.

The proposed project is subject to compliance with all applicable development, design, building code, engineering and other regulations, including without limitation those requiring verification of performance, inspections, and maintenance associated with conditions or mitigation measures that might be imposed consistent with this Decision or any subsequent approval issued by any state or federal agency or county department with

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION – APPROVING SHORELINE
SUBSTANTIAL DEVELOPMENT PERMIT TO
CONSTRUCT PUBLIC ACCESS IMPROVEMENTS
FOR THE PUBLIC VIEWING AREA AT THE ORCAS
FERRY LANDING**

**GARY N. MCLEAN
AS HEARING EXAMINER PRO TEM
FOR SAN JUAN COUNTY**

1 jurisdiction over a particular aspect of the Project as the development review and possible
2 construction processes unfold.

3 II. PROJECT DESCRIPTION.

4 The San Juan County Public Works Department submitted the pending shoreline
5 application to make improvements to the existing, underutilized public viewing area located
6 directly west of the Orcas Ferry Terminal in San Juan County. Currently, access to the
7 viewing area is poor, and the existing decking is old and worn. The permit would be one of
8 several approvals needed to commence with construction of pedestrian access to the
9 viewing area, removal of worn decking materials and replacement with new pavers on the
10 viewing deck itself, installation of a relatively small retaining wall, planters, and
11 interpretive signs. Following public notices posted and published in accord with applicable
12 law, there was no opposition to the project.

11 III. RELEVANT CODE PROVISIONS.

12 The San Juan County Code includes a specific, unambiguous, and clearly-captioned
13 code section addressing “Shoreline Permit and Exemption Procedures,” found at SJCC
14 18.80.110. Relevant portions read as follows:

14 **18.80.110 Shoreline permit and exemption procedures.**

15 A. Purpose and Applicability.

16 1. This section includes the procedures necessary to ensure that the provisions of the
17 Shoreline Master Program (Element 3 of the Comprehensive Plan and Chapter 18.50 SJCC)
18 are implemented and enforced, and to ensure that all persons affected by the master
19 program are treated in a fair and equitable manner.

20 2. This section applies to all lands and waters within the jurisdiction of the master program
21 and to all persons and agencies as described in Chapter 18.50 SJCC.

22 3. The following are referred to as “shoreline permits” and are subject to this review
23 process:

22 a. Shoreline substantial development permits.

23 [...]

24 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND**
25 **DECISION – APPROVING SHORELINE**
26 **SUBSTANTIAL DEVELOPMENT PERMIT TO**
CONSTRUCT PUBLIC ACCESS IMPROVEMENTS
FOR THE PUBLIC VIEWING AREA AT THE ORCAS
FERRY LANDING

GARY N. MCLEAN
AS HEARING EXAMINER PRO TEM
FOR SAN JUAN COUNTY

1 E. Decisionmaking Authority. The hearing examiner has authority to take the following
2 actions:

3 1. Based upon the criteria in subsection (H) of this section, hear and issue or deny shoreline
4 permits following receipt of the recommendations of the administrator, and to impose
5 conditions of approval on such permits[.]

6 [...]

7 H. Criteria for Approval of Substantial Development Permits. A shoreline substantial
8 development permit shall be granted by the County only when the applicant meets his
9 burden of proving that the proposal is:

- 10 1. Consistent with the policies of the Shoreline Management Act and its implementing
11 regulations, Chapter 90.58 RCW and Chapter 173-27 WAC, as amended;
- 12 2. Consistent with the policies and regulations of the Shoreline Master Program in Chapter
13 18.50 SJCC;
- 14 3. Consistent with this chapter;
- 15 4. Consistent with the applicable sections of this code (e.g., Chapter 18.60 SJCC);
- 16 5. Consistent with the goals and policies of the Comprehensive Plan; and
- 17 6. All conditions specified by the hearing examiner to make the proposal consistent with the
18 master program and to mitigate or avoid adverse impacts are attached to the permit.

19 [...]

20 N. Rescission of Shoreline Permits. Any shoreline permit may be rescinded by the hearing
21 examiner pursuant to RCW 90.58.140(8) upon the finding that the permittee has failed to
22 comply with the terms and conditions thereof. In the event that the permittee is denied a
23 required sewage disposal, building, or other permit necessary for the project in question, the
24 shoreline permit may be rescinded by the hearing examiner. In the event a shoreline permit
is rescinded by the hearing examiner, the permittee shall be notified by certified mail.
Copies of the examiner's final action shall be filed with the Washington Department of
Ecology.

25 Drawn from the previously provided portions of the San Juan County Shoreline
26 Master Program code provisions, and other applicable provisions of the County's Unified
Development Code found in Title 18 SJCC, of which the SMP is a portion, the following
topics are worth highlighting in this Decision.

Jurisdiction: As shown above, under SJCC 18.80.110(E), the Hearing Examiner is
given the authority to hold public hearings and issue or deny shoreline permits, based upon

FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION – APPROVING SHORELINE
SUBSTANTIAL DEVELOPMENT PERMIT TO
CONSTRUCT PUBLIC ACCESS IMPROVEMENTS
FOR THE PUBLIC VIEWING AREA AT THE ORCAS
FERRY LANDING

GARY N. MCLEAN
AS HEARING EXAMINER PRO TEM
FOR SAN JUAN COUNTY

1 the criteria in SJCC 18.80.110(H).

2 **Burden of Proof:** Under SJCC 18.80.010(A), “Shoreline Permits” are specifically
3 listed as “Project Permits” covered by the provisions of SJCC Chapter 18.80 re: application,
4 notice, review and appeal requirements for the County’s Unified Development Code, which
5 is found in Title 18 of the SJCC and includes Chapter 18.50, the County’s Shoreline Master
6 Program. SJCC 18.80.040(B) reads as follows:

7 *“[t]he burden of proof is on the project permit applicant. The project permit application
8 must be supported by evidence that it is consistent with the applicable state law, County
9 development regulations, the Comprehensive Plan, and the applicant meets his burden of
10 proving that any significant adverse environmental impacts have been adequately analyzed
11 and addressed.”*

12 **Standard of Review:** SJCC 2.22.210(H) explains that: “for an application to be
13 approved, a preponderance of the evidence presented at the hearing must support the
14 conclusion that the application meets the legal decision criteria that apply.”

15 **Shoreline Regulations:** The County’s Shoreline Master Plan/Program (SMP) and
16 its code provisions effectuating the SMP were recently amended, following review and
17 approval by the San Juan County Council. Review and approval by the Department of
18 Ecology, as required by applicable state law, was not yet complete at the time this
19 application was filed. For purposes of permit processing, this project vested and was
20 reviewed under the County’s “old” shoreline regulations.

21 SJCC 18.50.010(A), reads as follows:

22 *“This chapter [18.50] of the Unified Development Code, together with Element 3 of the
23 Comprehensive Plan and SJCC 18.80.110(I)(3), 18.80.110(J)(4) and 18.80.120(D), is the
24 Shoreline Master Program for San Juan County, Washington.”*

25 So, for purposes of reviewing this application, the County’s SMP provisions are
26 codified in SJCC Chapter 18.50, together with Element 3 of the Comprehensive Plan
collectively known as the “SJC Shoreline Master Program” or “SMP.”¹

Review Criteria for a Shoreline Substantial Development Permit: “Substantial
Development” is defined in RCW 90.58.030(3)(e) and SJCC 18.20.190. There is no dispute
that the pending project meets the definition for a ‘substantial development’. Substantial

¹ See SJCC 18.50.010(B), which reads: *“The short title of this chapter (18.50) and Element 3 of the*

1 developments proposed in shoreline areas of San Juan County require a Substantial
2 Development Permit. SJCC 18.80.110(H). The approval criteria for a Shoreline Substantial
3 Development Permit application is set forth in SJCC 18.80.110(H), which reads as follows:

4 **18.80.110(H). Criteria for Approval of Substantial Development Permits.** A shoreline
5 substantial development permit shall be granted by the County only when the applicant
6 meets his burden of proving that the proposal is:

- 7 1. Consistent with the policies of the Shoreline Management Act and its implementing
8 regulations, Chapter 90.58 RCW and Chapter 173-27 WAC, as amended;
- 9 2. Consistent with the policies and regulations of the Shoreline Master Program in Chapter
10 18.50 SJCC;
- 11 3. Consistent with this chapter;
- 12 4. Consistent with the applicable sections of this code (e.g., Chapter 18.60 SJCC);
- 13 5. Consistent with the goals and policies of the Comprehensive Plan; and
- 14 6. All conditions specified by the hearing examiner to make the proposal consistent with the
15 master program and to mitigate or avoid adverse impacts are attached to the permit.

16 **Review Criteria for the Department of Ecology:** Finally, if the Examiner approves
17 or denies the Shoreline Permit, such decision must be forwarded to the Department of
18 Ecology and the Attorney General, for state review and any appeals of the Shoreline Permit,
19 in accord with Washington Shoreline Management regulations found in WAC 173-27-130.
20 This Decision is subject to review and approval, approval with conditions, or denial by the
21 Washington Department of Ecology within thirty days of submittal by the County. WAC
22 173-27-130, and -200. Ecology's review criteria for Shoreline Substantial Development
23 Permits is found at WAC 173-27-150². The San Juan County review criteria for the

24 ² WAC 173-27-150

25 **Review criteria for substantial development permits.**

26 (1) A substantial development permit shall be granted only when the development proposed is consistent with:

- (a) The policies and procedures of the act;
 - (b) The provisions of this regulation; and
 - (c) The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter 173-26 WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.
- (2) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION – APPROVING SHORELINE
SUBSTANTIAL DEVELOPMENT PERMIT TO
CONSTRUCT PUBLIC ACCESS IMPROVEMENTS
FOR THE PUBLIC VIEWING AREA AT THE ORCAS
FERRY LANDING**

GARY N. MCLEAN
AS HEARING EXAMINER PRO TEM
FOR SAN JUAN COUNTY

1 requested shoreline permit is consistent with and substantially similar to those that will be
2 used by the Department of Ecology.

3 IV. RECORD AND EXHIBITS.

4 Exhibits entered into evidence as part of the record, and an audio recording of the
5 public hearing, are maintained by the San Juan County Department of Community
6 Development, in accord with applicable law.

7 **Hearing Testimony:** The following individuals presented testimony under oath at
8 the duly noticed open record public hearing held on October 25, 2017:

- 9 1. Julie Thompson, Project Planner for San Juan County, who prepared the Staff
10 Report for the pending application; and
- 11 2. Stephanie Conner, Engineering Tech in the San Juan County Public Works
12 Department, who represented the Project Applicant, at the public hearing.

13 No one appeared at the public hearing to oppose or question the application or
14 submitted any written comments into the Record indicating their opposition to the pending
15 application. No one commented upon or appealed the SEPA DNS issued for the project.

16 **Exhibits:** The following exhibits were accepted into the record as numbered,
17 identified and described below:

18 **Staff Report**, dated October 12, 2017, prepared by County Planner, Julie
19 Thompson;

- 20 1. "Request for Review", distributed twice, on August 30, 2017, and again on
21 October 10, 2017, with a written comment deadline of October 24, 2017;
- 22 2. SEPA Determination of Non-Significance (DNS) issued for the project on
23 October 10, 2017;
- 24 3. Environmental Checklist, submitted by the applicant, prepared by Stephanie
25 Conner, Engineering Tech in the San Juan County Public Works
26 Department, signed by Ms. Conner and received by the Community
Development Department on August 4, 2017;

FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION – APPROVING SHORELINE
SUBSTANTIAL DEVELOPMENT PERMIT TO
CONSTRUCT PUBLIC ACCESS IMPROVEMENTS
FOR THE PUBLIC VIEWING AREA AT THE ORCAS
FERRY LANDING

GARY N. MCLEAN
AS HEARING EXAMINER PRO TEM
FOR SAN JUAN COUNTY

- 1 4. Application materials, reflecting receipt by the Community Development
2 Department on August 4, 2017. Includes a project site plan and photos
3 marked to show aspects of the proposal;
- 4 5. Legal ad published on August 30, 2017, providing public notice of the
5 pending application and public hearing for the matter;
- 6 6. Public notification materials, including confirmation that proper notices
7 were mailed and posted as required by County codes;
- 8 7. Comprehensive Plan Section 3.2.C re: Public Access

9 V. FINDINGS OF FACT.

10 Based on the record, the Examiner issues the following findings of fact:

- 11 1. Any statements contained in a previous or following sections of this Decision that
12 are deemed to be Findings of Fact are hereby adopted as such and incorporated by
13 reference.
- 14 2. In this matter, the San Juan County Public Works Department is seeking approval of
15 a shoreline permit required under the County's Shoreline Master Program (SMP) to
16 construct pedestrian access to a public viewing area west of the Orcas Ferry Terminal,
17 including a retaining wall, pavers on the viewing deck, planters, and interpretive signs. The
18 full scope and proposed design for the County's project is provided in *Exhibit 4*.
- 19 3. The Staff Report and witness testimony confirmed that there is an existing public
20 viewing area at the Orcas Ferry Terminal, but access to the site is very poor, especially for
21 those with disabilities, and the decking is old and worn.
- 22 4. The improved viewing site will provide the public with a point from which they can
23 enjoy scenery in the area, including views of Harney Channel, ferry traffic, recreational
24 boat traffic, and occasional "sea critters" out frolicking in the water.
- 25 5. The Examiner concurs with the project proponent's stated need for the project, and
26 expressly finds that the upgrades made to the Orcas Ferry Terminal public viewing area will
greatly improve access thereto and increase the numbers of people able to enjoy the
surrounding scenery.

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION – APPROVING SHORELINE
SUBSTANTIAL DEVELOPMENT PERMIT TO
CONSTRUCT PUBLIC ACCESS IMPROVEMENTS
FOR THE PUBLIC VIEWING AREA AT THE ORCAS
FERRY LANDING**

**GARY N. MCLEAN
AS HEARING EXAMINER PRO TEM
FOR SAN JUAN COUNTY**

1 6. The Examiner is familiar with the proposed viewing site, and has personally visited
2 the ferry terminal area where the public viewing area improvements will occur. The
3 surrounding area includes various hospitality/food service providers, retailers, and activities
associated with Washington State Ferry operations.

4 7. The Staff Report, and testimony by County witnesses, provided substantial and
5 credible evidence demonstrating the project can be accomplished so as to minimize or
prevent any adverse environmental impacts, through construction and thereafter.

6 8. No one submitted credible comments or evidence that would support denial of the
7 proposed shoreline permit. No one offered testimony or written comments that would
8 refute the analysis and findings regarding the project's compliance and consistency with
9 relevant Shoreline Codes, plans and policies, Comprehensive Plan Policies, or County
10 development regulations, as set forth in the Staff Report issued for this project. Substantial
evidence in the record, including the Examiner's observations while on previous site visits
to the proposed project area, fully support the analysis, findings, and recommended
conditions contained in the Staff Report.

11 9. Public notice regarding the permit application was provided in accord with law.
12 (*Staff Report; Exhibits 5 and 6*). The public hearing provided an opportunity for interested
13 parties to share their thoughts, support, questions, and concerns about the proposed project.
No one appeared to oppose or question any aspect of, including the need for, the project.

14 10. Staff formally requested review and written comments from several agencies by
15 September 27, 2017, including the Washington Department of Ecology (2 individual
16 recipients), the Dept. of Natural Resources NW Region, the Department of Transportation –
17 Ferries – Robert Price, and the UW-Friday Harbor Labs, Director. (*Ex. 1, page 1*). The
County issued a second request for review to the Department of Ecology, seeking
comments by October 24th. (*Ex. 1, page 2*).

18 ***Environmental review.***

19 11. The SEPA Determination of Non-significance for the project was issued after the
20 County considered the SEPA checklist and supporting project documentation. Although
21 the initial DNS was issued on August 30, 2017, the ad published on the same day failed to
22 post the DNS to the proper register. Upon discovery, a new DNS was prepared and
23 transmitted to the Department of Ecology on October 10, 2017. In any event, the County
never received any comments regarding either the underlying application or the DNS issued
for this project.

24 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND**
25 **DECISION – APPROVING SHORELINE**
26 **SUBSTANTIAL DEVELOPMENT PERMIT TO**
CONSTRUCT PUBLIC ACCESS IMPROVEMENTS
FOR THE PUBLIC VIEWING AREA AT THE ORCAS
FERRY LANDING

GARY N. MCLEAN
AS HEARING EXAMINER PRO TEM
FOR SAN JUAN COUNTY

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12. Because no agency or person submitted comments regarding the DNS, no party had standing to appeal such SEPA threshold determination. In any event, no one submitted an appeal of the DNS issued for the public viewing facility project.

13. By operation of WAC 197-11-545 (re: Effect of no comment), if a consulted agency does not respond with written comments within the time periods for commenting on environmental documents, the lead agency may assume that the consulted agency has no information relating to the potential impact of the proposal as it relates to the consulted agency's jurisdiction or special expertise; further, lack of comment by other agencies or members of the public on environmental documents within the applicable time period shall be construed as lack of objection to the county's environmental analysis. Again, the record establishes that the DNS was not appealed – SJCC 18.80.140(A) provides that a SEPA threshold determination like the DNS issued for this project may be appealed within 21 days of issuance.

Compliance with applicable codes and shoreline policies.

14. The Analysis provided in the Staff Report credibly explains how the project, with its proposed viewing area upgrades, has been designed and can be constructed in compliance with applicable county development regulations, including those found in SJCC 18.35.075, .080, and .130, and 18.50.100 and 18.80.110. *Staff Report, pages 2 – 5.*

15. The Record includes credible, un rebutted and substantial evidence that the application meets requirements to approve the Substantial Development Permit. *Staff Report, pages 4 and 5, analysis of compliance with Criteria for Approval of SDP found in SJCC 18.80.110.H(1-6).*

16. The project promotes and is consistent with the state shoreline policies set forth in the Shoreline Management Act at RCW 90.58.020(1-6). For example, the project provides and protects the statewide interest in providing public access over local interests that may want such venues more limited; by providing better accessibility, the project should serve as a means to preserve surrounding shoreline areas from people seeking a viewpoint; the improved accessibility will provide a long term over a short term benefit, especially for those with mobility-related disabilities; the project design and purpose are intended to protect the resources and ecology of the surrounding shoreline; *the project clearly increases public access to the publicly owned viewing area along the Orcas Ferry Terminal shoreline area*; and the project increases recreational opportunities, i.e. scenic viewing, photography, nature-watching, for the general public who find themselves at the Orcas Ferry Terminal area.

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION – APPROVING SHORELINE
SUBSTANTIAL DEVELOPMENT PERMIT TO
CONSTRUCT PUBLIC ACCESS IMPROVEMENTS
FOR THE PUBLIC VIEWING AREA AT THE ORCAS
FERRY LANDING**

**GARY N. MCLEAN
AS HEARING EXAMINER PRO TEM
FOR SAN JUAN COUNTY**

1 17. The project is consistent with the goals and policies in the County's Comprehensive
2 Plan, Shoreline Master Program policies set forth in Section 3.2.C, captioned "Public
3 Access", including without limitation the following:

4 3.2.C Public Access

5 Goal: To assure safe, convenient and diversified access for the public along public
6 shorelines, and to assure that the intrusions created by public access will not endanger the
7 quality of life or property of island residents, or have adverse effects on fragile natural
8 features of the shorelines.

9 Policies (3.2.C.1, 2, 6, 8, and 9):

10 1. Provide, protect and enhance opportunities for the public to enjoy the shoreline. This should
11 be accomplished by consideration of the provision of public access by acquisition through
12 purchase, donation, or other agreement, or by requiring the provision of public physical or visual
13 access from uplands to the water. (Finding: The project's consistency with this policy is self-
14 evident).

15 2. Public agencies should acquire or otherwise assure appropriate public access to public
16 shorelines (FINDING: this project is specifically intended to improve and assure appropriate
17 public access to a viewing site located in a shoreline area, especially for people with mobility-
18 related disabilities).

19 6. Public access to public shorelines should be appropriately marked (FINDING: signage will be
20 installed as part of this project).

21 8. Preserve, maintain, and enhance public access afforded by shoreline county road ends,
22 public utilities and rights-of-way where feasible (FINDING: Ferry Terminal area is substantially
23 similar to other public properties referenced in this policy).

24 9. Develop guidelines for the preservation and/or enhancement of scenic views and vistas
25 (FINDING: this project fully implements measures that are intended to preserve and enhance
26 scenic views and vistas).

18 18. Except as modified herein, all statements of fact and findings included in the Staff
19 Report are adopted herein as findings of fact supporting this Decision.

22 VI. CONCLUSIONS OF LAW.

23 1. Based on the record, particularly the County's recommendation of approval with
24 conditions, and the applicant's input as reflected in the Staff Report and supporting

25 FINDINGS OF FACT, CONCLUSIONS OF LAW AND
26 DECISION – APPROVING SHORELINE
SUBSTANTIAL DEVELOPMENT PERMIT TO
CONSTRUCT PUBLIC ACCESS IMPROVEMENTS
FOR THE PUBLIC VIEWING AREA AT THE ORCAS
FERRY LANDING

GARY N. MCLEAN
AS HEARING EXAMINER PRO TEM
FOR SAN JUAN COUNTY

1 exhibits, includes substantive, credible and convincing proof that the pending Shoreline application satisfies all applicable approval criteria.

2 2. The principal purpose of SEPA is to provide decisionmakers and the public with
3 information about potential adverse impacts of a proposed action. *Save our Environment v.*
4 *Snohomish County*, 99 Wash.2d 363, 373 (1983). “SEPA is primarily a procedural statute
5 that requires the disclosure of environmental information. SEPA does not demand a
6 particular substantive result in government decision making; rather it ensures that
7 environmental values are given appropriate consideration.” *Glasser v. City of Seattle*, 139
8 Wn. App. 728, 742 (2007). The SEPA review process “assists agencies and the public to
9 focus on issues that are ready for decision and exclude from consideration issues already
10 decided or not yet ready. Broader environmental documents may be followed by narrower
11 documents, for example, that incorporate prior general discussion by reference and
12 concentrate solely on the issues specific to that phase of the proposal.” WAC 197-11-
13 060(5)(b); *Glasser*, 139 Wash. App. 728, 736-37. In this matter, the Record includes far
14 more than a preponderance of evidence to support issuance of the DNS. The prior
15 environmental reviews for the project were thorough, substantial, and unchallenged. The
16 County’s DNS is fully supported by the prior environmental documentation prepared for
17 the project. No one commented on the County’s DNS, and no one indicated an intent to
18 appeal.

13 3. The state’s Shoreline Management Act (“SMA”) and the regulatory policies
14 established thereunder, including those adopted by the County and approved by the
15 Department of Ecology, does/do not prohibit all development in the shoreline. Rather, its
16 purpose is to allow careful development of shorelines by balancing public access,
17 preservation of shoreline habitat and private property rights through coordinated planning.
18 *Overlake Fund v. Shoreline Hearings Bd. (State Report Title: Overlake Fund v. Shorelines*
19 *Hearings Bd.)*, 90 Wash. App. 746, 761, 954 P.2d 304, 312 (1998).

17 4. In this matter, the applicable Shoreline Master Program code provisions and policies
18 expressly encourage public access to existing shoreline venues. The project will enhance
19 accessibility to an underused, mostly unknown and undiscovered, viewpoint at the Orcas
20 Ferry Terminal.

20 5. When it approved the County’s Shoreline Master Program, the Department of
21 Ecology approved San Juan County’s decision to permit enhancements and accessibility
22 improvements for public viewpoints located in the shoreline area. In so doing, both the
23 County and DOE recognized that the area in which this proposal is located is an already-
24 developed area at the Ferry Terminal, which is suitable for necessary transportation
25 infrastructure projects, and publicly accessible amenities such as this. “In an ideal world,

24 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND**
25 **DECISION – APPROVING SHORELINE**
26 **SUBSTANTIAL DEVELOPMENT PERMIT TO**
CONSTRUCT PUBLIC ACCESS IMPROVEMENTS
FOR THE PUBLIC VIEWING AREA AT THE ORCAS
FERRY LANDING

GARY N. MCLEAN
AS HEARING EXAMINER PRO TEM
FOR SAN JUAN COUNTY

1 we might well choose to preserve all shorelines in a natural, undisturbed state. But the
2 Shoreline Management Act, DOE and the County understand that, in a practical world,
3 urban pressures exist and permitting a range of uses is necessary to accommodate those
4 pressures. On the sliding scale of values contemplated by the Act and regulations, the
5 natural condition of [a] portion of the site simply does not justify effectively denying a
6 permit for an urban use in an urban area of the shoreline.” *Overlake*, 90 Wash. App. 746,
7 762-63.

8 6. As noted earlier, a final local government decision approving a Shoreline
9 Substantial Development Permit and a Shoreline Conditional (Special) Use Permit must be
10 filed with and is subject to review and approval, approval with conditions, or denial by the
11 Washington Department of Ecology. WAC 173-27-130, and -200. The record established
12 during the open-record public hearing process provides credible, unrebutted evidence and
13 recommendations that are (and should be) more than sufficient to satisfy the DOE approval
14 criteria for the Shoreline permit addressed herein.

15 7. Any finding or other statement contained in a previous section of this Decision that is
16 deemed to be a Conclusion of Law is hereby adopted as such and incorporated by reference.

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24 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND**
25 **DECISION – APPROVING SHORELINE**
26 **SUBSTANTIAL DEVELOPMENT PERMIT TO**
CONSTRUCT PUBLIC ACCESS IMPROVEMENTS
FOR THE PUBLIC VIEWING AREA AT THE ORCAS
FERRY LANDING

GARY N. MCLEAN
AS HEARING EXAMINER PRO TEM
FOR SAN JUAN COUNTY

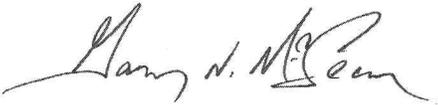
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VII. DECISION, CONDITIONS OF APPROVAL.

Based on the record, and for the reasons set forth above, the Shoreline Substantial Development Permit for the Public Viewing Area Access Improvements at the Orcas Ferry Landing is approved, subject to the following condition of approval:

- 1. The project scope and finally-approved construction features shall be in substantial compliance with design details included in the Preliminary Site Plan included in the record as part of *Exhibit 4*;
- 2. A Construction Storm Water Pollution Prevention Plan shall be submitted with the building permit application for review and approval by the County Manager or his designee;
- 3. Immediately after construction is completed, the owner shall request that the Department of Community Development perform an inspection, for purposes of confirming compliance with this permit;
- 4. Construction or substantial progress toward construction must be undertaken within two years of permit approval;
- 5. All development activities authorized by this shoreline permit shall be completed within five years of the approval date; and
- 6. The applicant shall obtain any associated permit, license, or approval required by any state, federal, or other regulatory body with jurisdiction over aspects of the project; any conditions of regulatory agency permits, licenses, approvals or leases shall be considered conditions of approval for this project.

ISSUED this 22nd Day of November, 2017



Gary N. McLean
Hearing Examiner

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION – APPROVING SHORELINE
SUBSTANTIAL DEVELOPMENT PERMIT TO
CONSTRUCT PUBLIC ACCESS IMPROVEMENTS
FOR THE PUBLIC VIEWING AREA AT THE ORCAS
FERRY LANDING**

**GARY N. MCLEAN
AS HEARING EXAMINER PRO TEM
FOR SAN JUAN COUNTY**

Effective Date, Appeals, Valuation Notices

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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/or SJCC 18.80.110.

Decisions of the Hearing Examiner are final and not subject to administrative appeal to the San Juan County Council, unless the County council has adopted, by ordinance, written procedures for the discretionary review of such decisions. See Section 4.50 of the San Juan County Home Rule Charter and 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 any 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 confer with advisors of their choosing, possibly including a private attorney.

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

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION – APPROVING SHORELINE
SUBSTANTIAL DEVELOPMENT PERMIT TO
CONSTRUCT PUBLIC ACCESS IMPROVEMENTS
FOR THE PUBLIC VIEWING AREA AT THE ORCAS
FERRY LANDING**

**GARY N. MCLEAN
AS HEARING EXAMINER PRO TEM
FOR SAN JUAN COUNTY**