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Before Hearing Examiner
Gary N. McLean

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

S.J.C. DEPARTMENT OF
NOV 05 2019
COMMUNITY DEVELOPMENT

In the Matter of a Shoreline Substantial
Development Permit Application filed by

ALAN MIX,

Applicant,

PROJECT: *To remove an existing dock and rebuild in a
new location approx. 60 ft. south, and to construct a
pedestrian trail to access the new dock ramp, all on tax
parcel no. 260524003000, at 2267 Deer Harbor Road on
Orcas Island.*

File No. PSJ000-19-0002

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

I. SUMMARY OF DECISION.

The Shoreline Substantial Development Permit to remove the applicant's existing dock and replace it with a new dock built about 60 feet to the south, and to construct a pedestrian trail to access the new dock ramp, is approved, subject to Conditions of Approval that are based upon evidence in the Record.

II. RELEVANT CODE PROVISIONS.

Shoreline Regulations: The County's Shoreline Master Plan/Program (SMP) is comprised of Chapter 18.50 of the San Juan County Unified Development Code (UDC), together with Element 3 of the County's Comprehensive Plan, the official maps and common descriptions of shoreline designation boundaries that do not follow property lines (Ordinance 1-2016, Exhibit D), Section 2(B) Figures 130-6, 130-7 of the Eastsound Subarea Plan, SJCC 18.30.480, the Eastsound Waterfront Access Plan, and SJCC 18.80.110. *See SJCC 18.50.020(A).* The County's current SMP and shoreline regulations took effect on October

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION – APPROVING SHORELINE
SUBSTANTIAL DEVELOPMENT PERMIT FOR THE
MIX DOCK REMOVAL AND REPLACEMENT –
FILE NO. PSJ000-19-0002**

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FOR SAN JUAN COUNTY

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1 30, 2017, and apply for purposes of this application, which was filed in February of 2019.
2 (*Staff Report, page 3*).

3 ***Circumstances that trigger requirement to obtain a Shoreline Substantial***
4 ***Development Permit:*** “Substantial Development” is defined in RCW 90.58.030(3)(e) and
5 SJCC 18.20.190, and means any development proposed in the shoreline areas of San Juan
6 County of which the total cost, or fair market value, exceeds the dollar threshold established
7 by the Washington State Office of Financial Management (RCW 90.58.030(3)(e)) or any
8 development which materially interferes with the normal public use of the water or shorelines
9 of the state, except for the exemptions specified in WAC 173-27-040 or Chapter 18.50 SJCC.
10 The Staff Report explains that SJCC 18.50.600 requires a shoreline substantial development
11 permit for single-family dock projects such as that at issue in this application. (*Staff Report,*
12 *at page 7*).

13 ***Approval Criteria for Shoreline Substantial Development Permits:*** The procedures
14 for review of shoreline permit applications are contained in Chapter 18.80.110 of the county’s
15 code, with the Criteria for Approval of Shoreline Substantial Development Permits found in
16 SJCC 18.80.110(H), which reads as follows:

17 1. A shoreline substantial development permit will be granted by the County if the applicant
18 demonstrates the proposal is:

- 19 a. Consistent with the policies of the SMA, Chapter 90.58 RCW and Chapters 173-26 and 173-
20 27 WAC, as amended;
21 b. Consistent with the policies and regulations of this SMP;
22 c. Consistent with other applicable sections of this code; and
23 d. Consistent with the goals and policies of the Comprehensive Plan.

24 2. The conditions specified by the hearing examiner to make the proposal consistent with the SMP and
25 to mitigate or avoid adverse impacts to shoreline ecological functions will be attached to the permit.

26 ***Jurisdiction:*** Under SJCC 18.80.110(E)(1), the Hearing Examiner is given the
authority to hear and approve, approve with conditions, or deny shoreline substantial
development permits following receipt of the recommendations of the director, based upon
the criteria found in SJCC 18.80.110(H), as set forth above.

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

“[t]he burden of proof is on the project permit applicant. The project permit

- 1 9. Jen-Jay, Inc. 2019. San Juan County Critical Areas Report. Mix Dock Replacement Project. January 11, 2019
- 2 10. Marine Mammal Monitoring Plan prepared by Jen-Jay, Inc. dated 2019
- 3 11. Waterfront Construction, Inc. Spill Prevention and Containment Plan date stamped February 21, 2019
- 4 12. Fibergrate® Molded Grating fact sheet
- 5 13. Memo from Julie Thompson to Jeff Otis dated July 23, 2019 requesting additional information
- 6 14. Land Use Disturbance and Impervious Surfaces Worksheet date stamped July 25, 2019
- 7 15. Certification of Compliance, Stormwater Management Minimum Requirement #2 dated July 23, 2019
- 8 16. Legal description of the property
- 9 17. Shoreline exemption 92XMP032 with assessor's map showing dock in place as of 1971
- 10 18. Comment letter from Dr. Megan Dethier, UWFHL, dated August 14, 2019
- 11 19. Legal ad dated July 31, 2019
20. Verification of notification and posting requirements dated August 1, 2019
21. Permit receipt dated February 22, 2019

12 At the public hearing, the applicant submitted Revised Site Plans and email
13 correspondence detailing modifications requested/required by Washington Department of
14 Fish and Wildlife officials. Those materials are included in the record as Exhibits 22 (Revised Site Plans) and 23 (email re: WDFW required changes).

15 **Hearing Testimony:** The following individuals presented testimony under oath at the
16 duly noticed open record public hearing held on September 25, 2019:

- 17 1. Julie Thompson, designated Planner for San Juan County, who prepared the Staff Report for the pending application, summarized her analysis, noting that the project design has been revised as noted in Exhibits 22 and 23 to satisfy WDFW requirements, reducing the dock size, and reducing potential impacts. She confirmed that the SEPA MDNS issued for the project stands as issued because the revised design will have fewer potential impacts than the original design discussed in the MDNS. The MDNS was not appealed, and no one submitted comments opposing the MDNS or the project application at issue;
- 22 2. Jeff Otis, Otis Land Use Consulting, served as the applicant's agent throughout the review process and appeared at the public hearing to represent the applicant. Mr. Otis summarized the design changes made to the proposed replacement dock, which were required by WDFW. In sum, the design changes result in a dock with

25 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND**
26 **DECISION – APPROVING SHORELINE**
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1 floats that will be 4” narrower than originally proposed, meaning the overwater
2 coverage will be reduced by about 10 square feet. He also summarized
3 communications with WDFW officials, who indicated that a hydraulic permit for
the replacement dock would be issued soon if the project design is modified as
reflected Ex. 22.

4 No one appeared at the public hearing or presented written comments to oppose the
5 pending application.

6 The Examiner has had a full and fair opportunity to consider all evidence and
7 testimony submitted as part of the record, has reviewed and researched relevant codes and
caselaw, and is fully advised. Accordingly, this Decision is now in order.

8 IV. FINDINGS OF FACT.

9 Based on the Record, the Examiner issues the following findings of fact:

10 1. All statements of fact included in any other section of this Decision, are hereby
11 incorporated by reference and adopted as Findings of Fact supporting this Decision and the
attached Conditions of Approval.

12 2. In February of this year, the applicant and property owner, Alan Mix, applied for a
13 shoreline substantial development permit to remove an existing dock on his property and
14 replace it with a new dock that will be located about sixty feet to the south of the existing
dock, and to construct a pedestrian trail to access the new dock ramp. (*Staff Report, page 3;*
15 *Ex. 2, application materials*). The application materials were deemed complete for purposes
of vesting and review on or about July 25, 2019. (*Id.*).

16 3. The entire dock removal and replacement project would occur on Applicant’s
17 property, identified as tax parcel no. 260524003000, at 2267 Deer Harbor Road on Orcas
18 Island.

19 4. The Project design was modified following input from WDFW officials, to ensure
20 that the “overwater coverage” for the proposed replacement dock facility would not be any
larger than that for the existing dock that will be removed. (*Testimony of Ms. Thompson and*
21 *Mr. Otis; Exs. 22 and 23*).

22 5. To address WDFW comments, the applicant reduced the width of the main float and
the ramp float by 4” – from 8’ to 7’8”. No other changes were made to the proposed dock.
23 The overwater calculations for the existing dock were adjusted to account for the piles and
ramp lift. (*Exs. 22 and 23*). The applicant’s revised calculations and design for various
24

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1 aspects of the existing and proposed dock facilities are depicted and discussed in Exhibits 22
2 and 23, as summarized below:

3 **EXISTING DOCK FACILITY:**

4 Stairs/landing: 330.14 sf
5 Ramp*: 140.10 sf
6 Float: 239.17 sf
7 Less ramp overlap: - 49.21 sf
8 Total: 660.20 sf

9 *includes ramp lift & piling
10 Total Area Waterward of OHWM: 527 sf

11 **PROPOSED DOCK FACILITY:**

12 Ramp: 200.67 sf
13 Floats: 352.67 sf
14 Less ramp overlap: - 17.92 sf
15 Total: 535.42 sf

16 Total Area Waterward of OHWM: 517.24 sf

17 6. The existing dock system on the applicant's property will be removed, including all
18 six (6) of the creosote-treated timber pilings on the site. The proposed new dock system is
19 designed to be more compliant with federal, state, and county regulations. Again, the new
20 dock will be relocated to the south of the existing site, allowing the float system to be placed
21 over deeper water, in contrast with the current dock system that is now located in fairly
22 shallow water, causing the landward end to ground during tides at or lower than -3 MLLW.
23 (*Staff Report, page 2*).

24 7. The existing timber-framed pier, aluminum ramp, and timber float system located on
25 the Mix property will be removed. Specifically, the existing dock facility, comprised of the
26 following elements, will be removed if this permit is approved (*Staff Report, pages 1-2*):

EXISTING DOCK FACILITY, TO BE REMOVED:

- Stairs and landing;
- Pier;
- Gangway ramp, and associated ramp lift;
- 7' x 34' 2" solid-decked float;
- Six (6) creosote-treated timber pilings; and
- One (1) stainless steel float guide pile.

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1 8. The replacement dock facility will include the following new and improved features:

2 PROPOSED REPLACEMENT DOCK FACILITY:

- 3
- 4 • One (1) 2' x 5' concrete landing located at the rock bank where the gangway ramp will be anchored;
 - 5 • Fully grated 3' 7" x 56' aluminum gangway ramp;
 - 6 • Fully grated 7' 8" wide ramp landing float;
 - 7 • Fully grated 7' 8" x 40' mooring float with four (4) submerged float anchors (Manta Ray or DuckBill);
 - 8 • Two (2) 18" diameter galvanized steel float guide piles; and
 - 9 • "Low-impact" gravel footpath for upland access to and from the new dock system.

10 *(See Revised Site Plans, Sheet 3 of 8, included as part of Ex. 22; Staff Report, page 2, revised as described by Applicant in Ex. 23).*

11 9. The longer, elevated gangway ramp eliminates the need for a separate pier, and the total number of pilings will be reduced from seven to two. All new structures are proposed to be fully grated, resulting in improved conditions over existing solid-decked structures. *(Staff Report, page 2; Revised plans, in Ex. 22).*

12 10. Float orientation will be NNE-SSW, which is preferred for light penetration relative to the old dock, which was oriented in roughly an E-W alignment. The new float orientation will also be aligned toward prevailing waves to reduce interference with natural wave climate and long-shore littoral drift. The new floats will be located seaward of -10' MLLW. *(Id.)*.

13 11. Existing dock components will be disassembled using hand tools and portable power tools, and then lifted onto a barge for disposal using a barge-mounted construction crane. Timber piles will be removed using a barge-mounted construction crane and a vibratory extractor where necessary. Removed material will be stored on the barge for later disposal at an approved upland facility. *(Staff Report, page 2).*

14 12. A new concrete landing will be poured by hand. New piles will be lifted into place using the construction crane and driven using a vibratory driver. In the case of encountering rock in the seabed, a rock drill will be used to pre-drill holes for piling placement. The prefabricated float will be attached to the new guide piles, and the gangway ramp set atop the float landing and the new concrete pad at the top of the bluff. *(Id.)*.

15 13. The footpath to the new dock system is designed with low slope and minimal grading, utilizing a natural, meandering route. Minimal, if any, cut and fill is proposed, with just enough removal of material to reduce muddiness on the math. Clean, crushed gravel will be used to create a stable footbed. All materials and personnel will be transported to the project site via construction barge. *(Id.)*.

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3 14. Staff reviewed the application materials and relevant environmental documentation
4 before issuing a SEPA threshold determination for the project, an MDNS (Mitigated
5 Determination of Non-Significance), published/noticed/distributed on or about July 31, 2019.
(*Ex. 4*). The County and the applicant complied with all applicable notice, comment, posting,
and publication requirements. (*Staff Report, pages 4 and 25; Exhibits 1, 4, 19 and 20*).

6 15. The application materials and environmental documentation submitted for the project
7 includes a Preliminary Eelgrass Macro Algae Habitat Survey for the proposed replacement
8 dock area; a Critical Areas Report; and a Marine Mammal Monitoring Plan for pile extraction
and driving activities using a vibratory hammer – all prepared by qualified professionals at
Jen-Jay, Inc. (*Exs. 8, 9 and 10*).

9 16. The Jen-Jay Critical Areas report, dated January 11, 2019, credibly identifies and
10 evaluates potential impact on Fish and Wildlife Conservation Areas surrounding the proposed
11 replacement dock. The report expressly concludes that no net loss of County Fish and
Wildlife Habitat and Conservation Areas is expected to result from the applicant's project.
(*Ex. 9, at page 21*).

12 17. Ms. Thompson prepared and submitted the Staff Report, recommending approval of
13 the requested permit, subject to conditions that include the mitigation measures imposed on
14 the project in the unchallenged MDNS.

15 18. A single letter from UW Friday Harbor Labs is included in the record as *Exhibit 18*,
16 noting that: the Mix proposal has been carefully prepared; the new dock will have a smaller
17 area; the new dock will use modern grated decking to allow light penetration, and will replace
toxic creosote pilings with non-toxic pilings – generally concluding “[t]hus there should be
18 minimal negative impact on marine resources once construction is complete.” (*Ex. 18, and
discussion on page 4 of Staff Report*).

19 19. As noted above, at the public hearing, the applicant's representative, Mr. Otis,
20 submitted revised site plans and an explanation of modifications made to the proposed
21 replacement dock design to comply with WDFW feedback received about the original design.
Subject to design changes now included in the Record as Exhibits 22 and 23, Mr. Otis fully
22 supported and accepted the Staff Report summary and analysis, with all recommended
conditions of approval. The Conditions included as part of this Decision have been modified
23 to incorporate design changes reflected in Exhibits 22 and 23.

24 20. Ms. Thompson credibly and correctly testified that the MDNS did not require

1 modification, because the design changes reflected in Exhibits 22 and 23 reduce the size of
2 the project, actually reducing the likelihood that any adverse impacts could result from the
3 project. The Examiner concurs with her assessment, specifically finding that the MDNS
4 stands unchallenged and fully identifies potential impacts and mitigation measures that are
5 capable of accomplishment, allowing for an informed decision regarding the pending
6 application.

7 21. The Critical Areas Report generated for this proposal includes specific construction
8 techniques and sequencing recommendations that should be followed for both the demolition
9 and removal of the existing dock facility and installation of the proposed new replacement
10 dock system. (*Ex. 9, at pages 10-12*).

11 22. The SEPA MDNS issued for this project included all of the demolition/construction
12 recommendations found in the Critical Areas Report, as well as other specific measures
13 intended to prevent, minimize or mitigate potential environmental impacts associated with
14 the project. No one appealed the MDNS, or offered comments questioning mitigation
15 measures imposed therein. Thus, the MDNS stands unchallenged. Each MDNS mitigation
16 measure is also included as part of the Conditions of Approval issued for this Shoreline
17 Permit.

18 23. No individual or government agency invited to comment on the project application
19 offered any evidence or information that would rebut or materially challenge the findings and
20 analysis provided in the Staff Report, the applicant's environmental analysis and project
21 construction recommendations that are included as part of the Record.

22 24. The Staff Report, the application materials, and witness testimony at the hearing,
23 includes facts and analysis that comprise far more than a preponderance of evidence to
24 establish that the pending Shoreline application satisfies all approval criteria.

25 25. For instance, there is substantial, credible, and un rebutted information in the record
26 and application materials to demonstrate that no net loss of shoreline ecological functions
will occur. These materials include, without limitation, the Critical Areas Report and analysis
prepared by Jen-Jay, Inc. for the project, included as part of *Ex. 9*.

***The Record includes substantial evidence that the application meets requirements to
approve the Substantial Development Permit.***

26 26. Substantial and credible evidence in the record, including without limitation
unrebutted findings and analysis provided in the Staff Report and the unchallenged MDNS
issued for the project, establishes that the applicant has met its burden to prove that the

1 pending application satisfies all criteria for approval of a Substantial Development Permit,
2 found at SJCC 18.80.110(H). Specifically, the applicant has met its burden to establish that:
3 a) The proposal is consistent with the policies of the Shoreline Management Act and its
4 implementing regulations, Chapter 90.58 RCW and Chapter 173-27 WAC, as amended; b)
5 The proposal is consistent with the policies and regulations of the Shoreline Master Program
6 in Chapter 18.50 SJCC; c) The proposal is consistent with applicable provisions of SJCC
7 chapter 18.80 and other applicable sections of the SJCC; and d) The proposal is consistent
8 with the goals and policies of the Comprehensive Plan.

9
10 27. Consistent with SJCC 18.80.110(H)(2), the Examiner has conditioned approval of the
11 project to make the proposal consistent with the shoreline master program and to mitigate or
12 avoid adverse impacts.

13 28. All findings, statements of fact, and analysis provided in the Staff Report, are
14 incorporated herein as findings of fact by the undersigned hearing examiner, except as
15 modified herein.

16 V. CONCLUSIONS OF LAW.

17 1. The Record, including without limitation the County's Staff Report and the applicant's
18 supporting environmental reports by Jen-Jay, includes substantial, credible and convincing
19 proof that the Shoreline application satisfies the County's approval criteria.

20 2. As shown above, the Record establishes that the removal of an aging dock system that
21 grounds during extreme low tide events and its replacement with a smaller, more
22 environmentally-friendly dock system – that will be relocated to a more serviceable and
23 lower-impact site over deeper water where grounding will no longer occur – will result in a
24 net reduction of impacts on the applicant's shoreline environment. The original proposal has
25 been modified to reduce overwater coverage.

26 3. The conditions of approval included as part of this decision are all supported by evidence
in the record and capable of being accomplished.

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

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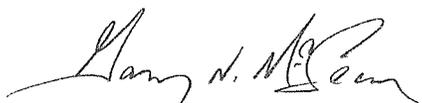
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VI. DECISION, CONDITIONS OF APPROVAL.

Based on the record, and for the reasons set forth above, the Shoreline Substantial Development Permit for the Mix Dock Removal and Replacement Project is approved, subject to the following Conditions of Approval, which are attached hereto, and incorporated herein by reference.

ISSUED this 1st Day of November, 2019



Gary N. McLean
Hearing Examiner

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CONDITIONS OF APPROVAL

Mix Dock Removal and Replacement Project

Shoreline Substantial Development Permit

File No. PSJ000-19-0002

Location: 2267 Deer Harbor Road, on Orcas Island

Parcel No.: 260524003000

Based on the Record, and under authority of applicable county code provisions, the Examiner imposes the following Conditions of Approval on the above-referenced permit.

The Project elements approved by this permit shall be removed and/or constructed substantially as described and depicted in the revised project drawings included in the record as part of *Exhibit Nos. 22 and 23*, and relevant portions of the project narrative included as part of *Exhibit 3*.

The Project includes without limitation the removal of an existing dock system at the property and construction of a new dock system in a new location about 60 feet south of the existing dock, with an associated pedestrian access path.

1. All agents and contractors working on behalf of the applicant to construct or develop any aspect of the approved project shall implement and comply with each and every of the applicable Best Management Practices (BMPs)/Construction Techniques & Sequencing proposed for this project, as set forth in *Exhibit 9*, the Critical Areas Report prepared by Jen-Jay, Inc., and further restated in these Conditions of Approval.
2. During any demolition, debris removal, construction and/or installation work associated with this Project, barges shall be situated such that they do not ground out.
3. No deleterious materials shall enter state waters.
4. Equipment shall be kept in good running order and engines shall only be run when necessary to help reduce noise and the possibility of deleterious materials entering the water column.
5. Disposal of any waste material will be done appropriately at an approved upland disposal site.
6. Prefabricated dock components shall be used to reduce the duration of noise and barge activity disturbance resulting from construction.
7. Grated surfaces on the newly proposed structures shall be used to reduce shading and minimize adverse impacts.
8. All over-water structures shall be located 25 feet or more from kelp or other submerged aquatic vegetation.

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1 9. Installation activities shall take place at compatible tides during daylight hours to ensure
2 that equipment does not ground out and installations are efficient.

3 10. In accordance with the required HPA, WDFW approved in-water work windows will be
4 implemented and work will occur over an estimated one-week period.

5 11. Compliance with the marine mammal monitoring plan (*Ex. 10*) during pile driving is
6 required to reduce or eliminate impacts to acoustically sensitive marine mammals.

7 12. Spill prevention and clean-up plans (*including those explained in Ex. 11*) will be in place
8 and observed for the entire Project as a safeguard against unexpected, accidental contamination.
9 If a spill does occur that causes fish or other wildlife to be in obvious distress, project activity will
10 immediately be halted and a WDFW Area Habitat Biologist will be notified.

11 13. The project shall comply with all applicable provisions of the Unified Development
12 Code, found in Title 18 San Juan County Code.

13 14. Equipment washouts shall be done appropriately at an approved upland site.

14 15. Consistent with SJCC 18.80.110.G.5, construction or substantial progress toward
15 construction of this Project must be undertaken within two years after WDOE's date of
16 filing. Substantial progress toward construction includes letting bids, making contracts, purchase
17 of materials, utility installation and site preparation, but does not include use or development
18 inconsistent with the SMP or the terms of permit approval. However, the two-year period does
19 not include time when development could not proceed due to related administrative appeals or
20 litigation, nor include time necessary to obtain other required permits for the project from state
21 and federal agencies.

22 16. Consistent with SJCC 18.80.110.G.6, all development authorized by this shoreline permit
23 shall be completed within five years of the WDOE date of filing or the permit shall become null
24 and void. A permittee may request a time extension before the permit expires by making a written
25 request to the Director, stating the reasons. The hearing examiner will review the permit, and upon
26 a finding of good cause:

- a. Extend the permit for a period not to exceed one year; or
- b. Terminate the permit.

17 17. The applicant shall obtain any associated permit, license, or approval required by any
18 state, federal, or other regulatory body with jurisdiction over aspects of the project. Any
19 conditions of regulatory agency permits, licenses, or approvals issued for any aspect of this project
20 shall be considered conditions of approval for this permit and are incorporated herein by this
21 reference.

22 18. The applicant shall comply with all professional report conclusions and recommendations
23 submitted in connection with this Shoreline Permit and associated approvals issued by the San
24 Juan County for this project, as approved, referenced, relied-upon, and/or modified by the County.

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19. Failure to comply with these Conditions of Approval shall be grounds for rescission of the Shoreline Permit. As provided in SJCC 18.80.110(L), captioned "Rescission of Shoreline Permits," any shoreline permit may be rescinded by the hearing examiner pursuant to RCW 90.58.140(8), upon the finding that the permittee has failed to comply with the terms and conditions thereof. In addition, if the permittee is denied any other permit or authorization required by a state or federal agency with jurisdiction over aspects of the Project, the underlying shoreline permit may be rescinded.

Effective Date, Appeals, 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/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.