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**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicant(s): Judson Shorett
2023 Yacht Haven Road
Friday Harbor, WA 98250

File No.: PSJREV-11-0002

Request: Shoreline Permit Revision

Parcel No: 46265007300

Location: Lot 73 Yacht Haven Subdivision No. 1
San Juan Island

Summary of Proposal: An application for a revision to a shoreline permit to
modify a dock proposal

Land Use Designation: Rural Residential 5

Public Hearing: Held June 8, 2011

Application Policies and Regulations: WAC 173-27-100
SJCC 18.80.110(M)

Decision: The application is approved subject to conditions.

[S.J.C. COMMUNITY

JUN 27 2011

DEVELOPMENT & PLANNING

1 **BEFORE THE HEARING EXAMINER FOR THE COUNTY**
2 **OF SAN JUAN**

3 Phil Olbrechts, Hearing Examiner

4 RE: Judson Shorett	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION.
5 Shoreline Permit Revision 6 (PSJREV-10-0002)	

7 **INTRODUCTION**

8 The Applicants have applied for a revision to an approved shoreline substantial
9 development permit to lengthen an 8 by 60 foot "T" float an additional six feet. The
10 expansion runs parallel to the shoreline and does not extend the waterward length of
11 the dock. The revision is approved subject to conditions.

12 **TESTIMONY**

13 Judson Shorett, Applicant, requested a correction to a typographical error in the report
14 as submitted, stating that the report should read that the extension would be 6 feet, not
15 8 feet, longer. Staff clarified that the mistake was a typographical error switching
16 width and length, and that the maps correctly identified the extension as 6 feet. Mr.
17 Shorett also clarified that the addition would not extend over eel grass, kelp, or the
18 like. Another person on behalf of the Applicant testified that they had given up their
19 right to have a dock on Garrison Bay. He also commented that this process had taken
20 six years.

21 **EXHIBITS**

22 See Attachments list on page 2 of the staff report dated 4/28/11, all of which are
23 admitted into the record, including the staff report.

24 **FINDINGS OF FACT**

25 **Procedural:**

1. Applicant. The Applicant is Judson Shorett.
2. Hearing. The Hearing Examiner conducted a hearing on the subject
application at 10:15 am on June 8, 2011.

Substantive:

3. Site and Proposal Description. The Applicant request a revision to a
shoreline substantial development permit approved on March 23, 2010 for the

1 construction of a dock for the use of four parcels and three users. The requested
2 revision would lengthen an 8 by 60 foot "T" float an additional six feet for an
3 addition of 48 square feet. The original design proposed four equal slips, but failed to
consider that the ramp overlap caused one of the slips to be smaller than the others.
The revision will provide all four users with a thirty foot slip.

4 4. Characteristics of the Area. The property is located within the Yacht
5 Haven subdivision, a residential area.

6 5. Adverse Impacts of Proposed Use. The additional float space will not
7 encroach into eelgrass or kelp beds. The additional float space is proposed to be
8 grated consistent with the grating of the rest of the float. The joint use dock as
9 originally approved was found to not create any significant adverse impacts and there
is no reason to believe that the revision would create any new adverse impacts. No
adverse impacts are discernable from the record or reasonably anticipated from the
minor revision.

10 CONCLUSIONS OF LAW

11 **Procedural:**

12 1. Authority of Hearing Examiner. Shoreline substantial development permit
13 revisions are subject to approval by the Hearing Examiner after conducting a public
14 hearing. SJCC 18.80.110(M).

15 **Substantive:**

16 2. Shoreline Designation. The subject property is designated as Rural Residential.

17 3. Comprehensive Plan and Zoning Designations. The subject property is
18 designated as Rural Residential, and the existing land use is Residential.

19 4. Permit Review Criteria. SJCC 18.80.110(M)(2), quoted in italics below, governs
20 the criteria for approval of revisions to shoreline permits.

21 **SJCC 18.80.110(M)(2):** *If the hearing examiner determines that the proposed*
22 *changes are within the scope and intent of the original permit, as defined by WAC*
23 *173-27-100(2), the revision shall be granted.*

24 **WAC 173-27-100(2):** *'Within the scope and intent of the original permit' means all*
of the following:

25 (a) *No additional over water construction is involved except that pier, dock, or float*
construction may be increased by five hundred square feet or ten percent from the
provisions of the original permit, whichever is less;

1 (b) Ground area coverage and height may be increased a maximum of ten percent
2 from the provisions of the original permit;

3 (c) The revised permit does not authorize development to exceed height, lot coverage,
4 setback, or any other requirements of the applicable master program except as
authorized under a variance granted as the original permit or a part thereof;

5 (d) Additional or revised landscaping is consistent with any conditions attached to the
6 original permit and with the applicable master program;

7 (e) The use authorized pursuant to the original permit is not changed; and

8 (f) No adverse environmental impact will be caused by the project revision.

9 5. The proposed revision meets all of the criterion above. The proposed revision will
10 increase the overwater area by 48 square feet, which is less than 10% of the overwater
11 construction area. Ground area coverage and height will not be increased. The
12 revision does not increase the waterward length of the dock beyond its 119 length.
13 The area of the dock facility will increase from 920 square feet to 968 square feet,
14 which is within the 2,000 square feet authorized for joint use community docks by
15 SJCC 18.50.190(G)(2)(C). The use of the facility will not change as a result of the
16 revision. As discussed in the findings of fact, no adverse impacts are created by the
17 proposal.

18 DECISION

19 The proposed is approved, subject to the conditions of the original project approved
20 in PSJ000-09-0002 in addition to the following:

- 21 1. The site plan submitted for the revision shall become the revised site plan.
- 22 2. The Applicants shall schedule a site inspection with staff upon completion of the
23 project to verify compliance with this decision and applicable regulations.

24 Dated this 22nd day of June 2011.



25 Phil Olbrechts
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

1 consideration. SJCC 2.22.170. Before becoming effective, shoreline permits may be
2 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.

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

5 Depending on the subject matter, this decision may be appealable to the San Juan
6 County Superior Court or to the Washington State Shorelines Hearings Board. State
7 law provides short deadlines and strict procedures for appeals, and failure to timely
8 comply with filing and service requirement may result in dismissal of the appeal. See
9 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.

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