

Julia

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: Julie Aydelotte

Agent: Francine Shaw
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PO Box 2112
Friday Harbor, WA 98250

File No: HE24-09 (09APL004)

Request: Appeal to allow a Shoreline Substantial Development Permit (SSDP) exemption

Location: 112 Shoreland Drive
Lopez Island

Parcel No: 250143009

Summary of Proposal: This is an appeal of a February 2, 2009 denial of a SSDP exemption.

Shoreline Designation: Conservancy

Public Hearing: After reviewing the report of the Community Development and Planning Department a public hearing was held on June 3, 2009.

Applicable Policies and Regulations: SJCC 18.50.020(F)(2)(a) SSDP Exemption
SJCC 18.10.030 Administrative Determination Appeals

Decision: The appeal is denied.

S.J.C. COMMUNITY

JUN 17 2009

DEVELOPMENT & PLANNING

Findings of Fact

1. This is an appeal from a letter dated April 2, 2009 denying a SSDP exemption for a 42' x 33' wooden camping platform which was installed by Mrs. Adylotte and her family in May 2007.
2. A notice of appeal was properly filed on April 22, 2009. A public hearing was held June 3, 2009.
3. There have been many variations of permit applications and staff discussions with the appellant and her representative. None of that information is relevant to the issue at hand which only involves the application of SJCC 18.50.020(F)(2)(a).
4. The evidence submitted at the appeal hearing on June 3, 2009 was that the current exemption limit and the May, 2007 exemption limit is the amount of \$5,741.
5. The undisputed testimony at the appeal hearing was that the family provided the labor to build the wooden platform. The April 2, 2009 denial letter noted that no information concerning the value of the labor was provided with the request for exemption.
6. The April 2, 2009 letter stated that the application for exemption packet indicated the value of the materials to build the deck to be \$4,476.19. That was also the evidence submitted at the appeal hearing on June 3, 2009.
7. The only estimate of labor costs submitted at the appeal hearing is contained in part Q of Ex. 1 submitted by the appellants. The estimate provided by Jeremy Ott of Wood Moyer Construction of Friday Harbor dated January 15, 2009 was that the total labor costs for a 33' x 42' deck would equal \$1,200.
8. The evidence submitted by the appellant was not convincing that the cost plus labor of a platform installed on Lopez Island was less than \$5,714.
9. The county presented evidence through the testimony and report dated May 20, 2009 of Lee McEnery. According to the county, the platform by itself has a fair market value of \$18,630. The appellant did not present any evidence as to the fair market value of the platform.
10. The appellant's request for the determination as to whether the platform is recreational or residential is denied because the appellant has already established a variety of uses including the placement of a yurt and/or a recreational vehicle and has withdrawn previous permit requests. At this point the record is not clear as to what permit the appellant may request in the future.
11. Any conclusion herein which may be deemed a finding is hereby adopted as such.

Conclusions of Law

1. The Hearing Examiner has jurisdiction over the persons and subject matter of this proceeding.
2. Proper notice was given in compliance with local and state requirements.
3. A party appealing an administrative determination or decision has the burden of proving the determination or decision was clearly erroneous under SJCC 18.10.030(D)(4). The appellant did not sustain her burden of proof.
4. Any finding herein which may be deemed a conclusion is hereby adopted as such.

Decision

The appeal is denied.

DONE this 17th day of June, 2009.


Wm. H. NIELSEN, Hearing Examiner