

**SAN JUAN COUNTY  
HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicants:** Utility Management Group  
PO Box 683  
Lopez, WA 98261

**File No:** HE27-09 (09SJ006)

**Request:** Shoreline Substantial Development Permit (SSDP)

**Location:** Hunter Bay dock at the end of Crab Island Road and near  
the intersection of Tekoa Ave and Conifer Way

**Parcel Nos:** 140754017 and adjacent to 140756001

**Summary of Proposal:** A SSDP is requested for a small desalination facility  
located on Hunter Bay.

**Shoreline Designation:** Rural Residential

**Public Hearing:** After reviewing the report of the Community  
Development and Planning Department a public hearing  
was held on June 17, 2009.

**Applicable Policies  
and Regulations:** RCW 90.58 Shoreline Management Act (SMA)  
SJCC 18.50 Shoreline Master Program (SMP)

**Decision:** The application is approved with conditions.

S.J.C. COMMUNITY  
JUL 15 2009  
DEVELOPMENT & PLANNING

## **Findings of Fact**

1. This is a SSDP request to install a small desalination plant near the Hunter Bay dock owned by San Juan County. The proposal places the waterlines on an existing county pier out of the way of the dock structure. The waterlines delivering seawater will be located underground within the existing county road right of way. The potable water lines will also be located underground in the existing county road right of way.
2. The landward pipes will be installed at minimum depth of 36 inches. Water will be pumped to an upland building which will not be visible to passersby. The building will house a reverse osmosis (RO) desalination water system. The resulting potable water will be pumped up the hill approximately ¼ mile to an existing neighborhood consisting of six residences. The proposal may eventually include 10-15 residences in the Islandale subdivision.
3. The existing neighborhood is rural and residential in nature. The lots are small but the area is still heavily treed. The houses are currently served by a well water supplied class B system. Increasing concentrations of chloride in the system show definite signs of saltwater intrusion and make future healthful use of the system doubtful. Currently residences are using the water for non-potable uses.
4. Alternative sources including some existing water catchment systems are also proving to be unsuitable. A history of the alternatives examined and considered is summarized in Ex. 1 admitted at the public hearing.
5. Any bluff instability that may have existed has been covered up by the county road work and existing dock. There will be minimal visual impacts. There will be no digging along the beach. No part of the proposal will impede public access.
6. An informal ESA consultation occurred and was published April, 2009. The U.S. Army Corp of Engineers issued a memorandum for the services (National Marine Fisheries Services and U.S. Fish and Wildlife Services) on May 14, 2009. Special conditions to insure compliance with the endangered species act were imposed by the report.
7. Hydraulic Project Approval was issued by the State Department of Fish and Wildlife on May 15, 2009. A long list of conditions was imposed by the permit.
8. A franchise agreement between the applicant and the county council was obtained September 16, 2008.
9. The project places the small intake and discharge valves in the maximum mixing area of Hunter Bay.

10. There is no current scientific evidence that with the conditions imposed by state or federal agencies any environmental damage will occur. There are no chemicals proposed to be used at any stage of the process. Organisms will be screened and maintained or returned to the saltwater without any biological threat.
11. The actual saline level of the discharge is only 1% higher than the seawater to which it is being returned. The available scientific evidence is that for a RO system of this size all remixing of discharge and seawater occurs within one foot.
12. After SSDP approval it is still necessary for the group B water system design to be reviewed and approved by San Juan County Health and Community Services prior to construction.
13. A Determination of Non-Significance was issued April 29, 2009. No appeal was taken.
14. The notice of public hearing was published April 29, 2009. Mailing and site posting occurred April 28, 2009.
15. The staff report is incorporated herein by reference as though fully set forth. The analysis and factual statements contained in the staff report are adopted as a finding herein.
16. 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. The proposal has complied with the requirements of the State Environmental Policy Act.
4. Properly conditioned, the project meets the requirements of the SMA and the SMP and SSDP criteria.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

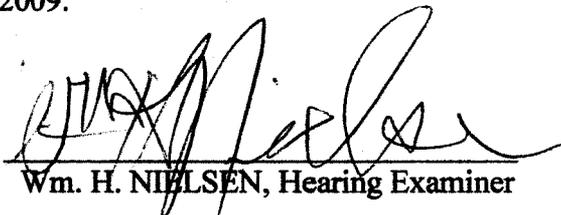
### Conditions

1. The project shall be constructed as proposed in the drawings and other materials submitted with the application, except as the same may be modified by these conditions.
2. The applicants shall obtain all other required permits and abide by the conditions thereof.
3. Construction shall not commence until all relevant appeal periods have run.
4. Development under this permit shall commence within two years of the date of permit approval and shall be substantially complete within five years.
5. Failure to comply with any terms or conditions of this permit may result in its revocation.

### Decision

The SSDP is approved subject to the conditions set forth above.

DONE this 15<sup>th</sup> day of July, 2009.

  
Wm. H. NIELSEN, Hearing Examiner

### Shoreline Appeal

Any appeal of the shoreline substantial development permit shall be made to the Washington State Shoreline Hearings Board pursuant to RCW 90.58.180 and the rules adopted by said hearings board.