

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

S.J.C. COMMUNITY

DEC 14 2009

DEVELOPMENT & PLANNING

Applicants: John Gray
116 – 155th St. SE
Lynnwood, WA 98087

File No: HE38-09 (09SJ006)

Request: Shoreline Substantial Development Permit (SSDP)

Location: Reed Shipyard Road
Decatur Island

Parcel No: 152842001

Summary of Proposal: A SSDP is requested for a single user dock located at his property on Decatur Island.

Shoreline Designation: Rural Farm Forest

Public Hearing: After reviewing the report of the Community Development and Planning Department a public hearing was held on December 2, 2009.

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

Decision: The application is denied.

Findings of Fact

1. John Gray has a home on Decatur Island. Access to Decatur is by boat or air.
2. The site is open, level and with a no-bank shoreline. There are several residences in the area.
3. For a long period of time and currently Mr. Gray travels to and from the mainland on Island Express, a water taxi. With a plus 5 foot tide the taxi can land on Mr. Gray's beach which gets him to dry land.
4. Mr. Gray owns a fishing boat for recreational fishing. He has always stored the fishing skiff on the beach as there is no bank to hinder pulling the boat onto the shore.
5. Mr. Gray has no plans to acquire a boat of sufficient size to cross Rosario Strait to access his home. He does not propose to moor his fishing skiff on the dock. He recognizes that a dock in the proposed location will be unsuitable for overnight boat moorage.
6. The proposed dock consists of a concrete pad, ramp and five 18-foot long floats. The ramp and floats would create a 110-foot long dock. The proposed dock is consistent with length and area standards for a single user dock.
7. Mr. Gray has requested joint-use participation for his neighbors for a number of years. He has been unsuccessful in finding anyone to share the proposed dock.
8. Mr. Gray is disabled and wishes to have the dock as a means of more convenient access from the water taxi to his home. He cites turbidity of putting boats on the beach the ecological damage of which would be lessened by allowing the proposed dock. He recognizes there is eelgrass in the vicinity but does not believe using a proposed dock would harm the eelgrass. No marine survey was provided.
9. A Determination of Non-Significance was issued October 14, 2009.
10. Notice of public hearing was published October 14, 2009, mailed October 15, 2009 and the site was posted October 20, 2009.
11. 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.
12. Any conclusion herein which may be deemed a finding is hereby adopted as such.

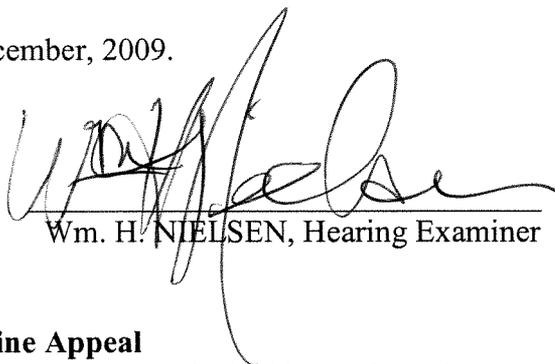
Conclusions of Law

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. The ADA does not apply in this situation
5. Mr. Gray has failed to prove that existing facilities are not adequate or feasible under the provisions of SJCC 18.50.190(G)(5).
6. Any finding herein which may be deemed a conclusion is hereby adopted as such.

Decision

The application is denied.

DONE this 14th day of December, 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.