

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: F & P Penwell Trust
84 Arbutus Lane
Friday Harbor, WA 98250

File No: HE49-08 (08CU014)

Request: Conditional Use Permit (CUP) S.J.C. COMMUNITY

Parcel No: 361943002 OCT 31 2008

Location: 6739 Roche Harbor Road DEVELOPMENT & PLANNING
San Juan Island

Summary of Proposal: This is a request to install a recycling center in the Rural Farm Forest (RFF) designation.

Land Use Designation: Rural Farm Forest

Public Hearing: After reviewing the report of the Community Development and Planning Department a public hearing was held on October 15, 2008.

**Applicable Policies:
and Regulations:** SJCC 18.30.050 Essential Public Facility (ESP)
SJCC 18.80.100 CUP Criteria

Decision: The application is approved with conditions.

Findings of Fact

1. The F & P Penwell Trust property is located on the northern part of San Juan Island and bordered on the east by Roche Harbor Road. The parcel is currently developed with three large buildings for storage and retail, two smaller buildings for storage and receiving, a single family residence and a pump house. Previous CUP permits have been issued to operate a retail, reuse and storage business in the buildings.
2. The surrounding area is mostly rural and residential in nature. There is a stormwater detention pond adjacent to Roche Harbor Road. Screening of the property has been installed as a result of the previous CUPs.
3. A recycling facility is defined as an ESP in SJCC 18.20.050. It is allowable use in a RFF with conditional use permit approval.
4. The applicant is proposing to operate a recycling center in addition to the current business. The recycling business on the property would occur mostly outside, on the northern portion of the lot. About 1,000 square foot of an existing building would be used for recycling activities. No new lighting is planned. Approximately five new employees would be needed resulting in five vehicle round trips per day added to current activity.
5. Employees would bring recyclables to the site because there is no current authority to allow recycling collections points in the RFF designation.
6. Any sale of re-used goods on site is governed by previous CUP #05CU016.
7. It is not anticipated that the recycling business will produce any vibration, noise, dust, smoke, odor or electrical interference to the detriment of adjoining properties. There will be no composting on the property.
8. There is a previously approved septic system on the property. The system is designed and approved for approximately 10 employees/customers maximum per day. An inspection prior to any building permit is necessary.
9. There is a class B water system with conditional approval granted on March 3, 1998. It is necessary for the applicant to continue twice per year biological testing as set forth in the March 3, 1998 permit approval letter.
10. The surrounding neighborhood is sparsely populated. The retail and reuses store has existed for number of years. There does not appear to be any new or additional impacts from the recycling proposal.

11. No new buildings are proposed. There is an impervious surface limit of 0.78 acre, which includes gravel for this property because of the RFF designation.
12. There is no airport or airfield adjacent to the property. There is currently more than adequate parking space available.
13. Landscaping requirements are found in SJCC 18.60.160.
14. A DNS was issued on September 17, 2008. No comments were received. No appeal has been taken.
15. Notice of application and hearing was published on September 17, 2008. Site posting occurred September 12, 2008. Notice was mailed September 15, 2008. The public hearing was held October 15, 2008.
16. 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.
17. 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. The proposal complies with the requirements of the State Environmental Policy Act.
3. Proper notice was given in compliance with local and state requirements.
4. Properly conditioned, the proposal meets the standards and requirements of SJCC and the criteria for issuance of a CUP.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

Conditions

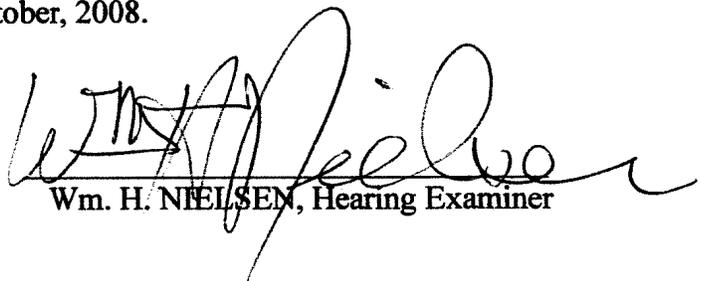
1. A recycling drop off point is not allowed unless later authorized by changes to current county code requirements.

2. The use of chemicals, industrial solvents or other noxious or hazardous substances shall comply with all federal, state and county safety, fire, structural, storage and disposal standards.
3. No use shall be made of equipment or material that produces unreasonable vibration, noise, dust, smoke, odor, or electrical interference to the detriment of adjoining property.
4. A 10-foot wide strip of Screen B landscaping is required along Roche Harbor Road. A 15-foot wide strip of Screen A landscaping is required between the site and adjacent residential lots. 1,250 square feet of landscaping for the 50 parking spaces must be installed.
5. A sign for the recycling center shall not exceed two square feet in area. The sign shall be attached to a building.
6. Failure to comply with the conditions of this permit may result in its revocation.

Decision

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

DONE this 31st day of October, 2008.


Wm. H. NIELSEN, Hearing Examiner

Appeal

Any appeal of this decision shall be to Superior Court pursuant to the Land Use ~~Petition~~ Act, Chapter 36.70 RCW, within 21 days of the issuance of the decision. See Home Rule Charter, Section 3.70.