

**SAN JUAN COUNTY  
HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicants:** Vinton H. and Amelia J. Sommerville  
200 NE Pacific Street #102  
Seattle, WA 98105

**Agent:** Permit Resources  
Teri Williams  
P. O. Box 1001  
Eastsound, WA 98245

**File No:** HE30-08 (08SJ006)

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

**Location:** 7338 Deer Harbor Road  
Orcas Island

**Parcel Nos:** 261734003, 261734005, 261734006,  
261734007, 262021001, 262021006, 262021007

**Summary of Proposal:** An SSDP is requested for a desalinization facility to serve two existing single family residences

**Shoreline Designation:** Rural Farm Forest

**Public Hearing:** After reviewing the report of the Community Development and Planning Department a public hearing was held on June 18, 2008.

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

**Decision:** Approval with conditions.

S.J.C. COMMUNITY

JUN 30 2008

DEVELOPMENT & PLANNING

## **Findings of Fact**

1. This application by Mr. and Mrs. Sommerville is to allow placement of a reverse osmosis desalinization system to serve two existing residences.
2. The area on Orcas Island which is the subject of this application is lightly developed residential. The upland area is relatively level. Two of the parcels are developed with single family residences served by an existing well. The remainder of the area is mostly covered with trees. The shore is steep and high bank.
3. The existing wells are not capable of supplying enough water for the two residences. Drilling other wells in the area would not likely improve the situation.
4. The area is located in the rural farm forest designation to the point of extreme low tide, which is then designated aquatic environment. This is not an area of eroding or unstable bluff, eroding beaches or exposed cliffs.
5. There are no existing paths, trails docks or beach access structures.
6. The proposal is to bury water lines and utilities in the same trench through a forested area of the property and then re-plant with native vegetation. Black pipe will be used and located along the rock at water's edge. The project is designed to blend in with the rock formations along the beach to lessen visual impacts. The pump box at the top of the bank will be screened with vegetation.
7. No part of the proposal will impede public access on the tidelands.
8. The proposal meets all County requirements for design and implementation. Approval from the State Fish and Wildlife Department for Hydraulic Project approval will still be necessary independent of SSDP approval. The Corp of Engineers will also require permit approval independently of the SSDP.
9. Since the system is designed to serve two single family residences, approval from the County Health Department for the water system is required independently of the SSDP.
10. A Determination of Non-Significance was issued on April 20, 2008. No comments were received.
11. Notice of hearing was published April 30, 2008 and mailed and posted the same day. No members of the public appeared at the June 18, 2008 public hearing.
12. 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.

13. 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 proposal as submitted complies with all County requirements for a shoreline substantial development permit.
5. Approval from the Count Health Department for the water system, Washington State Department of Fish and Wildlife and the Army Corp of Engineers will still subsequently be necessary prior to commencement of installation of the desalinization system.
6. Any finding herein which may be deemed a conclusion is hereby adopted as such.

### Decision

The request for a shoreline substantial development permit is approved subject to receiving the other permit approvals prior to commencement of installation work.

DONE this 29<sup>th</sup> day of June, 2008.

  
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.