

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: San Juan Propane
Jim Passer
PO Box 756
Eastsound, WA 98245

Agent: Permit Resources
Jeff Otis
393 Bobbyann Rd.
Eastsound, WA 98245

File No: HE43-08 (08CU013)

Request: Conditional Use Permit (CUP)

Parcel No: 271422001

Location: 1593 Mt. Baker Road
Eastsound, Orcas Island

Summary of Proposal: The applicant wishes to install another 30,000 gallon propane storage tank. The proposal includes extending power from Mount Baker Road along the east property line to the storage tanks.

Land Use Designation: Eastsound Service and Light Industrial

Public Hearing: After reviewing the report of the Community Development and Planning Department a public hearing was held on September 17, 2008.

**Applicable Policies:
and Regulations:** SJCC 16.55.230 Eastsound Service and Light Industrial District
SJCC 18.80.100(D) CUP Criteria

Decision: The application is approved.

S.J.C. COMMUNITY

SEP 24 2008

Findings of Fact

1. The current site is developed with a business office, parking and trucks used to transport propane. There is currently a 30,000 gallon propane storage tank, outdoor storage of empty consumer-sized tanks and a fuel pump station. The southeast and south sides of the property are screened by a five foot high chain link fence and a significant amount of vegetation.
2. The proposal is to add another 30,000 propane storage tank. Included within the proposal is extending power from Mount Baker Road along the east property line to the storage tanks.
3. Previous CUP's were issued in 1989 and 1998 for the current use. The current proposal is allowable within the Service and Light Industrial District of the Eastsound subarea plan.
4. There are no significant visual impacts nor would any arise from granting this CUP. The proposal is well within all standards and requirements of the SJCC and Eastsound Subarea Plan. There will be no significant adverse impacts from granting the permit.
5. A DNS was issued on August 13, 2008. No appeal was taken.
6. Notice of application and hearing was published on August 13, 2008. Mailing and posting occurred August 12, 2008. The public hearing was held September 17, 2008. I did not attend the hearing but I read the transcript. No members of the public were present at the hearing.
7. 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.
8. Any conclusion herein which may be deemed a finding is hereby adopted as such.

Conclusions of Law

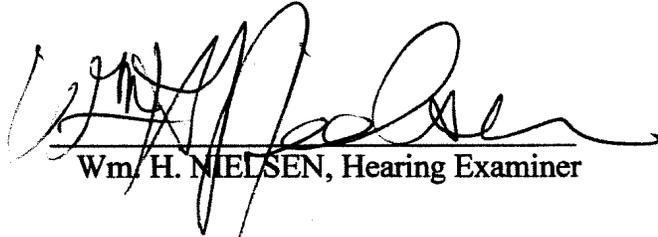
1. The Hearing Examiner has jurisdiction over the persons and subject matter of this proceeding.
2. The proposal complies with the requirements of the State Environmental Policy Act.
3. Proper notice was given in compliance with local and state requirements.

4. The proposal complies with the criteria for issuance of a CUP and all performance and development standards under the SJCC.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

Decision

The CUP is approved.

DONE this 24th day of September, 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.