

**SAN JUAN COUNTY  
HEARING EXAMINER**

**FINDINGS, CONCLUSIONS, AND DECISION**

Applicant(s): Lakedale Resort, LLC  
PO Box 300792  
Escondido, CA 92030-0792

Agent(s): David Waldron  
PO Box 2505  
Friday Harbor, WA 98250

File No.: PEXTHX-16-0002

Request: Shoreline Permit Extension

Parcel Nos: 363211001, 363322002, 363323003, 363322006

Location: 4313 Roche Harbor Road, San Juan Island

Summary of Proposal: An application for time extension of one year for an existing shoreline substantial development permit

Shoreline Designation: Rural Farm Forest

Public Hearing: July 21, 2016

Applicable Policies and Codes: SJCC 18.80.110(G) Extension of Permit

Decision: Approved

S.J.C. DEPARTMENT OF  
AUG 04 2016  
COMMUNITY DEVELOPMENT

**BEFORE THE HEARING EXAMINER  
FOR SAN JUAN COUNTY**

In the Matter of the Application of )  
 )  
**Lakedale Resort LLC** )  
 )  
 )  
for an extension of an approved )  
shoreline substantial development permit )  
at Lakedale Resort, San Juan Island )

NO. PEXTHX-16-0002

**Lakedale Resort**

S.J.C. DEPARTMENT OF

AUG 04 2016

COMMUNITY DEVELOPMENT

**SUMMARY OF DECISION**

The request for a one-year extension of the previously approved shoreline substantial development permit authorizing upgrades to the existing Lakedale Resort at 4313 Roche Harbor Road, San Juan Island is **APPROVED**.

**SUMMARY OF RECORD**

**Request:**

David Waldron on behalf of Lakedale Resort LLC (Applicant) requested a time extension of one year for an approved shoreline substantial development permit for improvements to the Lakedale Resort on San Juan Island.

**Hearing Date:**

The San Juan County Hearing Examiner held an open record public hearing on the request on July 21, 2016.

**Testimony:**

At the open record public hearing, the following individuals presented testimony under oath:

Julie Thompson, Project Planner, San Juan County Department of Community Development  
David Waldron, Applicant Representative

**Exhibits:**

The following exhibits were admitted in the record:

1. Department of Community Development Staff Report, dated July 1, 2016
2. Request for time extension, dated April 20, 2016
3. Hearing Examiner's decision (HE08-09, 08SJ005), dated May 20, 2009
4. Advertisement of notice of hearing

Upon consideration of the testimony and exhibits submitted at the open record public hearing, the Hearing Examiner enters the following findings and conclusions:

## FINDINGS

1. In 2009, the Applicant received approval of a shoreline substantial development permit (SSDP) for significant revisions to the existing lakeshore resort located on San Juan Island (HE08-09, 08SJ005). Based on condition of approval 8, which granted an extended eight year approval period due to the national economic crisis then in effect, the SSDP expires on May 9, 2017. Several of the approved projects still underway will not be completed by the expiration date. On April 22, 2016, the Applicant requested a one-year extension of the approval through May 9, 2018. *Exhibits 1, 2, and 3; Waldron Testimony.*
2. Prior to application for the 2008 SSDP, the Lakedale Resort consisted of a lodge with 10 rooms, seven cabins, 15 recreational vehicle sites, and 104 campsites. The 2009 SSDP authorized expansion of the lodge to include 16 new rooms, adding three cabins and 12 yurts, construction of an activity building, and installation of three small docks. *Exhibits 1 and 3.*
3. Projects required by the approved SSDP that have been completed include installation of the new water system and septic system, removal of RV sites within 50 feet of the shoreline, and removal of 38 campsites. The work to date has resulted in no net gain in accommodations. The three docks have been installed. Remaining to be done are expansion of the lodge, adding three cabins, placing the yurts, and construction of the activity building. To date, the yurt sites have been selected and architectural drawings for the expanded lodge, to include a banquet room, are in progress. *Exhibit 1 and 2.*
4. Progress on the approved projects has been slow due to unstable economic conditions since approval, which interfered with financing. Costs for construction of the new water and septic systems came in much higher than anticipated, and there have been ongoing problems with the water system filtration. In order to preserve income to afford the work still to be done, construction has not and will not be done during the peak tourism season, which means the projects can only advance between November and April. The work remaining to be done will not be able to be completed by April 2017. *Exhibit 1, 2; Waldron Testimony.*
5. Notice of application and hearing was published in accordance with the requirements of the County Code. There was no public comment on the application. *Exhibit 4; Thompson Testimony.*
6. Approval of the extension would not result in any conflict with the current adopted San Juan County Shoreline Master Program. Although amendments to the County's shoreline master program have been locally adopted, they have not yet received Department of Ecology approval and they are not in effect. Further, approval of the extension would not allow any additional intrusion into critical areas than was previously reviewed and approved. Planning Staff recommended approval of the requested time extension and did

not recommend new conditions of approval. *Exhibit 1; Thompson Testimony.*

7. The Applicant agent indicated that it is believed all outstanding projects would be able to be completed by May 2018. *Waldron Testimony.* Planning Staff indicated that no additional extension would be possible. *Thompson Testimony.*

## CONCLUSIONS

### **Jurisdiction**

The Hearing Examiner has jurisdiction to decide applications for revisions to approved shoreline permits pursuant to San Juan County Code 2.22.100(1) and 18.80.110(M), and Revised Code of Washington 36.70.970.

### **Criteria for Review of Shoreline Permit Extension Requests**

Pursuant to SJCC 18.80.110.G.8, unless specified otherwise in permit conditions, all development authorized by a shoreline permit shall be completed within five years of the date of permit approval or the permit shall become null and void. A permittee may request a time extension before the permit expires by making a written request to the administrator, stating the reasons. The hearing examiner will review the permit, and upon a finding of good cause:

- a. Extend the permit for one year; or
- b. Terminate the permit.

### **Conclusions Based on Findings**

1. The materials submitted demonstrate that the projects approved in the previous SSDP have neither languished nor been abandoned. The Applicant submitted a timely request for extension of SSDP approval and the submitted materials made an adequate showing of good cause to extend the permit for one year to May 9, 2018. *Findings 1, 2, 3, 4, 5, 6, and 7.*

## DECISION

Based on the preceding findings and conclusion, approval of shoreline substantial development permit 08SJ005 authorizing improvements to the Lakedale Resort on San Juan Island is extended for a period one year expiring May 9, 2018. Conditions of the previous approval remain in effect.

Decided August 3, 2016.

By:



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Sharon A. Rice  
San Juan County Hearing Examiner

**Effective Date, Appeal Right, and Valuation Notices**

Hearing examiner decisions become effective when mailed or such later date in accordance with the laws and ordinance requirements governing the matter under consideration. SJCC 2.22.170. Before becoming effective, shoreline permits may be subject to review and approval by the Washington Department of Ecology pursuant to RCW 90.58.140, WAC 173-27-130 and SJCC 18.80.110.

This land use decision is final and in accordance with Section 3.70 of the San Juan County Charter. Such decisions are not subject to administrative appeal to the San Juan County Council. See also, SJCC 2.22.100.

Depending on the subject matter, this decision may be appealable to the San Juan County Superior Court or to the Washington State Shorelines Hearings Board. State law provides short deadlines and strict procedures for appeals and failure to timely comply with filing and service requirements may result in dismissal of the appeal. See RCW 36.70C and RCW 90.58. Persons seeking to file an appeal are encouraged to promptly review appeal deadlines and procedural requirements and consult with a private attorney.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.