

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS, AND DECISION

Applicant(s): Mike and Mary Lee Scarff
23292 160th Avenue SE
Kent, WA 98042

Agent: Francine Shaw
Law Office of Stephanie Johnson O’Day
PO Box 2112
Friday Harbor, WA 98250

File No.: PSJ000-15-0004

Request: Shoreline Substantial Development Permit

Parcel No: 461452001

Location: 33 Knight’s Lane, Davison Head, Friday Harbor, San Juan Island

Summary of Proposal: Application for a shoreline substantial development permit for proposed stairway to beach and a residential mooring buoy

Land Use Designation: Rural Residential

Public Hearing: October 15, 2015

Application Policies and Regulations

- SJCC 18.35.065 Geologically hazardous areas—Protection standards
- SJCC 18.35.130 Fish and wildlife habitat conservation areas—Protection standards
- SJCC 18.50.050 Archaeological and historic resources
- SJCC 18.50.190 Boating facilities
- SJCC 18.50.300 Pedestrian beach access structures
- SJCC 18.80.110 Shoreline permit and exemption procedures

Decision: Approved subject to conditions

S.J.C. DEPARTMENT OF
OCT 16 2015
COMMUNITY DEVELOPMENT

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

In the Matter of the Application of)
Mike and Mary Lee Scarff)
)
)
for approval of a shoreline substantial)
development permit for stairs to beach)
and a residential mooring buoy for the)
residence at 33 Knight's Lane, Friday)
Harbor, San Juan Island)

NO. PSJ000-15-0004

S.J.C. DEPARTMENT OF
NOV 16 2015
COMMUNITY DEVELOPMENT

SUMMARY OF DECISION

The request for shoreline substantial development permit to authorize the construction of a beach access stairway and installation of a mooring buoy for the single-family residence at 33 Knight's Lane, Friday Harbor, San Juan Island is **APPROVED** subject to conditions.

SUMMARY OF RECORD

Request:

Mike and Mary Lee Scarff (Applicants) requested a shoreline substantial development permit to authorize the construction of a beach access stairway and installation of a mooring buoy for the single-family residence at 33 Knight's Lane, Friday Harbor, San Juan Island.

Hearing Date:

The San Juan County Hearing Examiner held an open record public hearing on the request on October 15, 2015.

Testimony:

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

Julie Thompson, Planner, San Juan County Department of Community Development
Francine Shaw, Applicant Representative
Mary Lee Scarff

Exhibits:

The following exhibits were admitted in the record:

1. Staff report, dated September 30, 2015

2. San Juan County Community Development & Planning Request for Agency Comments Routing form
3. Mitigated Determination of Non-Significance, issued August 26, 2015
4. Application with attachments:
 - a) SEPA checklist
 - b) San Juan County GIS Polaris Parcel Search Map, indicating subject property
 - c) Aerial photo from DNR indicating locations of existing mooring buoys
 - d) Four photos of stair location taken by Francine Shaw
 - e) Application narrative by Francine Shaw
 - f) Buoy design graphic
 - g) Preliminary Site, Topography, and Landscaping Plan
 - h) Proposed grading and landscape plan
 - i) Proposed shoreline landscape plan and sections
 - j) Vicinity map
 - k) 2013 Aerial site photo
 - l) Department of Ecology correspondence, with DOE photos, dated June 8, 2015
 - m) Preliminary underwater survey prepared by Bob Wells, dated January 8, 2015
 - n) Visual geotechnical site reconnaissance, prepared by Earth Solutions NW, March 19, 2015
5. Agency Comments on application including:
 - a) Friday Harbor Labs comments, September 2, 2015
 - b) Department of Ecology comments, September 3 2015
6. Public hearing notice, with Applicant Affidavit of mailing and posting, attached mailing list, and photos of posted notice

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. The Applicant requested a shoreline substantial development permit to authorize the installation of a beach access stairway and installation of a mooring buoy for the single-family residence at 33 Knight's Lane, Friday Harbor, San Juan Island. The property is developed with a house. *Exhibits 1 and 4.*
2. The 0.41-acre subject property is located in the Davison Head subdivision, abutting developed residential parcels to the north, south, and east, and Spieden Channel to the west. It has a Rural Residential land use designation. The waterfront property enjoys views of Roche Harbor and Pearl Island. The site's shoreline is comprised of medium to high bank with a near vertical slope from the top of the bank to the beach. Without a stairway, there is no access to the shoreline on-site. *Exhibits 1, 4.c, 4.d, and 4.e.*

3. The proposed stairway/beach access structure would consist of a stone path with two areas of stone steps, two retaining walls, and wooden stairs leading to the beach. The retaining walls would be between two feet and three feet, four inches in height and planted with native vegetation. The steps are proposed in an “L” configuration landward of the ordinary high water mark (OHWM). A ten-foot by four-foot, six inch concrete landing pad would be placed at the top of bank connecting to a flight of three-foot wide stairs. A five- by eight-foot intermediate landing, provided with a wooden bench, would connect to the lower flight of three-foot wide stairs which would turn 90 degrees to the south, ending on the beach on five-by two-foot concrete grade beam pinned to bedrock for stabilization. Four 12-inch diameter concrete posts would support the intermediate landing, and two six-inch diameter stub posts would be installed just seaward of the landing on the beach to protect the stairs from wave debris damage. The stairway would measure 19 feet, six inches in height and at its closest would be approximately 1.5 feet landward of the OHWM. The proposal calls for ACZA treated lumber, concrete, and galvanized steel nails and connection brackets. The proposal includes dinghy storage either on the beach or at the intermediate landing, depending upon tides. The proposed mooring buoy would consist of a 36-inch diameter float with mooring ring, a six-inch length of half-inch chain, braided rope, a non-compressible mid-line float, and a helical anchor. The buoy is proposed to be placed approximately 125 feet seaward of the middle of the parcel at the -8 foot tidal elevation. *Exhibits 1 and 4.*
4. The proposed improvements would be located within 200 feet of and over the waters of Speiden Channel. On-site land within 200 feet of the OHWM is designated Rural Residential shoreline environment by the San Juan County Shoreline Master Program (SMP). The mooring buoy would be placed in the Aquatic shoreline environment. Mooring buoys are typically exempt from the SMP because their fair market value does not trigger the requirement for a shoreline substantial development permit. *San Juan County Code (SJCC) 18.50.020.F.2.a; Washington Administrative Code (WAC) 173-27-040(2)(a).* However, in order to access the mooring buoy from the property, the Applicants must construct the proposed stairway, and because the two projects are related, they are consolidated for review pursuant to County Code. *SJCC 18.80.110.D.*
5. Mooring buoys serving single-family residences are permitted in both the Aquatic and the Rural Residential shoreline environments, subject to compliance with applicable SMP provisions. *SJCC 18.50.190.K.3 and K.6.* Beach access structures are allowed in the Rural Residential shoreline environment. *SJCC 18.50.300.B.2.* The project is subject to the substantial development criteria because the stairway exceeds the exemption standards for height and landing size. It must comply with the SMP's general regulations for beach access structures. *SJCC 18.50.020 and .300.*
6. The mooring buoy is the only over-water portion of the proposal; it is a water dependent use. *Exhibits 4.g and 4.n.* As proposed, the mooring buoy would not impede navigation because it would not interfere with the channel between San Juan and Pearl Islands, and because there are no adjacent bays, inlets or existing piers/docks it could obstruct. It would be placed several hundred feet to the north of the nearest existing buoys.

According to an underwater survey submitted by the Applicant, the buoy is proposed to be located over an area described as having patches of eelgrass, but not high value eelgrass habitat. The nearest eelgrass bed is approximately 30 feet seaward of the proposed anchor position. While a moored boat may swing over this eelgrass bed, it would be a temporary and moving source of occasional shade rather than a fixed shadow source. Located 125 feet waterward of the OHWM, in approximately four feet of water at extreme low tide, the buoy would not impact the shoreline. The Applicant agreed to place reflectors on the buoy for night time visibility. The buoy is not anticipated to impede passing orcas or salmon. It would be the only form of moorage serving the site. *Exhibits 1, 4, 4.c, and 4.m.*

7. The Applicant's narrative notes that Roche Harbor is not considered to have poor flushing action. The subject property's marine bank is not a feeder bluff, is located outside drift cells, and is not part of the transportation zone. *Exhibit 4.e.*
8. The waterfront parcel contains fish and wildlife habitat (salmon) and slopes that are considered geologically hazardous areas due to the presence of erosion-prone soils and slopes 15% or greater in grade. Both are regulated pursuant to the San Juan County critical areas ordinance (CAO). *Exhibit 1; SJCC 18.35.060 and 18.35.115.*
9. The marine bank where the project is proposed is considered a Category II geological hazard area. *SJCC 18.35.060.D.2.* Critical areas regulations applicable to development in geological hazard areas require the following: geotechnical reports; control of concentrated stormwater runoff; minimization of cut/fill to preserve the natural slope to the extent possible; avoidance of impact to most hazard-prone areas; temporary and/or permanent erosion control. *SJCC 18.35.065.*
10. The Applicant obtained a visual geotechnical site reconnaissance (geotechnical report) prepared consistent with the requirements in SJCC 18.35.070. The geotechnical report indicated that the proposed stairway is feasible subject to implementation of the following recommendations:
 1. The middle landing should be supported on four concrete piers pinned into competent bedrock.
 - The piers should be a minimum of 12 inches in diameter and designed with sufficient reinforcement to withstand wave forces.
 - The concrete piers must be anchored into competent rock a minimum length of one foot using as a minimum a three-quarter inch dowel.
 - The dowel hole should be no larger than one inch in diameter and may be designed for an uplift capacity of five hundred pounds per inch of dowel length using epoxy filler.

2. The lower end of the stairs may be supported on a concrete grade beam.
 - The beam should have a minimum width of one foot and be doweled into competent bedrock a minimum length of one foot using a three-quarter inch dowel.
 - At least two six inch diameter concrete piers should be placed seaward of the lower portion of the stair to protect the staircase from wave debris.
 - The piers should be doweled into competent bedrock in a manner similar to the middle landing piers.
3. For the upper landing concrete pad, the slab should be designed as a rigid structure. If bedrock is encountered at shallow depth, the slab should be doweled into competent bedrock in a manner similar to the other dowels.
4. The 2012 International Building Code (IBC) recognizes the American Society of Civil Engineers (ASCE) for seismic site class definitions. In accordance with Table 20.3-1 of the ASCE Minimum Design Loads for Buildings and Other Structures manual, Site Class B should be used for design base shear calculations.
5. Surface water should not be allowed to be concentrated from driveways or buildings to the extent possible, and the stairwell and slope area protected from run-on from the house, downspouts, and driveway.

Exhibit 4.n. Planning Staff determined that the submitted geotechnical report satisfied the requirements of SJCC 18.35.070. *Exhibit 1; Thompson Testimony.*

11. The waters off the subject property are documented as habitat for Chinook salmon, an endangered species. Considered a fish and wildlife habitat conservation area (FWHCA) regulated pursuant to SJCC Chapter 18.35 because it is an area with which endangered species (salmon) have a primary association. *Exhibit 1; SJCC 18.35.115.A.1.* Development standards established in the CAO require trails, stairs, or walkways constructed in FWHCAs to be designed as follows: to direct sheet flow runoff into adjacent vegetation; not to exceed five feet in width; to be constructed of nontoxic materials; not to include the placement of fill; and for areas within shoreline jurisdiction, to be consistent with requirements of the County's shoreline master program (SMP). *SJCC 18.35.130 Table 18.35.130-3.k.*
12. According to the proposal and consistent with the geotechnical report recommendations, the stairwell and slope would be protected from run-off from all improvements. The project area is comprised primarily of stone and the proposal would not increase impervious surface area. The proposed stairway would be three feet wide, and the midpoint landing and concrete grade beam used to tie the stairs to the beach would not exceed five feet in width. The stairway would be built using stone pathway, rock retaining walls, ACZA treated wood, and galvanized steel fasteners, none of which is considered toxic. No fill is proposed. There would not be extensive vegetation removal. The stairway would not shade any known habitats or result in loss of shoreline function. It is not anticipated to impact views from or of the shoreline because the design nestles

the stairway into the marine bank and its materials were selected for low visual impact. *Exhibits 1 and 4.*

13. The Applicant would be required to obtain hydraulic project approval (HPA) from the Washington State Department of Fish and Wildlife for the mooring buoy and abide by any conditions imposed therein. A joint aquatic resources permit application has been submitted. It would also require permitting from the US Army Corps of Engineers and a buoy license from DNR. *Exhibit 4.e.*
14. The Applicant submitted a cultural resources survey prepared for the subject property, dated February 14, 2014. The survey found that no cultural resources were observed within the project area, but concluded that it is possible that cultural materials could be exposed during construction. The survey recommended inadvertent discovery procedures be required. *Exhibit 1.*
15. Consistent with the State Environmental Policy Act (SEPA), San Juan County Department of Community Development assumed lead agency status for review of the proposal's environmental impacts. In reaching the environmental threshold determination, the Responsible Official reviewed the complete application materials, the SEPA checklist, the geotechnical site reconnaissance prepared by Earth Solutions NW, dated March 19, 2015, and other materials on file with the Department. The SEPA Responsible Official determined that the proposal could be conditioned to the point that it would not result in probable, significant, adverse impacts on the environment. A mitigated determination of non-significance (MDNS) was issued August 26, 2015 imposing mitigation measures adopted from the geotechnical report's recommendations. No SEPA appeal was filed and the MDNS became final. *Exhibits 1 and 3.*
16. The application was submitted July 1, 2015 and determined to be complete on August 26, 2015. Notice of the application was mailed to surrounding property owners on August 24, 2015, posted on-site on August 25, 2015, and published on August 26, 2015. *Exhibit 1; Thompson Testimony.*
17. Notice of the application was sent to four public agencies for comment: Washington State Department of Ecology (DOE) Wildlife section; DOE Shoreline section; Washington Department of Natural Resources; and Friday Harbor Labs. *Exhibit 2.*
18. Friday Harbor Laboratories submitted comments dated September 2, 2015, with the following concern/suggestion:

The fact that with the footings so close to OHWM, these will eventually be affected by sea level rise. Sometimes the presence of infrastructure, originally built on unarmored shoreline, is later used to justify the need for armoring to protect that infrastructure as gradual erosion occurs. Along these lines, the applicant says that "no bulkhead is proposed"; it would seem appropriate to attach a condition to the permit saying that there cannot be future requests for a

bulkhead to protect these stairs; otherwise the project may not remain as small as currently proposed.

Exhibit 5.a. Noting the site has a bedrock shoreline and the structure was designed to prevent erosion, Planning Staff said it would not be inappropriate to add the condition to the permit, if approved. *Thompson Testimony; Exhibit 1.* The Applicant waived objection to this additional condition. *Scarff Testimony.*

19. The Washington State Department of Ecology (DOE) also submitted comments, dated September 3, 2015, confirming that the stairway would not extend beyond the OHWM per their Staff's May 26, 2015 site visit. *Exhibit 5.b.*
20. There was no public comment on the application or the MDNS. *Exhibit 1.*
21. Upon review of the complete application materials, Planning Staff determined that the proposal can comply with all applicable criteria in the Unified Development Code, the Comprehensive Plan, and the Shoreline Master Program with the recommended conditions. *Thompson Testimony; Exhibit 1.* The Applicant representative waived objection to the recommended conditions. *Shaw Testimony.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for conditional use permit pursuant to Chapter 36.70.970 of the Revised Code of Washington and Chapters 2.22 and 18.80 of the San Juan County Code.

Criteria for Review

Pursuant to SJCC 18.80.110.H, a shoreline substantial development permit shall be granted only when the applicant meets the burden of proving that the proposal is:

1. Consistent with the policies of the Shoreline Management Act and its implementing regulations, Chapter 90.58 RCW and Chapter 173-27 WAC, as amended;
2. Consistent with the policies and regulations of the Shoreline Master Program in Chapter 18.50 SJCC;
3. Consistent with this chapter;
4. Consistent with the applicable sections of this code (e.g., Chapter 18.60 SJCC);
5. Consistent with the goals and policies of the Comprehensive Plan; and
6. All conditions specified by the hearing examiner to make the proposal consistent with the master program and to mitigate or avoid adverse impacts are attached to the permit.

Applicable Provisions of the San Juan County Code

SJCC 18.35.065 Geologically hazardous areas—Protection standards

The project location is a Category II geologically hazardous area because it contains erosional soils and slopes of 15% or greater.

B. Category II.

1. Applications for required permits and approvals for development or vegetation removal in or within 200 feet of Category II geologically hazardous areas shall be accompanied by a geotechnical report, prepared in accordance with SJCC 18.35.070 (geotechnical reports).
2. Where concentrated runoff will be discharged within 50 feet of the boundary of a landslide or erosion hazard area, a geotechnical report, prepared in accordance with SJCC 18.35.070 (geotechnical reports), is required.
3. The director may, based on the content of the geotechnical report, waive or approve modifications to the requirements set forth in subsections (B)(4) through (6) of this section.
4. Development shall be located in accordance with the following:
 - a. Structures and improvements shall be sited, designed, and constructed to minimize cut and fill and to retain as much of the natural topographic character of the slope as possible; and
 - b. Structures and improvements shall be located to avoid the most hazard-prone portion of the proposed development area and to preserve vegetation necessary to prevent soil erosion.
5. Where previous human activity has significantly modified natural topography, the County may allow further modification of such slopes if a geotechnical report demonstrates that such activity will result in the same or improved slope stability.
6. To prevent soil erosion and destabilization of slopes, areas that are cleared or graded and that are not covered with structures or other improvements must be protected until replacement plantings are established. Temporary erosion and drainage controls may be required unless permanent restoration and protection are timed to ensure slope stability in the wet season.

SJCC 18.35.070 Geologically hazardous areas—Geotechnical reports

A. Geotechnical reports shall be prepared, stamped and signed by a qualified professional. These reports must:

1. Be appropriate for the scale and scope of the project;
2. Include all geologically hazardous areas and all potentially affected areas in or within 200 feet of the area proposed for development or vegetation removal. If the affected area extends beyond the subject property, the geotechnical analysis may utilize existing data sources pertaining to that area;
3. Clearly state that the proposed project will not decrease slope stability or pose an unreasonable threat to persons or property either on or off site;

4. Be adequate to determine compliance with the requirements of the San Juan County Code;
 5. Generally follow the guidelines set forth in the Washington State Department of Licensing Guidelines for Preparing Engineering Geology Reports in Washington (2006). In some cases a letter or abbreviated report may be provided.
- B. The director will review geotechnical reports for completeness and compliance with this section.
- C. A geotechnical report does not expire unless there are changes in proposed land uses or site conditions.

SJCC 18.35.130 Table 18.35.130-3k [standards for trails, stairs and raised walkways]

...

- k. The construction of trails, stairs, or raised walkways; provided, that the improvement:
 - i. Is designed to direct sheet flow runoff into adjacent vegetation;
 - ii. Does not exceed five feet in width;
 - iii. Is constructed of nontoxic materials;
 - iv. Does not include the placement of fill;
 - v. Is consistent with the applicable requirements of subsection (E) of this section;
 - vi. For areas within shoreline jurisdiction, the improvement is consistent with the requirements of Chapter 18.50 SJCC and subsection (G) of this section.

SJCC 18.50.050 Archaeological and historic resources requires a report by a qualified archaeologist when archaeological resources are present.

SJCC 18.50.190 Boating facilities

J. Regulations—Mooring Buoys.

1. Buoys shall not interfere with navigation and shall be visible in daylight 100 yards away. Buoys shall have reflectors for night visibility.
2. Mooring buoys shall be installed so as not to interfere with or obstruct legally existing piers, docks, floats, or other buoys.

SJCC 18.50.300 Pedestrian beach access structures

A “beach access structure” is a set of steps or stairs or a ramp used to provide pedestrian access to the beach. A beach access structure is a normal appurtenance to single-family residence in San Juan County. Beach access structures are only defined as an exempt development under limited circumstances, pursuant to SJCC 18.50.020. All nonexempt beach access structures require a shoreline substantial development permit and must meet all of the general regulations for beach access structures.

A. Regulations.

1. Every application for a substantial development permit for a nonexempt beach access structure shall be evaluated on the basis of multiple considerations, including but not

necessarily limited to the potential impacts on bank stability, the extent of vegetation removal, visual impacts, and structural stability.

2. Beach access structures which can reasonably be expected to interfere with the normal erosion accretion process associated with feeder bluffs shall not be permitted. All beach access structures must comply with the bank stability requirements of SJCC 18.50.330(B)(2).
3. Beach access structures shall not be located below the ordinary high water mark (OHWM) unless connected to an exempt or permitted structure.

Conclusions Based on Findings

1. As conditioned, the proposed beach access structure and mooring buoy would be consistent with the Shoreline Management Act (SMA). The policy of the SMA, as set forth in RCW 90.58.020, is to “provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses.” This policy “contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.” *RCW 90.58.020*. Pursuant to the County's Shoreline Master Program, mooring buoys are allowed in both the Aquatic and Rural Residential shoreline environments and beach access structures are allowed in the Rural Residential shoreline environment. Compliance with the recommendations of the geotechnical report, together with any mitigation measures imposed in the required HPA, would ensure that adverse effects to the waters of the state would be avoided. *Findings 2, 4, 5, 6, 8, 9, 10, 11, 12, and 13*.
2. The proposal is consistent with the applicable provisions relating to mooring buoys and beach access structures in the shoreline. There is no evidence of archeological resources and conditions would ensure inadvertent discovery procedures are implemented. The proposed location of the buoy would not interfere with existing docks, piers, other buoys, or access to inlets/bays, or with established navigation channels. Conditions would ensure reflectors are installed for night visibility. The proposed beach access structure would be placed on an area of exposed rock, so the proposal would result in very little vegetation removal or soil disturbance. Compliance with the geotechnical report's recommendations is anticipated to result in structural stability. There is no evidence of marine bank instability and nothing to suggest that construction consistent with the geotechnical recommendations would impact slope stability. The subject property is not an area of unstable bluffs, eroding beaches, or exposed cliffs. The structure would not extend waterward of ordinary high water. The site is private property and there would be no interference with public shoreline access. Construction and installation would be subject to compliance with the requirements of a WDFW hydraulic project approval and any requirements imposed by USACOE, and would be required to obtain a DNR license. As conditioned, the project would comport with applicable provisions of the SMP. In addition, the record demonstrates compliance with the applicable critical area regulations. The geotechnical report provided was consistent with the requirements of the CAO. Its recommendations are incorporated into the conditions of approval. Non-toxic materials

are proposed for construction of the beach access structure, which is not anticipated to impact the function of any habitat. The mooring buoy would not adversely impact eelgrass beds or interfere with passage of protected species. *Findings 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.*

3. Notice and other procedural requirements were performed consistent with the requirements of SJCC 18.80. Compliance with 18.60 would be ensured through the building permit process. Planning Staff indicated the proposal is consistent with the Comprehensive Plan. The proposal was reviewed for compliance with SEPA and an MDNS was issued. *Findings 11, 12, and 15.*

DECISION

Based on the preceding findings and conclusions, the requested shoreline substantial development permit for construction of a beach access stairway and installation of a residential use mooring buoy for the single-family residence at 33 Knight's Lane, San Juan Island is **APPROVED** subject to the following conditions applicable to the Applicants, agents, and successors:

1. The middle landing shall be supported on four concrete piers pinned into competent bedrock.
2. The piers shall be a minimum diameter of 12 inches and designed with sufficient reinforcement to withstand wave forces.
3. The concrete piers shall be anchored into competent rock a minimum length of one foot using at a minimum a three-quarter inch dowel. Larger dowels may be used, if required, for horizontal loads.
4. The dowel hole shall be no larger than one inch in diameter and may be designed for an uplift capacity of five hundred pounds per inch of dowel length using epoxy filler.
5. The lower end of the stairs shall be supported on a concrete grade beam with a minimum width of one foot and doweled into competent bedrock a minimum length of one foot using a three-quarter inch dowel.
6. At least two six inch diameter concrete piers shall be placed seaward of the lower portion of the stair to protect the staircase from wave debris.
7. The piers shall be doweled into competent bedrock in a manner similar to the middle landing piers.
8. Surface water shall not be allowed to be concentrated from driveways or buildings to the extent possible, and the stairwell and slope are protected from run-on from the house, downspouts, and driveway.

9. Disturbed areas shall be re-vegetated with native vegetation.
10. Because archaeological resources have been documented nearby, inadvertent discovery procedures shall be followed during construction. If during excavation or development of the site an area of potential archaeological significance is uncovered, all activity in the immediate vicinity shall be halted, and the director shall be notified at once.
11. All debris entering the water or shoreline area shall be removed immediately and disposed of in a legal manner.
12. Future requests for a bulkhead to protect these stairs are prohibited.
13. The buoy shall contain reflective materials.
14. Immediately after construction is completed, the owner shall request that the Department of Community Development perform an inspection.
15. Construction or substantial progress toward construction must be undertaken within two years of permit approval.
16. All development authorized by a shoreline permit shall be completed within five years of the approval date.

Dated November 12, 2015.

By: 

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.