

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicant: David and Cheryl Krueger
c/o Leslie Byron, Animal Protection Society
PO Box 1355
Friday Harbor, WA 98250

File No.: PCUP00-13-0018

Request: Conditional Use Permit

Parcel No: 352342004

Location: 994 Cattle Point Road
San Juan Island

S.J.C. COMMUNITY

Summary of Proposal: Animal Shelter

FEB 28 2014

Land Use Designation: Rural General Use

DEVELOPMENT & PLANNING

Hearing Date: February 12, 2014

Application Policies and Regulations: SJCC 18.80.100(D)

Decision: Approved with conditions.

1 **BEFORE THE HEARING EXAMINER FOR THE COUNTY**
2 **OF SAN JUAN**

3 Phil Olbrechts, Hearing Examiner

4

RE: David and Cheryl Krueger 5 6 Conditional Use Permit (PCUP00-13-0018)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION
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8 **INTRODUCTION**

9 The applicants request approval of a conditional use permit for the construction of an
10 animal shelter at 994 Cattle Point Road on San Juan Island. The application is
approved subject to conditions. S.J.C. COMMUNITY

11 **TESTIMONY**

FEB 28 2014

12 Lee McEnery stated the application is for an animal shelter at 994 Cattle Point Road PLANNING
13 The proposal involves constructing several buildings that would be accessed by a
14 new driveway on the east side. The new buildings include a 5,000sqft building (the
15 main building) to house animals and act as offices. The building would be sound-
16 proof and open to the outside for part of the daytime. To the north of this building,
17 there would be an open-air dog run. To the north of the dog run, there would be a
18 4,000sqft building for animal sheltering. Parking would be located east of the main
19 building. There is already a residence and guest house on the property which are
20 served by an existing septic system. These structures would remain and be used by
21 employees. San Juan County Code addresses animal kennels and requires all
22 developments for such proposals be at least 100ft from property lines. This
23 application complies with this requirement. The design attempts to save as much
24 vegetation as possible. The northeast corner of the property contains a tree line and
25 helps with restricting the visibility of the new structure. In regard to noise, the
applicant proposes to have 24hr staff and to ensure constant supervision of animals
when they outside the soundproof building. The property access is not via Daniel
Lane nor the driveway parallel to it. Daniel Lane is a private road that goes to
properties north of the side. Currently, the subject property does not use Daniel
Lane; instead, it uses a driveway exactly parallel to the Lane. The animal shelter will
not use the driveway. In regard to exhibit 16, the beige is the RGU and the green is
rural farm forest. The proposal will go through stormwater review at the building
permit stage. In regard to the airport, Friday Harbor Airport does not have an
overlay district. The airport was notified of the application and did not have any
comment. Building code limits height to 35ft.

1 Applicant Testimony

2 Bob Query, representing applicant, testified that the main concern of the neighbors
3 is noise. He noted that exhibit 17 identifies the uses of the surrounding property.
4 The subject property is predominantly surrounded by airport property (identified as
5 lot 1 on exhibit 17). Lot 6 is a residential neighbor to the north. To the west, there is
6 commercial-industrial storage park (identified as lot 9). Lot 8 (to the south of lot 9)
7 is a gravel and heavy equipment area. Lot 5 is the Dike residence. Lot 12 is a boat
8 repair business. Lot 13 is a landscaping supply company. The two lots to the south
9 are vacant. The majority of flights out of Friday Harbor depart to the south to
10 elevate into the prevailing wind. Overall, airplanes are the dominant noise in the
11 area. Exhibit 18 is an aerial photo of the subject lot with the proposed site plan laid
12 upon it. The site plan attempts to save as much of the existing vegetation as
13 possible. The applicant wished to limit tree removal.

9 Jamie Ellsworth, Board President of the animal shelter, stated that the shelter
10 employed an architect who had built previous animal shelter facilities to ensure noise
11 would not become an issue. The indoor facilities design will use the best possible
12 practices to limit noise. In regard to outdoor noise, the dogs will only be allowed
13 outside between 9am and 4pm. There will be an on-site person at the shelter 24
14 hours a day. In regard to the water system, there is a community system shared by
15 four parcels. Currently, the homeowners of the property are the only users of the
16 system. The shelter is willing to draw a new well if it is necessary to meet the water
17 demands. The shelter has existed for 30 years and is completely supported by
18 donations. It received a grant which will pay for a third of the project, but, if the
19 shelter cannot complete the new facility, it will be required to return the grant. This
20 is the only property the shelter has found in the county that meets the County's
21 requirements. If the shelter is unable to find a new property, it will be forced to shut
22 down because it is losing its lease in the next few years. The shelter service is
23 important to the County and includes housing stray animals and community
24 education to schools about animals. In the new facility, in addition to the existing
25 services, the shelter plans to do on-site training for animal behavior. In regard to
animal waste, there are several options for removing this special waste. One option
is to have a septic tank especially for animal waste. Additionally, solid waste can be
collected and disposed of off-site. Currently, the waste is bagged and taken to the
dump.

22 Bob Query added that animal waste is not compatible with human waste in septic
23 tanks. The Health Code addresses this issue. The facility will use on-site septic for
24 wash-down and solid-waste will go to the dump. He is unsure if this is county or
25 state health code regulations.

25 Mark Travers, architect, noted that he has designed several animal shelters in the
past. The property will feature a stormwater drainage system on-site. In regard to
noise, the buildings will have 100ft setbacks, and the airplane noise will be a greater

1 issue. The wall and ceiling assemblies will have high sound-transmission-coefficient
2 ratings (50 or higher).

3 Ms. Ellsworth stated that the shelter rarely has more than 3-4 dogs, and staff trains
4 them to observe noise commands. In the winter, the dogs mainly remain inside the
5 kennel. Volunteers walk the dogs and staff exercise the dogs in the open area which
6 helps calm the dogs. There will be a buffer wall between the dogs and the parking
7 lot so the dogs are not reacting to people and cars coming and going. The shelter
8 uses positive reinforcement training. If a dog does not respond to noise training, it
9 will be kept inside except for walks.

10 Public Testimony

11 Barbara Rouleau testified that she owns the property to the east of the subject site.
12 She is concerned about the construction of a road parallel to her access road. The
13 applicant approached her about sharing the use of her access road, but she did not
14 want a commercial use on the road. The addition of a new access road will place 8-
15 10 driveways along Cattle Point Road. She does not understand why the facilities
16 are so large for only 3-4 dogs. Ms. Rouleau's property has a residence that she rents.
17 The people renting the residence work during the night and sleep in the day, thus
18 dogs barking outside during the day would be a major inconvenience. In regard to
19 the parking lot, twenty parking spaces will create a lot of run-off from vehicles. The
20 run-off is close to the well. Ms. Rouleau is not tied into the well at this time, but her
21 property has a tie-in right to it. Additionally, she is concerned about the removal of
22 trees between her property and the shelter. She can hear the dogs from the existing
23 shelter which is further from her property than the proposed shelter. The build-out
24 for the property is huge for this area and inconsistent with surrounding uses. Also,
25 people attempting to enter the shelter may confuse her driveway, which is a circle
driveway, for the entrance. In regard to the air traffic, the airplanes are not constant,
but dogs can bark constantly.

26 Staff Rebuttal

27 Lee McEnery noted that staff did not recommend any buffer plan beyond that
28 proposed by the applicant. The application included a landscape plan.

29 Applicant Rebuttal

30 Jamie Ellsworth, in regard to the noise issue, clarified that the current shelter is a tin
31 building with no sound-proofing. She admitted barking at the current facility is a
32 problem, but added that the new building will be sound-proof which will mitigate the
33 issue. In regard to the number of animals, the most dogs the current shelter ever
34 housed was seven. The maximum capacity of dogs for the proposed shelter is
35 twelve. Two of the twelve units will be for sheriff-hold dogs. The shelter has a high
turn-around rate for dogs because of the training it offers. The northern building on
the property will be a training facility. The facility will be utilized by the shelter and

1 the 4-H. In regard to the driveway concerns, the entire property will be fenced to
2 contain the dogs. Additionally, the shelter will display the maximum signage
allowed under County Code.

3 Bob Query stated that the limited number of dogs at the shelter will be under the
4 control of trained staff, thus there should be no sustained barking to inconvenience
5 neighbors. Recently, a dog park was built .5 miles from the subject property. There
6 has been no complaints about this use of land from the residential neighborhood
7 adjacent to it. In regard to water use, Mr. Query noted that the animal shelter in
8 Orcas Island uses less water than numbers associated with a single-family residence.
9 The proposed shelter will use similar water practices to those of the shelter on Orcas
10 Island. The proposed water usage for the project is approximately
11 4,000gallons/month. The water system is set-up for four tie-ins, and this project
12 would require a second tie-in. Three of the lots are not connected, thus those
13 memberships are available. If those lots decides to tie-in, the shelter would go
14 through the process of a water system upgrade in order to receive a fifth
15 membership. However, the port purchased two of these surrounding lots to prevent
16 further development to protect the airport runways, so no tie-ins are expected from
17 these properties. The water system is not currently in compliance, and the applicants
18 are working to upgrade the system. The subject property owners own the water
19 system. In regard to the parking lot, the applicants originally proposed twenty spaces
20 because Public Works required this number to have two access roads to the property.
The owners of Daniel Lane refused to allow the applicants access to that road.
Public Works agreed to allow the applicants to construct a new access driveway to
the property from the county road as long it was not shared with the Rouleau
driveway. The County requires access permits for new driveways, and the applicants
are in the process of applying for the planned driveway. In regard to runoff, the
applicants will utilize a civil engineer to ensure all runoff is properly contained and
treated on the property. Due to the size of the property and amount of impervious
surface planned, the project is subject to the stormwater manual standards. The
parking lot compromises one third to one half of this impervious surface. In regard
to airplane noise, Mr. Query noted that he lived near the airport for many years and
the airplane traffic begins around 7am and is continuous until sunset on most days.
He will submit the well data for the Orcas Island facility to demonstrate that the
proposed shelter will use less water than a single-family home (exhibit 19).

21 Ms. Ellsworth noted that the Orcas Island shelter can house up to 14 dogs.

22 Mark Travers testified that the proposal meets the Comprehensive Plan criteria and
23 complies with the zoning standards.

24 Public Testimony

25 Ed Rouleau asked why the animal shelter is being moved to a new place.

Barbara Rouleau noted that the applicants have been vague about why the facility is
so large when it only can house twelve dogs. It is unclear if the parking lot will

1 actually have twenty spaces. Finally, this proposal will negatively affect the value of
her property.

2 Applicant Rebuttal

3 Ms. Ellsworth stated that the facility is large to accommodate future expansion based
4 on island growth. The building houses cats in addition to the dogs. In the future, the
5 shelter hopes to build a spay/neuter clinic in the building which will require a
6 significant amount of space. In regard to the parking lot, twenty spaces were
required in order for Public Works to approve of the additional driveway being built.
The parking lot will be paved.

7 Bob Query noted that the parking lot may not end up being twenty spaces.

8 Staff Rebuttal

9 Ms. McEnery stated that the parking requirement is one space per 750sqft, but the
10 Administrator can modify this requirement.

11 Public Testimony

12 Janet Murphy testified that she is an employee at the current shelter. The current
13 shelter does not have an isolation area, but the proposed building includes one. An
14 isolation area benefits the public health and safety because it prevents disease
spreading among local cats and dogs.

15 **EXHIBITS**

16 The staff report attachments (listed on page 14 of the staff report) were admitted into
17 the record during the hearing in addition to the following exhibits:

- 18 Exhibit 13 comment letter from Phillip Fuehr
19 Exhibit 14 staff report
20 Exhibit 15 Ed and Barbara Rouleau letter dated Feb 12
21 Exhibit 16 Comprehensive Map Designation Type Use Map
22 Exhibit 17 aerial photo identifying nearby uses
Exhibit 18 aerial photo of subject property
Exhibit 19 Well data for Orcas Island

23 **FINDINGS OF FACT**

24 **Procedural:**

- 25 1. Applicant. David and Cheryl Krueger.

1 2. Hearing. The Hearing Examiner conducted a hearing on the subject
2 application on February 12, 2014 at 10:00 am at the Islander Bank Annex, 225 Blair
3 Ave, Friday Harbor.

3 **Substantive:**

4 3. Site and Proposal Description. The applicants request approval of a
5 conditional use permit for the construction of an animal shelter at 994 Cattle Point
6 Road on San Juan Island. The applicants operate an existing shelter nearby on
7 property owned by the Friday Harbor Airport and the Airport has required them to
8 move. A principal building, 5,000 square feet on one floor, would be used for animal
9 housing and administration. This principal building would be constructed first. A
fenced, covered outdoor dog run would lie north of that building. A 4,000 square foot
one-story building located further north is proposed (future) for training of animals
and owners. The proposal will also include a 20 stall parking area. The project will
be accessed from Cattle Point Road.

10 Dogs will be allowed outdoors (in the attached kennel runs and in the separate dog
11 run) between 8 am and 4 pm. Staff will be trained to minimize outdoor dog noise.
12 Buildings housing animals will be soundproofed, though that is compromised by the
13 dog kennels which will be open to the attached outside runs during the day. The
maximum number of dogs that is proposed for the facility is twelve.

14 The existing 3 bedroom house and 1 bedroom guest house would remain on the site
15 and be used for staff residences. A new sewage disposal system will be provided for
16 the proposed shelter use and the existing system's capacity will be examined for the
residential use.

17 The site lies on the north side of Cattle Point Road and east of Daniel Lane. The
18 existing home is visible from the main road. The northeast part of the site is wooded.
19 None of the buildings are proposed in the wooded area, though a corner of the
parking extends into that area. The proposed buildings and parking would be visible
from the road, though they will be somewhat screened by existing vegetation.

20
21 4. Characteristics of the Area. The surrounding neighborhood is mixed in
22 use under its RGU designation. The surrounding area has gradually been developed
23 since 1998 with some non-residential uses. There are also residential uses in the area.
24 About 1,800 feet from the northeast corner of this property is the SW corner of the
25 Friday Harbor Airport landing strip. To the south across Cattle Point Road lie a
couple of businesses (landscape supplies, boat repair.) Near the north end of Daniel
Lane (lying west of Daniel Lane) is a small business park. Adjoining the northeast
corner of this site is a mini-storage business and the existing animal shelter on Port
property lies further north.

1 5. Adverse Impacts of Proposed Use. There are no significant adverse
2 impacts reasonably discernible from the record. The most contentious impacts are
addressed separately as follows:

3 A. Noise. Noise is by far the greatest issue of concern. The design and
4 operating restrictions proposed by the applicant should make noise impacts fairly
5 minor to adjoining property owners. It is noteworthy that the neighbors in the
6 vicinity of the proposed use testified that they could hear dogs barking from the
7 currently existing facility, located several blocks away. The applicants have
8 adequately addressed this issue by noting that the current facility is not sound
9 proofed and is composed of tin walls. The applicants have hired an architect with
10 experience in soundproofing to soundproof the building as much as reasonably
11 possible. The architect provided some testimony during the hearing on the details
12 of the soundproofing design and this meets the evidentiary burden that more
13 likely than not the building has been designed to reduce noise impacts to a minor
level. The conditions of approval will require the applicant to establish to the
satisfaction of the County's building official that all reasonable measures have
been taken in building design to reduce noise impacts to minor levels. Dogs will
be allowed outside the principal building during daylight hours. The number of
dogs at the facility is limited to 12 as proposed and approved by this permit and
there will be staff on-site to control noise. The conditions of approval will require
the applicant to provide a complaint phone number to the owners of adjoining
properties.

14 B. Dog Waste Disposal. The applicants testified that they will bag and
15 dispose of dog waste at the County landfill. This should be sufficient to address
16 dog waste issues. However, in order to maintain an enforceable permitting
17 standard, the conditions of approval will require the applicants to prepare a waste
removal plan subject to the approval of staff so that the County may employ code
enforcement measures if an effective waste removal plan is not maintained.

18 C. Stormwater/Driveway Access. Concerns were raised about stormwater
19 control and driveway access. The county has extensive regulations governing
20 stormwater controls and requires a separate permit for driveway access to Cattle
21 Drive. There is nothing in the record to suggest that the County's standards on
22 these issues would be inadequate. The conditions of approval will require signage
that clearly delineates the entrance to the facility to avoid persons from
accidentally driving down the adjoining private drive of the Rouleaus.

23 D. Compatibility. As conditioned, the proposal should be fully compatible
24 with adjoining residential and other uses. The proposal will be located in the
25 Rural General Use ("RGU") zone, which anticipates a wide mix of residential
industrial and commercial uses. As noted in the staff report and as testified by
Mr. Querry, the surrounding RGU area is already characterized by this wide mix

1 of uses, including an airport, boat repair, mini storage and a gravel and heavy
2 equipment area along with some single-family residences. Further, the proposed
3 shelter is on a lot that is heavily forested and most of this vegetation will remain
4 untouched. This heavy forest area will provide significant buffering to
5 surrounding uses. Required landscaping will also provide some buffering. For all
6 these reasons, the proposal is compatible with adjoining uses.

7
8 E. Water and Sewer. As conditioned, the proposal will be served by
9 adequate water and sewer. Mr. Query provided sufficient testimony to establish
10 that there will be adequate water to serve the facility. However, he did not
11 provide any documentation to support his assertions. The conditions of approval
12 will require the applicant to establish to the satisfaction of staff that the proposal
13 will be served by adequate water before any construction is commenced. The
14 conditions of approval also require that the proposal will be served by a water and
15 septic system that meets county standards before occupancy.

16
17 F. Traffic. According to the staff report, traffic generation is not expected to
18 be high nor to be hazardous to the neighborhood. Cattle Point Road is already
19 heavily traveled and is used to access the current animal shelter. Extending that
20 same amount of animal shelter traffic another half-mile to the south is not
21 expected to make a significant difference in traffic on the road. It is unclear from
22 the record whether Cattle Point Road is subject to any adopted level of service
23 standard or whether the County Public Works Department has reviewed the
24 proposal for off-site traffic impacts and mitigation. Given the modest size of the
25 proposal it appears unlikely that any off-site mitigation is necessary, but the
conditions of approval will require verification on this issue.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. The hearing examiner is authorized to
conduct hearings and issue final decisions on conditional use permit applications.
San Juan County Code (“SJCC”) 18.80.020 Table 8.1; 18.80.100(C).

Substantive:

2. Zoning Designation. Rural General Use (“RGU”)

3. Permit Review Criteria. SJCC 18.30.040, Table 3.2 requires a conditional
use permit for animal shelters in the RGU zone. The criteria for conditional use
permits are governed by SJCC 18.80.100(D), which are quoted below in italics and
applied via corresponding conclusions of law.

1 **SJCC 18.80.100(D)(1):** *The proposed use will not be contrary to the intent or*
2 *purposes and regulations of this code or the Comprehensive Plan;*

3 4. As outlined at p. 11 of the staff report¹, the proposal is consistent with all
4 applicable requirements of the Uniform Development Code and the goals and policies
5 of the Comprehensive Plan. Due to the modest size of the proposal and its low
6 impacts as determined in Finding of Fact No. 5, the proposal qualifies as a “*small-*
7 *scale, low-impact*” use as contemplated in the comprehensive plan policies for the
8 RGU zone.

9 **SJCC 18.80.100(D)(2):** *The proposal is appropriate in design, character and*
10 *appearance with the goals and policies for the land use designation in which the*
11 *proposed use is located;*

12 5. As determined in Conclusion of Law No. 4, the proposal qualifies as a
13 small-scale, low impact development, which is the underlying basis of all of the
14 applicable goals and policies of the RGU zone.

15 **SJCC 18.80.100(D)(3):** *The proposed use will not cause significant adverse impacts*
16 *on the human or natural environments that cannot be mitigated by conditions of*
17 *approval;*

18 6. As determined in Finding of Fact No. 5, the proposal will not create any
19 significant adverse impacts.

20 **SJCC 18.80.100(D)(4):** *The cumulative impact of additional requests for like actions*
21 *(the total of the conditional uses over time or space) will not produce significant*
22 *adverse effects to the environment that cannot be mitigated by conditions of approval;*

23 7. The staff report concludes that it is unlikely that there would be any other
24 kennels sited in the vicinity. This conclusion is supported by the fact that animal
25 shelters are typically supported by difficult to get donations or public monies such
that animal shelters will only be constructed where they’re absolutely needed. For
this reason, it is concluded that there will not be any proliferation of animal shelters in
the vicinity as well as any corresponding cumulative impacts.

SJCC 18.80.100(D)(5): *The proposal will be served by adequate facilities including*
access, fire protection, water, stormwater control, and sewage disposal facilities;

8. As determined in FOF No. 5 and as conditioned, the proposal will be
served by adequate water, sewer, access and stormwater facilities. The County’s

¹ It should be recognized, however, that the policies quoted in the staff report under (a)(1) at page 11 only applies to the legislative task of assigning the RGU zone to specific parcels of land. The soils at the subject site and the size of the parcel is no longer relevant at this stage of review

1 building code standards, as applied during building permit review, will ensure
2 adequate fire protection.

3 **SJCC 18.80.100(D)(6):** *The location, size, and height of buildings, structures, walls*
4 *and fences, and screening vegetation associated with the proposed use shall not*
5 *unreasonably interfere with allowable development or use of neighboring properties;*

6 9. As proposed and required by County regulations, the building facilities
7 will be located more than 100 feet from the property lines, providing ample
8 separation from neighboring properties in terms of location. As discussed in Finding
9 of Fact No. 5, the proposal will be buffered by a significant amount of trees,
10 vegetation and landscaping. The separation and vegetative screening integrated into
11 the proposal will prevent it from unreasonably interfering with neighboring properties
12 in conformance with SJCC 18.80.100(D)(6).

13 **SJCC 18.80.100(D)(7):** *The pedestrian and vehicular traffic associated with the*
14 *conditional use will not be hazardous to existing and anticipated traffic in the*
15 *neighborhood;*

16 10. No significant pedestrian traffic can reasonably be expected for the
17 proposal given its remote and rural location. As discussed in Finding of Fact No. 5,
18 vehicular traffic is addressed in the conditions of approval.

19 **SJCC 18.80.100(D)(8):** *The proposal complies with the performance standards set*
20 *forth in Chapter 18.40 SJCC;*

21 11. The proposal is consistent with Chapter 18.40 SJCC performance
22 standards as outlined in the staff report.

23 **SJCC 18.80.100(D)(9):** *The proposal does not include any use or activity that would*
24 *result in the siting of an incompatible use adjacent to an airport or airfield (RCW*
25 *36.70.547); and*

12. The proposal is not adjacent to any airfield or airport and there is nothing
in the record to suggest that the proposal would be incompatible with the nearby
Friday Harbor Airport.

SJCC 18.80.100(D)(10): *The proposal conforms to the development standards in*
Chapter 18.60 SJCC.

13. The proposal is consistent with Chapter 18.60 SJCC performance
standards as outlined in the staff report.

DECISION

1
2 The application is approved as conditioned below. As conditioned below, the
3 proposal is consistent with all the criteria for a conditional use permit as outlined in
4 the conclusions of law above:

- 5 1. The applicant shall provide a list of the quantities and types of chemicals that will
6 be used, proposed spill containment plans, and a plan for disposal of waste
7 materials, submitted prior to application for building permits.
- 8 2. Dogs are allowed outdoors between 8 am and 4 pm daily. During those times
9 staff shall be directly supervising and correcting behaviors to minimize and
10 eliminate dog noise. Outside those hours, animals shall be confined inside a
11 soundproof building.
- 12 3. The maximum number of dogs that may be kept at the facility at any point in time
13 is 12.
- 14 4. Prior to construction, the applicants shall demonstrate to the satisfaction of the
15 County's building official that they have used all reasonable design and materials
16 necessary to soundproof the proposed buildings to levels that will not adversely
17 affect neighboring properties.
- 18 5. Prior to construction, the applicants shall demonstrate to the satisfaction of the
19 County public works department that the proposal will not lower adopted County
20 level of service standards below adopted level of service standards.
- 21 6. A single sign for the proposal may be up to 6 square feet in size and not
22 illuminated from within. The sign shall be marked and located in a manner that
23 ensures that the driveway for the proposal will not be confused with that of the
24 driveway for the Rouleau property. In lieu of using the authorized signage for the
25 proposal, the applicants may use other measures to clearly delineate their
driveway as authorized by County staff and consistent with County code.
7. The minimum parking space and aisle dimensions for the most common parking
angles are shown in Table 6.5. For parking angles other than those shown on the
chart, the minimum parking space and aisle dimensions shall be approved by the
County engineer.
8. Landscaping:
 - a. The proposed landscaping plan is consistent with the requirements and shall
be installed prior to final occupancy unless performance bonds are
established.

1 b. The parking landscaping as shown on the landscaping plan is consistent with
2 the requirements and shall be installed prior to final occupancy unless
performance bonds are established.

3 9. The required landscaping shall be installed no later than three months after
4 issuance of a certificate of occupancy for the project or project phase. However,
5 the time limit for compliance may be extended to allow installation of such
6 required landscaping during the next appropriate planting season. A financial
guarantee shall be required prior to issuance of the certificate of occupancy, if
landscaping is not installed and inspected prior to occupancy.

7 10. Performance bonds or other appropriate security shall be required for a period of
8 no less than six months after the planting or transplanting of vegetation to insure
9 proper installation, establishment, and maintenance. This time period may be
extended (request submitted prior to occupancy) to one year by the administrator,
if necessary to cover a planting and growing season.

10 11. Exterior lighting shall be energy-efficient and shielded or recessed so that direct
11 glare and reflections are contained within the boundaries of the parcel. Exterior
12 lighting shall be directed downward and away from adjoining properties and
13 public rights-of way. No lighting shall blink, flash, or be of unusually high
14 intensity or brightness. All lighting fixtures shall be appropriate in scale, intensity,
15 and height to the use they are serving. Any lighting installed in parking areas shall
be of direct cutoff design so that the source is not visible from adjacent property.
Decorative lighting shall be limited to incandescent lamps with a maximum of 25
watts per bulb and 500 watts overall.

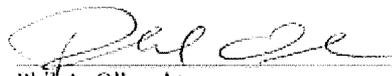
16 12. The residential sewage disposal system must meet capacity standards. The new
17 sewage disposal system and the water system must meet design and construction
standards, prior to final occupancy of any buildings.

18 13. Access to the site is allowed only from Cattle Point Road.

19 14. The applicant shall mail an information sheet to all properties within 300 feet
20 providing for a 24 hour phone number to use for noise complaints.

21 15. If not already addressed by County health standards, the applicant shall prepare a
22 dog waste removal plan subject to approval by staff prior to the issuance of any
23 certificate of occupancy. Failure to comply with the waste removal plan shall be
24 considered a violation of the conditions of approval of this decision.

25 Dated this 27th day of February, 2014.



Phil A. Olbrechts

County of San Juan 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 requirement 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.