

**SAN JUAN COUNTY
HEARING EXAMINER**

ADMINISTRATIVE APPEAL

Appellant: Orca Dreams, LLC
P.O. Box 928
Friday Harbor, WA 98245

~~Applicant:~~ Agent:
Stephanie Johnson O'Day
PO Box 2112
Friday Harbor, WA 98245

Request: 10/10/14 Appeal of County letter regarding tree removal
plan

Parcel No: 353344008 and 35334005

Location: 1601A False Bay Road, San Juan Island

Hearing: None.

Decision: Appeal dismissed.

S.J.C. COMMUNITY

DEC 16 2014

DEVELOPMENT & PLANNING

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

3 Phil Olbrechts, Hearing Examiner

4 RE: Orca Dreams, LLC	DECISION	UPON
5 Appellant	RECONSIDERATION	
6 vs.		
7 San Juan County Department		S.J.C. COMMUNITY
8 of Community Development,		DEC 16 2014
9 Respondent.		DEVELOPMENT & PLANNING

10
11 Orca Dreams, LLC, Appellant, has requested reconsideration of the Final Decision
12 issued for the above-captioned matter dated August 27, 2014. The reconsideration
13 request is denied.

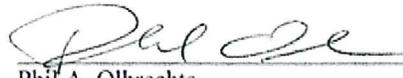
14 The Final Decision at issued denied an appeal of a September 19, 2014 letter from
15 Sam Gibboney to the appellants regarding a proposed tree removal plan. Orcas
16 Dreams, LLC requested reconsideration by motion dated December 3, 2014. The
17 examiner sent an email requesting clarification of the reconsideration motion on
18 December 7, 2014. The applicant responded by email dated December 8, 2014 and
19 the County by email dated December 8, 2014.

20 The basis of the Appellant's reconsideration request was that the Final Decision
21 didn't address an appeal issue concerning an alleged County interpretation of its
22 shoreline and critical area exemptions. The reconsideration request then limited its
23 argument to asserting that its proposal is exempt from shoreline and critical area
24 regulations. This argument fails to address the basis of the Final Decision, which is
25 that any interpretation included in the September 19, 2014 letter is not subject to
26 appeal. In the Final Decision, it was noted that "[t]he only other way the September
27 19, 2014 letter could be subject to appeal is if it qualifies as an administrative
28 interpretation. It does not..."

29 In their reconsideration request, the Appellants fail to argue that the County's alleged
30 exemption interpretation is a formal interpretation subject to administrative appeal.
31 The validity of the County's alleged interpretation is irrelevant for purposes of the
32 Final Decision. The issue at hand is whether the County's interpretation of critical
33 area and shoreline exemptions in the September 19, 2014 letter qualifies as a formal
34 interpretation subject to administrative appeal. The Appellant's reconsideration

1 request offers no argument on this issue and there is no reason to reverse the Final
2 Decision in this matter.

3 Dated this 12th day of December 2014.

4 
5 Phil A. Olbrechts

6 County of San Juan Hearing Examiner

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

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

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

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

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