

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND FINAL DECISION

Applicant(s):	J. Starr Farish P.O. Box 370 Eastsound, WA 98245	
Agent:	Jeff Otis 393 Bobbyann Road Eastsound, WA 98245	S.J.C. COMMUNITY
File No.:	PEXTHX-13-0001	JAN 08 2014
Parcel Nos:	271451012	DEVELOPMENT & PLANNING
Location:	118 Main Street East Sound, Orcas Island	
Summary of Proposal:	Application to extend expiration of shoreline substantial development permit one year to October 6, 2015.	
Land Use Designation:	Eastsound Village Commercial	
Public Hearing:	December 11, 2013	
Application Policies and Regulations:	SJCC 18.80.110(G)(8)	
Decision:	Approved.	

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

3 Phil Olbrechts, Hearing Examiner

4 RE: Farish Conference Center 5 Shoreline Expiration Extension 6 7 (PEXTHX-13-001)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION
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S.J.C. COMMUNITY

JAN 08 2014

8 **INTRODUCTION**

DEVELOPMENT & PLANNING

9 The applicant has submitted an application to extend the October 6, 2014 expiration
10 date for a shoreline substantial development permit that was approved for the
11 construction of a conference center. The one year extension is approved.

12 **TESTIMONY**

13 Julie Thompson stated that, according to the conditional use permit, construction
14 begins once the final permit is issued. The applicant obtained a building permit, but
15 still requires an archaeological permit.

16 **EXHIBITS**

- 16 Ex. 1 12/11/13 staff report
17 Ex. 2 10/17/13 letter from Jeff Otis
18 Ex. 3 HE35-09 Examiner Decision

19 **FINDINGS OF FACT**

20 **Procedural:**

- 21 1. Applicant. J. Starr Farish
22 2. Hearing. The Hearing Examiner conducted a hearing on the subject
23 application on December 11, 2013 at 10:00 am at the San Juan County Council
24 meeting chambers.

25 **Substantive:**

1 3. Site and Proposal Description. The applicant has submitted an application
2 to extend the October 6, 2014 expiration date for a shoreline substantial development
3 permit that was approved for the construction of a conference center.

4 The applicant received approval of a shoreline substantial development for the
5 conference center by hearing examiner decision dated October 6, 2009. See Ex. 3.
6 The applicant submitted a building permit application in August, 2012. In December
7 of that year, the county requested additional archaeological information and a FEMA
8 flood certificate. The archaeological investigation turned up the need for an
9 excavation permit from the State to further investigate the archaeological resources.
10 The report was recently completed. The applicant is hopeful that the archaeological
11 issues can be resolved soon and that construction can begin by mid-2014. Since the
12 permit expires on October 6, 2014, a one-year time extension may be needed to
13 complete construction.

14 4. Characteristics of the Area. The surrounding area is nonresidential, with a
15 hotel/motel to the north, East Sound to the south, a county park to the east and office
16 use to the west.

17 5. Adverse Impacts of Proposed Use. There are no adverse impacts
18 discernable from the administrative record. The project was fully mitigated in the
19 2009 decision and there is nothing to suggest that there will be any impacts associated
20 with a one year expiration extension.

21 CONCLUSIONS OF LAW

22 Procedural:

23 1. Authority of Hearing Examiner. SJCC 18.80.110(G) authorizes the
24 examiner to approve one year extensions to the expiration period of shoreline
25 permits..

Substantive:

2. Zoning Designation. Eastsound Village Commercial.

3. Review Criteria. SJCC 18.80.110(G)(8) authorizes an extension of the
five year expiration period for shoreline permits upon a showing of good cause for
extension requests filed before expiration. The delays encountered by the applicant
due to archaeological issues as outlined in Finding of Fact No. 3 constitute sufficient
good cause to merit a one year extension.

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DECISION

The requested one year extension of the expiration date for the shoreline permit approved in HE35-09 (09SJ008) is approved. The expiration date for the shoreline permit is extended from October 6, 2014 to October 6, 2015.

Dated this 30th day of December, 2013.



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.

RIGHT OF RECONSIDERATION

Parties to this hearing have a right to request reconsideration as outlined in SJCC 2.22.210(O).