

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: Richard and Kathleen Petrait
223 Tenth Ave S.,
Kirkland, WA 98033

Agent: Pauli Gavora
PO Box 2838
Friday Harbor, WA 98250

File No: HE07-09 (09SJ001)

Request: Shoreline Substantial Development Permit (SSDP)

Location: Lot 50, Friday Island Estates First Addition
Brown Island

Parcel Nos: 351251050

Summary of Proposal: A request to expand and reorient an existing single family dock.

Shoreline Designation: Rural Residential

Public Hearing: After reviewing the report of the Community Development and Planning Department a public hearing was held on March 18, 2009.

Applicable Policies and Regulations: RCW 90.58 Shoreline Management Act (SMA)
SJCC 18.50 Shoreline Master Program (SMP)

Decision: Approval with conditions.

**S.J.C. COMMUNITY
MAR 24 2009
DEVELOPMENT & PLANNING**

Findings of Fact

1. The applicants have an existing single-family dock that was built prior to the adoption of the SMA. Mr. and Mrs. Petrait wish to add a 3-foot x 26-foot ramp toward the landward end and reorient the entire dock approximately eight degrees to the south to provide eelgrass separation.
2. There is no evidence of a previous SSDP. There is a 1999 exemption issued for maintenance and repair.
3. The revised dock will be approximately 700 square feet and will extend less than 115 feet from the Ordinary High Water Mark.
4. There is no evidence of impacts to littoral drift. Water quality is not an issue as the harbor is well flushed at the proposed dock site. A marine habitat survey shown on the site plan indicates that eelgrass is present near the end of the dock but not underneath the dock. There is no evidence of anticipated interference with navigation. The dock will be similar in size and configurations to other existing docks in the vicinity.
5. The SMP requirement of use of anchored cables rather than pilings are appropriate for this proposal.
6. A Determination of Non-Significance was issued on January 29, 2009. No comments were received.
7. The notice of hearing was published January 29, 2009. Mailing occurred February 9, 2009. Posting occurred February 6, 2009.
8. The staff report is incorporated herein by reference as though fully set forth. The analysis and factual statements contained in the staff report are adopted as a finding herein.
9. Any conclusion herein which may be deemed a finding is hereby adopted as such.

Conclusions of Law

1. The Hearing Examiner has jurisdiction over the persons and subject matter of this proceeding.
2. Proper notice was given in compliance with local and state requirements.
3. The proposal has complied with the requirements of the State Environmental Policy Act.

4. Properly conditioned the project complies with the policies and regulations of the SMA and SMP and other county requirements.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

Conditions

1. This permit allows the construction of the proposed single user dock as shown in the application materials.
2. All debris entering the water or shoreline area shall be removed immediately and disposed of in a legal manner.
3. The float shall be secured with anchored cables.
4. Development authorized by this permit shall commence within two years of the date of approval and shall be substantially complete within five years or the permit shall become null and void.
5. Failure to comply with any terms or conditions of this permit may result in its revocation.

Decision

The shoreline substantial development application is approved subject to the conditions set forth above.

DONE this 24th day of March, 2009.


Wm. H. NIELSEN, Hearing Examiner

Shoreline Appeal

Any appeal of the shoreline substantial development permit shall be made to the Washington State Shoreline Hearings Board pursuant to RCW 90.58.180 and the rules adopted by said hearings board.