

Lynette

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: Richard Strachan
PO Box 969
Lopez, WA 98261

Agent: William Tripp Architect
222 NW 11th Avenue
Portland, OR 97209

File No: HE23-09 (09CU008)

Request: Conditional Use Permit (CUP)

Parcel No: 251312002

Location: 2397 Port Stanley Road
Lopez Island

Summary of Proposal: A request for a CUP to install a residential wind turbine system.

Land Use Designation: Agricultural Resource

Public Hearing: After reviewing the report of the Community Development and Planning Department a public hearing was held on June 3, 2009.

Applicable Policies and Regulations: Comprehensive Plan 2.2(C)
SJCC 18.80.100(D) CUP Criteria

Decision: The application is approved.

[S.J.C. COMMUNITY

JUN 17 2009

DEVELOPMENT & PLANNING

Findings of Fact

1. Richard Strachan proposes to install a ten kilowatt wind turbine on a 120 foot galvanized tapered steel monopole. The pole will be located in the middle of a 40-acre field.
2. The turbine uses a three-blade propeller that is approximately 24 feet in diameter. The foundation for the tower is approximately 20 feet x 20 feet and is buried about eight feet deep. The tower itself has a footprint less than 25 square feet and is flush with the surface of the field.
3. The two adjacent parcels owned by Mr. Strachan are relatively level. An existing house will eventually be demolished after the installation of the wind turbine. A new house will be built at a different location. The majority of both parcels are used for agricultural purposes, mostly the growing of hay. The surrounding neighborhood is rural and residential.
4. The turbine is to be tied into the OPALCO grid with excess power flowing back to OPALCO. The Director determined that because of this the project was a "commercial power-generation facility" and thus a CUP was necessary. That determination was not challenged.
5. Installation of this wind turbine is supportive of Comprehensive Plan policies for the use of alternative energy resources compatible with the natural environment.
6. After the installation of the monopole, there will be no interference with the continued agricultural uses of the property. Access to the monopole is provided by an existing driveway. No water or sewage facilities are provided. There will be no additional pedestrian or vehicular traffic.
7. Notice of application and hearing was published May 6, 2009 and the site was posted and mailing occurred on May 5, 2009.
8. A public hearing was held at the Community Center on Lopez Island on June 3, 2009. A large number of supportive letters were submitted as Ex. 1 and admitted into the record.
9. 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.
10. Any conclusion herein which may be deemed a finding is hereby adopted as such.

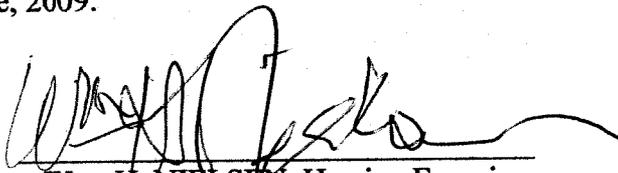
Conclusions of Law

1. The Hearing Examiner has jurisdiction over the persons and subject matter of this proceeding.
2. The project is exempt from SEPA compliance under WAC 197-11-800(23)(c).
3. Proper notice was given in compliance with local and state requirements.
4. The proposal complies with the policies and requirements of the Comprehensive Plan and SJCC.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

Decision

The conditional use permit for this project is approved as proposed.

DONE this 17th day of June, 2009.



Wm. H. NIELSEN, Hearing Examiner

Appeal

Any appeal of this decision shall be to Superior Court pursuant to the Land Use Petition Act, Chapter 36.70 RCW, within 21 days of the issuance of the decision. See Home Rule Charter, Section 3.70.