

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: J. Starr Farish
PO Box 370
Eastsound, WA 98245

Agent: Otis Land Use Consulting
Jeff Otis
393 Bobbyann Avenue
Eastsound, WA 98245

File No: HE35-09 (09SJ008)

Request: Shoreline Substantial Development Permit (SSDP) and
upland Conditional Use Permit (CUP)

Location: 118 Main Street
Eastsound, Orcas Island

Property No: 271451012

Summary of Proposal: The applicant requests these permits for a proposed
conference center in the Eastsound Village Commerical
district.

Land Use Designation: Eastsound Village Commercial

Public Hearing: After reviewing the report of the Community
Development and Planning Department (CDPD) a public
hearing was held on September 16, 2009.

**Applicable Policies
and Regulations:** RCW 90.58 Shoreline Management Act (SMA)
SJCC 18.50 Shoreline Master Program (SMP)
SJCC 16.55 Eastsound Subarea Plan (ESP)
Eastsound Water Access Plan (EWAP)
SJCC 18.80.110(H) SSDP Criteria
SJCC 18.80.100(D) CUP Criteria

Decision: The application is approved with conditions.

S.J.C. COMMUNITY
OCT 06 2009
DEVELOPMENT & PLANNING

Findings of Fact

1. The applicant proposes to remove an existing residential structure and replace it with an events/conference center.
2. The parcel is located on Main Street along the waterfront in Eastsound. The surrounding area is commercial in nature with the Outlook Inn (owned by applicant) located across the street. Other types of businesses are located nearby. The parcel is designated Eastsound Village Commercial and Eastsound Urban Shoreline.
3. The proposed events center would be used primarily by people staying at the Outlook Inn but would be available for other events. The proposed building will be 23 feet tall and approximately 3,500 square feet, with a maximum occupant load of 135.
4. Under the ESP an event/conference center is listed neither as an allowable nor as a prohibited use. Thus a CUP is required.
5. The front of the structure will have a five-foot setback based upon the location of the existing structure. The rear setback is five feet from the OHWM with decks projecting to the bulkhead line. The east setback of the building will be more than the five feet from the property line but will also include a garden area that will be at the five-foot setback line. The west setback is five feet from the property.
6. The total area of the proposed structure including decks is 4,486 square feet.
7. Utilities already exist to the property. No outdoor storage is proposed. No signs are proposed. There is no adjacent residential development, however, trees will be provided along the street frontage and side property lines.
8. Approximately 5,800 square feet (58% of the site) will remain as open grass, yard, decks and/or patios.
9. There are only two on-site parking spaces. The parking is proposed to be at the side of the building. No landscape requirements are triggered. The remaining six parking spaces will be provided by parking credits which are sufficient to comply with SJCC requirements. The credits are currently under review by the San Juan County Prosecuting Attorney.
10. A stormwater plan has been approved by the Public Works Department.
11. Archeological resources exist on the site. A report was prepared which identifies the resources and provides means to protect them.

12. The project complies with the criteria for SSDP approval. The proposal also complies with the criteria for CUP approval.
13. It is possible that increased pedestrian traffic will require additional signage installed at the applicant's expense. The applicant has agreed to work with Public Works to decide if any additional road safety signs are necessary.
14. A Determination of Non-significance was issued for the proposal on August 5, 2009. No comments were received.
15. Notice of the public hearing was published, mailed and posted on August 5, 2009.
16. The staff report of September 4, 2009 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.
17. 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 application has fulfilled the requirements of SEPA.
3. Notice was properly made in accordance with state and local requirements.
4. As conditioned, the application complies with the SMA, SMP, and all SJCC requirements.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

Conditions

1. Construction shall not be commenced until all relevant appeal periods have run.
2. Compliance with the approved Stormwater Management Plan is required.
3. Compliance with all recommendations in the archaeological report is required.
4. The applicant shall meet with a representative of Public Works to determine if any additional signage is needed due to increased pedestrian traffic.

5. Development under this permit shall commence within two years of the date of permit approval and shall be substantially complete within five years thereof or the permit shall become null and void.
6. Failure to comply with any terms or conditions of this permit may result in its revocation.

Decision

The SSDP and CUP are approved subject to the conditions set forth above.

DATED this 6th day of October, 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.