

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants:	Neck Point Cove, Inc. PO Box 463 Shaw Island, WA 98286	S.J.C. COMMUNITY
Agent:	Pauli Gavora Gavora Inc. PO Box 2838 Friday Harbor, WA 98250	DEC 14 2009 DEVELOPMENT & PLANNING
File No:	HE39 -09 (09SJ010)	
Request:	Shoreline Substantial Development Permit (SSDP)	
Location:	117 Harbor Way in Neck Point Cove Shaw Island	
Parcel No:	263050050	
Summary of Proposal:	Neck Point Cove, Inc. requests a SSDP for a desalination facility to supply water to the subdivision.	
Shoreline Designation:	Rural Farm Forest	
Public Hearing:	After reviewing the report of the Community Development and Planning Department a public hearing was held on December 2, 2009.	
Applicable Policies and Regulations:	RCW 90.58 Shoreline Management Act (SMA) SJCC 18.50 Shoreline Master Program (SMP)	
Decision:	The application is approved with conditions.	

Findings of Fact

1. The applicant is the Neck Point Cove Inc. subdivision association. The subdivision is located on Shaw Island.
2. The purpose of the proposal is to augment the water supply of the existing subdivision. The community well is unable to supply water throughout the year. The community has been barging water for a number of years.
3. The intake and discharge line will be located under the community dock. Water will be pumped through an existing conduit buried in the road up to a reverse osmosis (RO) system. The system will be located in an existing building next to the community swimming pool. The processed water will be pumped from the RO system to an adjacent storage tank. The discharge water will be returned to the end of the dock and 10 feet of perforated pipe will be used at the end of the discharge line to minimize the impacts of brine discharge.
4. The Coastal Zone Atlas shows the shoreline area is stable. Minimum visual impacts will be created because all lines are underground. The RO system will not be visible to passersby. No part of the proposal will impede public access to the shoreline.
5. No digging along the beach will occur.
6. The proposal is consistent with the policies and general regulations contained in the SMP.
7. A Determination of Non-significance was issued October 21, 2009.
8. Notice of hearing was published October 21, 2009. Mailing occurred October 29, 2009 and the site was posted October 28, 2009.
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. 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. The project is consistent with the requirements of the SMP.
5. Approval by the State Department of Health for the system will be needed prior to construction.
6. Any finding herein which may be deemed a conclusion is hereby adopted as such.

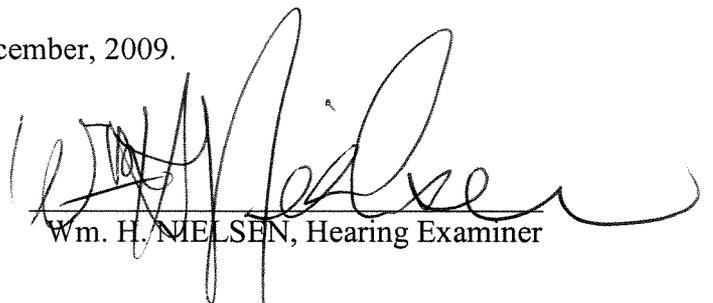
Conditions

1. The project shall be constructed as proposed in the drawings and other materials submitted with the application, except as the same may be modified by these conditions.
2. The applicants shall obtain all other required permits and abide by the conditions thereof.
3. Construction shall not commence until all relevant appeal periods have run.
4. Development under this permit shall commence within two years of the date of permit approval and shall be substantially complete within five years.
5. Failure to comply with any terms or conditions of this permit may result in its revocation.

Decision

The SSDP is approved.

DONE this 14th day of December, 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.