

**SAN JUAN COUNTY  
HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicants:** Jay Lien/Mike Fortun  
% 685 Spring Street  
Friday Harbor, WA 98250

**Agent:** Bob Querry  
PO Box 2573  
Friday Harbor, WA 98250

**File No:** HE36-09 (09SJ007)

**Request:** Shoreline Substantial Development Permit (SSDP)

**Location:** Sunset Point Addition Lots 6, 9 and 10  
154 Sunset Point Drive  
San Juan Island

**Parcel Nos:** 420251009, 420251010, 450251006

**Summary of Proposal:** A SSDP is requested to install a desalination facility to serve two single family residences.

**Shoreline Designation:** Rural Residential

**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:** SJCC 18.50 Shoreline Master Program (SMP)

**Decision:** The application is approved.

S.J.C. COMMUNITY  
DEC 14 2009  
DEVELOPMENT & PLANNING

## **Findings of Fact**

1. This is a SSDP request by two property owners to install a desalination facility. The intake and discharge lines will run down the back of the Lien property and into the water. Treatment and underground storage tanks will be placed in a building located on the Fortun property.
2. The neighborhood is rural and residential in nature with mostly small older subdivision lots on a high bank shoreline.
3. The proposed lines will run from the treatment building down the bank to the beach, along the Lien beach, then turn to the northerly boundary intake/outlet pipe located near the - 4 foot contour.
4. The Coastal Zone Atlas show the shoreline area as stable.
5. All lines will be buried. The treatment building will be of a residential character and will not be visible from a public road.
6. No part of the proposal will impede public access to the tidelands. All required regulations will be met including a hydraulic project approval to be issued by the Department of Fish and Wildlife.
7. The proposal is consistent with the policies and regulations contained in the SMP.
8. A Determination of Non-Significance was issued August 26, 2009. No comments were received.
9. Notice of public hearing was published April 29, 2009. Mailing and site posting occurred April 28, 2009.
10. 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.
11. Any conclusion herein which may be deemed a finding is hereby adopted as such.

## **Conclusions of Law**

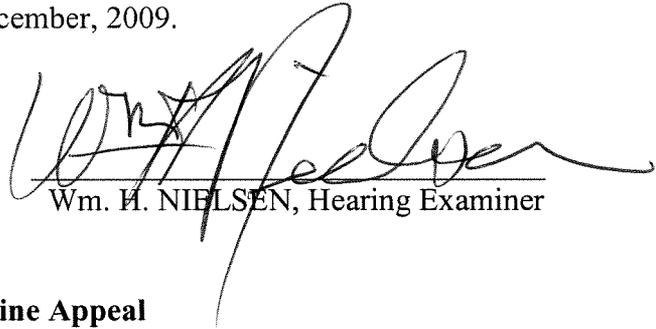
1. The Hearing Examiner has jurisdiction over the persons and subject matter of this proceeding.
2. Proper notice was given in compliance with local and state requirements.

3. The proposal has complied with the requirements of the State Environmental Policy Act.
4. The proposal is consistent with the requirements of the SMA as long as it is built according to the approved site plan and application materials and on the condition that all applicable codes and state and federal requirements will be met.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

### **Decision**

The SSDP is approved.

DONE this 14<sup>th</sup> day of December, 2009.

  
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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.