

**SAN JUAN COUNTY  
HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicants:** San Juan County  
John Mount, Bayview Properties, Craig Martin Nelson,  
and J Starr Farish, TTEE

**Agent:** SJC Public Works  
Nick Tiffany  
PO Box 729  
Friday Harbor, WA 98250

**S.J.C. COMMUNITY**  
**MAR 17 2009**

**File No:** HE01-09 (08SJ016)

**DEVELOPMENT & PLANNING**

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

**Location:** From "A" Street to Main Street  
Orcas Island

**Parcel Nos:** 271413012, 271413011, 271451011, 271451010, and  
271451012

**Summary of Proposal:** A request to improve the stormdrain system from "A"  
Street to Main Street, Eastsound.

**Shoreline Designation:** Eastsound Urban

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

**Applicable Policies  
and Regulations:** RCW 90.58 Shoreline Management Act (SMA)  
SJCC 18.50 Shoreline Master Program (SMP)  
SJCC 18.60. 070 Storm Drainage Standards

**Decision:** Approval with conditions.

## **Findings of Fact**

1. This is a public utility project to include the installation of a sub-surface stormdrain system in Eastsound on Orcas Island.
2. Due to uncertainty in funding, the project is to consist of two phases. A portion of the project appears within 200 feet of the ordinary high water mark. The project is located in the Eastsound Village Commercial land use district. There are several wetlands in the area.
3. Phase one of the project will include a new section of stormdrain from the Mount Property to Main Street and a new outlet and drain from the wetland pond behind the Outlook Inn. Phase one is scheduled to begin in the fall of 2009.
4. Phase two would include a new section of 12-inch stormdrain on the south side of "A" Street, a new 18-inch stormdrain to convey stormwater to the Mount Property and a dispersion pad for discharge of stormwater onto the Mount Property. Phase two is scheduled for 2020 but may be postponed.
5. Generally a new section of stormdrain will be installed to collect and convey stormwater from "A" Street south to the county property formerly known as the Mount Property. The stormdrain would discharge to a dispersion pad and flow spreader located on the Mount Property. Water would then flow to an existing Class III wetland to provide treatment for stormwater runoff.
6. A training berm and drain inlet will be constructed along the south edge of the Mount Property to collect the stormwater and convey it to a new section of stormdrain which is to be constructed from the Mount Property south between the Nelson and Outlook Inn properties. This portion of stormdrain is to be connected to an existing stormdrain located on the north side of Main Street.
7. An additional section of sub-surface stormdrain would be installed from the south end of the southernmost pond north of the Outlook Inn to connect to the new stormdrain from "A" Street to Main Street.
8. There will be approximately 250 linear feet of 48" stormdrain pipe, 470 linear feet of 18" stormdrain pipe and approximately 200 linear feet of 12" stormdrain pipe. The project would also require installation of one 96" man hole, three 72" manholes, two 60" manholes and three 48" manholes for inlet structures and inspection and maintenance. Approximately 1,200 cubic yards of excavation material will be included in a disturbance area of approximately 0.5 acres.
9. The project does not meet the minimums necessary to make it subject to the NPDES General Permit.

10. A Stormwater Site Plan and Construction Stormwater Pollution Prevention Plan have been approved and adherence to those two plans is necessary to comply with county and state requirements.
11. All work will be in existing rights-of-way and will be underground.
12. The existing outfall provides a public access point to the waterfront of Eastsound.
13. The stormwater runoff that will be transported is not considered to be harmful to aquatic life or water quality since it will be treated via infiltration.
14. An identification of the wetland boundary is required by the Washington State Department of Ecology prior to commencing construction.
15. A Determination of Non-Significance was issued on January 7, 2009. No comments were received.
16. The notice of hearing was published January 7, 2009. Mailing occurred January 15, 2009 and posting occurred January 17, 2009.
17. 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.
18. 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. Identification of appropriate wetland boundaries is to be performed and approved by a wetland specialist from the State Department of Ecology before any construction activity.
2. The Stormwater Site Plan and Construction Stormwater Pollution Prevention Plan revised January, 2009 shall be adhered to in all phases of the project.
3. If during excavation and development of the site an area of potential archaeological significance is uncovered, all activity in the immediate vicinity of the find must be halted immediately, and the administrator must be notified at once.
4. Construction shall not be commenced until all relevant appeal periods have run.
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.
6. 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 17<sup>th</sup> day of ~~February~~<sup>MARCH</sup>, 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.