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**SAN JUAN COUNTY  
HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicants:** Lawrence and Mary Hughes  
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Medina, WA 98039

**Agent:** Wendy McHugh  
Layton and Sell  
12515 Willows Rd. NE, Suite 205  
Kirkland, WA 98034-8795

**File No:** HE21-09 (08SJ014)

**Request:** Shoreline Conditional Use Permit (SCUP)

**Location:** Dusty Road, on Jones Bay, east of Richardson  
Lopez Island

**Parcel Nos:** 241411002

**Summary of Proposal:** This is a request for authority to modify a beach with  
"soft" armoring to replace a failed bulkhead and to  
rebuild stairs originally attached to the failed bulkhead.

**Shoreline Designation:** Conservancy

**Public Hearing:** After reviewing the report of the Community  
Development and Planning Department a public hearing  
was held on May 20, 2009.

**Applicable Policies  
and Regulations:** RCW 90.58 Shoreline Management Act (SMA)  
SJCC 18.50 Shoreline Master Program (SMP)  
SJCC18.80.110 Shoreline Conditional Use Permits

**Decision:** Approval with conditions.

S.J.C. COMMUNITY

JUN 09 2009

DEVELOPMENT & PLANNING

## **Findings of Fact**

1. The site of this proposal for a SCUP is a point of land located at the southeast tip of Jones Bay, with shoreline exposure on the north, west and south. There is currently a failing bulkhead and stair system located at this point.
2. The southeast tip of Jones Bay receives wave energy from the outside of the bay and wave reflection on the inside of the bay. The property located inside the bay has a small gravel beach backed up to a clayey bank containing the failing bulkhead.
3. The cause of the erosion is re-directed wave energy that is reflected from the hard north shore of Jones Bay onto this north aspect of the point. The failed bulkhead also caused movement of the stairs.
4. The proposal rejects the concrete bulkhead system and replaces it with a soft armoring plan that will dissipate rather than transfer wave energy. A geotechnical engineer has prepared and reviewed the design for effectiveness.
5. The soft armoring will end up looking like a sloping beach. From the top it is made of rocks reaching from the top of the bank, faced at the bottom end with anchored logs on the seaward side, which are faced sand tapered to existing grade to duplicate an ordinary beach grade.
6. The new stairs will span the armored area leaving from the top of the bank and landing on poured concrete footings above the OHWM. The stairs will be slightly more than 11 feet from top to bottom. The stairs meet the standards of the SMA Section .300.
7. The entire project is located above the OHWM. Forage fish maps show eelgrass offshore the northerly part of the property, north of the current bulkhead site. The modification will dissipate wave energy in the immediate vicinity thus reducing destruction of any nearby habitat substrate. The scouring effect of a vertical concrete bulkhead will be eliminated.
8. The soft armoring is consistent with the SMA and the SMP. The beach is privately owned. The proposal is consistent with other uses in the area since it will build and conserve a beach rather than eroding adjacent properties. Replacing the concrete bulkhead will serve the public interest.
9. A Determination of Non-Significance was issued April 8, 2009. No comments were received.
10. Notice of public hearing was published April 8, 2009, mailed April 10, 2009 and the site was posted April 15, 2009. A hearing was held May 20, 2009. No members of the public appeared.

11. 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.
12. 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 proposal meets the criteria of a SCUP.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

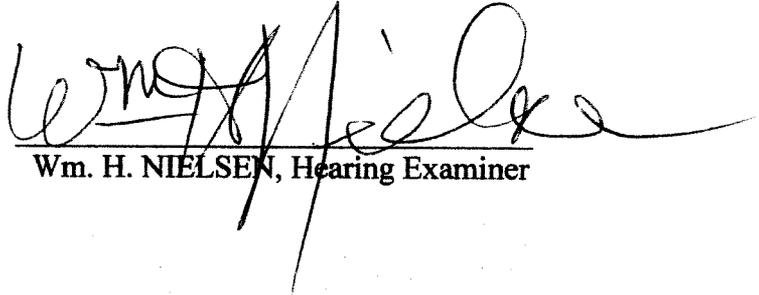
### **Conditions**

1. The SCUP allows construction of shoreline modification consisting of soft armoring and replacement of stairs as shown in the drawings from the application.
2. All debris entering the water or shoreline area shall be removed immediately and disposed of in a proper and legal manner.
3. The upper reaches of the project area will be replanted with native vegetation.
4. Development authorized by this permit shall commence within two years of the date of approval and shall be complete within five years of the date of approval.
5. Failure to comply with any terms or conditions of this permit may result in its revocation

**Decision**

The shoreline conditional use permit is approved subject to the conditions set forth above.

DONE this 9<sup>th</sup> day of June, 2009.



Wm. H. NIELSEN, Hearing Examiner

**Department of Ecology Review**

If approval of a Shoreline Variance or Shoreline Conditional Use becomes final at the County level, the Department of Ecology must approve or disapprove it, pursuant to RCW 90.58.140.

**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.