

Joan

**SAN JUAN COUNTY
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

Applicants: Madrona Coast, LLC
P.O. Box 99707
Seattle, WA 98139-0707

Agent: Michael K. Murray, P.S. S.J.C. COMMUNITY
P.O. Box 10
Eastsound, WA 98245 JUL 16 2008

File No: HE31-08 (08SJ004) DEVELOPMENT & PLANNING

Request: Shoreline Substantial Development Permit (SSDP)

Location: End of Red Cross Quarry Road
Orcas Island

Parcel Nos: 272034002

Summary of Proposal: An SSDP is requested for beach access stairs approximately 80 feet long x 4-5 feet wide x 8 feet high.

Shoreline Designation: Conservancy

Public Hearing: After reviewing the report of the Community Development and Planning Department a public hearing was held on July 2, 2008.

Applicable Policies and Regulations: RCW 90.58 Shoreline Management Act (SMA)
SJCC 18.50 Shoreline Master Program (SMP)
SJCC 18.80.110 SSDP Criteria

Decision: Approval with conditions.

Findings of Fact

1. Madrona Coast, LLC requests an SSDP for beach access stairs 80 feet long by 4-5 feet wide by approximately 8 feet high. The location of the stairs is an undeveloped shoreline lot among several contiguous lots owned by the applicant.
2. The single family residence is located two lots from the proposed stairs. The proposed stairs are too large to be exempt from shoreline requirements.
3. The slope is very steep and potentially unstable. Stairs are certainly a much safer alternative than either a path or a trail. The stairs as proposed would involve less impact during construction than a path.
4. The stairs are to be 80 feet long with the upper six feet approximately five feet wide and the remainder approximately four feet wide. The top of the stairs will be covered by a gate approximately eight feet high. The stairs would end above and inland of the ordinary high water mark.
5. There is no proposal for filling or grading. The stairs will be constructed on concrete pile footings which will involve a minimum disturbance to the site. Any disturbance during construction will be replanted in native vegetation upon completion. It appears the stairs are to be constructed of wood.
6. The County maps indicate the area is located on unstable bluffs. The Department of Ecology Coastal Atlas (ex. #2) indicates the bluff above the shoreline is stable.
7. A July 2005 geotechnical report from the Stratum Group (ex. #1) indicates the bluff and bank from the property to the shoreline is stable and poses no threat to the shoreline from stair construction or use impacts.
8. The proposed design in the application is not a required final drawing. Prior to construction it will be necessary to submit a final design drawing for approval by the Community Development and Planning Department (CDPD). While the proposed stairs are not on the same lot as the residence the beach is small and located only at the bottom of the lot containing the proposed stairs. There is no other access. There is no public access to the beach. The tidelands are privately held.
9. As submitted in the proposal the visual impacts appear to be minimal. Vegetation removal for the stairs is not discussed in the application. It must be addressed thoroughly in the final design application submitted to CDPD.
10. A Determination of Non-Significance was issued May 30, 2008. No comments were received.

11. Notice of hearing was published June 4, 2008 and mailed and posted the same day. No one appeared at the public hearing.
12. The public hearing was held July 2, 2008. The record was closed July 7, 2008.
13. 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.
14. 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. As conditioned, the proposal meets the policies and requirements of the SMA, SMP and SJCC 18.80.110.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

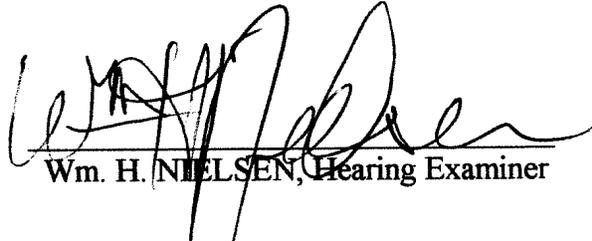
Conditions

1. A final construction drawing shall be submitted to and approved by CDPD prior to start of construction. Any other required permits must also be received prior to construction.
2. Any disturbed areas must be immediately replanted with native plants to stabilize the soil.
3. Existing vegetation and terrain features must be used whenever possible for screening.
4. The foot of the beach access structure shall be placed above and inland of the ordinary high water mark.

Decision

The shoreline substantial development permit is approved subject to the conditions set forth above.

DONE this 16th day of July, 2008.



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.