

IN THE SUPREME COURT OF THE
STATE OF WASHINGTON

NO. 94463-6

COMMUNITY TREASURES d/b/a CONSIGNMENT TREASURES, a
Washington not for profit corporation, JOHN EVANS and BONITA
BLAISDELL, on behalf of themselves and all others similarly situated,

Appellants,

v.

SAN JUAN COUNTY, a political subdivision of the State of Washington,

Respondent.

SUPPLEMENTAL BRIEF OF RESPONDENT SAN JUAN COUNTY

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I. INTRODUCTION

To get a land use permit in San Juan County, an applicant must pay a permit fee. The amount of the fee varies by the project's size, complexity and cost, but in all cases, a necessary condition of obtaining a permit is paying "the applicable fee". San Juan County Code (SJCC) 18.80.020(C)(4) (Attached as Appendix C)

Appellants Community Treasures and John Evans allege that the County's permit fees are excessive, but did not raise this complaint when they processed their applications. Instead, they filed this lawsuit more than two years later. Both the San Juan County Superior Court and the Court of Appeals dismissed their claims as untimely. "Because the fee is a mandatory requirement for a completed project permit application, LUPA applies to a challenge to the building permit application fees." *Community Treasures v. San Juan County*, No. 74738-0-I, slip op. at 5 (April 3, 2017) (Appendix A to Petition for Review).

Under LUPA, Appellants must exhaust their administrative remedies and file an appeal within 21 days of the County's final decision. They did not, and their claims are therefore barred.

Respondent San Juan County asks this Court to uphold dismissal for two reasons. First, paying the permit fee is inextricably

linked with issuing the permit. Because payment is a required condition of any development, LUPA governs complaints about the fees. Second, Appellants' claims for refunds are a direct challenge to the County's permit process and not a separate, independent claim for damages. LUPA's exception for damage claims therefore does not apply. RCW 36.70C.030(1)(c).

Because the trial court and Court of Appeals properly dismissed this case, Respondent San Juan County respectfully requests this Court affirm the trial court and Court of Appeals and dismiss this appeal.

II. ISSUES PRESENTED

Community Treasures and Mr. Evans' appeal presents two issues:

A. "[A] condition on the issuance of a building permit is a land use decision and is not reviewable unless a party timely challenges that decision within 21 days of its issuance." *James v. County of Kitsap*, 154 Wn.2d 574, 586, 115 P.3d 286 (2005). The San Juan County Code requires payment of "the applicable fee" as a condition for issuing a building permit. SJCC 18.80.020(C)(4). Does LUPA govern Appellants' challenge to the amount the County charges for a building permit?

B. LUPA's exemption for damage claims does not apply if "the plaintiffs needed to show the illegality of part of the permit to succeed on their claims." *Lahey v. Puget Sound Energy, Inc.*, 176 Wn.2d 909, 927 n.11, 296 P.3d 860 (2013). Here, to qualify for a refund, Community Treasures and Mr. Evans must prove that the County's permit application fee is an unlawful tax rather than a reasonable cost. Does Appellants' claim that the County's fee was excessive necessarily challenge the legality of that part of the County's permit?

III. FACTUAL BACKGROUND

The Court of Appeals' opinion outlines the relevant facts on appeal. *Community Treasures*, slip op. at 1-3 (Appendix A to Petition for Review). In 2012 and 2013, Appellants submitted four separate permit applications and paid the applicable fees, without objection, to the San Juan County Department of Community Development. The County Code lists 19 items that a party must submit to complete an application on a "project permit."¹ The fourth item is paying "[t]he applicable fee." SJCC 18.80.020(C)(4). Appellants admit that this fee is paid before approval occurs. (CP 9)

¹ Each of the approvals at issue falls within the broad state definition of "project permit" in RCW 36.70B.020, which includes decisions on building permits.

On April 12, 2012, Appellant John Evans submitted an exemption application to build a 20-by-50 foot “agricultural equipment and hay storage building” on his property on Orcas Island. The review fee was \$105, plus a state surcharge of \$4.50 for a total of \$109.50, which Mr. Evans paid without objection when the County approved the exemption on April 25, 2012.

The F. & P. Penwell Trust owns a six-acre parcel on San Juan Island. Frank and Patricia Penwell are the trustees. Mr. Penwell is also the president of a nonprofit corporation, Community Treasures. The Trust leases the six-acre parcel to Community Treasures. On September 12, 2013, Mr. Penwell submitted three permit applications on behalf of the Trust. Two sought to change the use of existing buildings “to retail.” He paid a flat service fee of \$109.50 for each of the change of use applications and that same day, November 22, 2013, San Juan County approved the change of use.

Mr. Penwell also submitted one application for a building permit to construct “shed roof additions” to an existing building. He paid \$753.60 as part of the application. On February 26, 2014, San Juan County issued the permit. Neither Mr. Evans nor Community

Treasures appealed any part of these approvals to the hearing examiner.²

On March 18, 2015, Community Treasures and Mr. Evans filed this lawsuit, requesting a partial refund of the fees paid for their permits and seeking certification as a class action lawsuit for everyone who paid San Juan County for the consideration of land use and building permits or modifications or renewals. (CP 2, line 2) The First Amended Complaint alleged the “fees paid were in excess of those allowed by RCW 82.02.020.” (CP 2, lines 6-7) Plaintiffs requested a declaratory judgment, payment to the putative class reaching back three years for any amount found to be an overcharge, and attorney fees. (CP 16)

Defendant San Juan County filed a motion for judgment on the pleadings. (CP 49). The County asserted the Land Use Petition Act (LUPA), Chapter 36.70C RCW, was the exclusive means of judicial review for the fee paid because each fee was inextricably tied to and paid as a condition of approval of a “land use decision.” (CP 56, line 9)

² No appellant paid a fee of \$2,700 for a conditional use permit application, as stated in the Petition for Review at page 2. The trial court held that fee was paid by another entity, and Community Treasures did not have standing to sue for reimbursement for funds it did not pay. (CP 222, lines 1-3). That decision was not appealed.

The trial court agreed, ruling that LUPA “applies to the claims for refund of application fees allegedly paid by Applicants as set forth in the First Amended Complaint.” (CP 109) After reviewing the record for each permit, the court in a letter ruling concluded that Plaintiffs did not exhaust administrative remedies or file complaints within 21 days of the land use decision. (CP 213) The court dismissed the complaint, and Plaintiffs appealed. (CP 216)

In an unpublished opinion, the Court of Appeals affirmed dismissal on two grounds. First, the court ruled that the building permit fee is a component of a final land use decision, subject to review under LUPA.

RCW 36.70C.020(2)(a) unambiguously defines a land use decision as a final determination on an application for a project permit. SJCC 18.80.020 governs project permit applications. The plain and unambiguous language of SJC 18.80.020(C)(1) and (4) states a completed application shall include the applicable permit fee.... Because the fee is a mandatory requirement for a completed project permit application, LUPA applies to a challenge to the building permit application fees.

Community Treasures, slip. op. at 4-5 (citations omitted).

Second, the court held that LUPA’s exception for damage claims does not apply.

Here, unlike in *Home Builders[v. Bainbridge]*, 137 Wn. App. 338, 153 P.3d 231 (2007)], the class action

does not challenge the legislative ordinance establishing building permit fees. The lawsuit challenges the payment of fees that are imposed for a completed project permit application.

Community Treasures, slip. op. at 8.

Community Treasures and Mr. Evans petitioned this Court for review, and on September 5, 2017, the Court granted the petition.

IV. ARGUMENT

A. LUPA GOVERNS CHALLENGES TO THE PERMIT PROCESS, INCLUDING TO THE PERMIT FEES APPELLANTS PAID.

For more than 15 years, this Court has consistently held that “[b]uilding permits are subject to judicial review under LUPA.” *Chelan County. v. Nykreim*, 146 Wn.2d 904, 929, 52 P.3d 1 (2002). The question here is whether challenges to the fees paid for those permits are also subject to judicial review under LUPA. They are for three reasons.

1. “Land Use Decision” Includes All Components Of The Permit Application.

LUPA defines a “land use decision” as the “final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on: (a) An application for a project permit or other governmental approval required by law before real property

may be improved, developed, modified...“ RCW 36.70C.020(2) (emphasis added).

The land use decision “on an application” includes a constellation of smaller decisions that precedes approval or disapproval of the land use request. These decisions are part-and-parcel of the permit decision and inextricably linked to the permit itself. “We find that conditions imposed on the issuance of permits are inextricable from land use decisions and are subject to the procedural requirements of LUPA.” *James v. Kitsap County*, 154 Wn.2d at 590. *James* held that the impact fees imposed under RCW 82.02.020 were conditions “inextricably linked to the land use decision” and therefore subject to LUPA. *Id.* At 586

The Court also held that requiring applicants to appeal permit conditions under LUPA furthers the legislative objective to create “uniform, expedited appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review. RCW 36.70C.010” *Id.* at 590.

Recently, the Court of Appeals, Div. II reviewed *James* and confirmed that “imposing a fee as a condition for property development can constitute a land use decision.” *Cave Properties v. City of Bainbridge Island*, 199 Wn. App. 651, 401 P.3d 327 (2017)

(holding Council's approval of latecomer reimbursement agreement qualifies as a land use decision).

Under its Code, San Juan County will not process a permit application until it includes 19 items, one of which is the "applicable fee." Only after the application is complete, and the fee paid, will the application be reviewed. SJCC 18.80.020 (D)(7). Appellants call this condition a "prerequisite" but that name makes no difference. It is a condition on development as mandatory as an impact fee or a set aside.

Moreover, the application fee is more than a stand-alone prerequisite; it is listed as an item that is part of the application and Appellants acknowledge it must be paid before their application is approved. (CP 40) Thus, the payment of the fee is critical to the application, just like the name of the applicant, description of the real property, detailed environmental reports, or consideration of critical areas. See, SJCC 18.80.020(C)(4).

Appellants attempt to avoid LUPA by skipping over the phrase "on an application" and limit a land use decision to "manag[ing] the impact of development on a community." (Petition for Review at 10) This artificially narrows LUPA's broad scope. Many intermediate administrative decisions go into reviewing an

application for the use of land. In the San Juan County Code, a partial list of such administrative decisions includes “[c]oncurrency findings, determinations of completeness, and other such administrative approvals.” SJCC 18.80.010. These smaller administrative determinations are not challenged in separate lawsuits but rather “as part of the underlying project permit.” *Id.* The same language is found in the provision with respect to appeals and the consolidation of administrative decisions on appeal. SJCC 18.80.140(G)(1). The determination of the permit fee is just such an “administrative approval” and it must be appealed together with the land use decision.

2. Like Impact Fees, The Application Fee Covers Costs Of Development, And Is Not A General Revenue Charge.

This Court in *James v. Kitsap County*, confirmed the broad scope of LUPA’s requirements. “[A]fter the enactment of LUPA, we have not reviewed the validity of conditions imposed on the issuance of a permit separate from the review provided in chapter 36.70C RCW.” *James*, 154 Wn.2d at 585.

Applicants attempt to distinguish *James* by asserting differences between application fees and impact fees. (Petition for Review at 11-14) But impact fees and application fees *both* offset

the cost to government of development. Both are conditions placed on obtaining governmental approval to develop property. Application fees cover the costs of reviewing applications for permits while impact fees cover the costs of providing infrastructure, schools, and roads. *Compare* RCW 82.02.020 (application fees authorized to cover cost of evaluating applications of applications for improvements to land and buildings) and RCW 82.02.050(1)(a) (impact fees ensure that adequate facilities are available to serve new growth and development).

The County charges impact fees and application fees *before* an owner may improve or develop land, and both fees are archetypal conditions of development. Through LUPA, the Legislature established the means for review, accountability and predictability in all land use decisions. LUPA applies to permit and impact fees alike.

3. Case Law Confirms LUPA Applies To All Administrative Decisions Leading To Land Use Approval.

Next, Appellants assert LUPA applies only to decisions that have direct impacts on the use of land. This again artificially narrows LUPA's broad scope. Appellants offer just one case in support, which involved a hearing examiner's interlocutory discovery order. (See Petition for Review at 14, citing, *Pacific Rock*

Environmental Enhancement Group v. Clark County, 92 Wn. App. 777, 964 P.2d 1211 (1998)). The weight of authority confirms, rather than restricts, LUPA's application to all conditions in a land use decision.

In addition to appeals from impact fees and latecomer fees, Washington courts have applied LUPA to review smaller administrative determinations that have little or no impact on how land is developed. *See, e.g., Habitat Watch v. Skagit County*, 155 Wn.2d 397, 120 P. 3d 56 (2005) (LUPA applies to extensions of time for land use permit); *Samuel's Furniture v. Dept. of Ecology*, 147 Wn.2d 440, 54 P.3d 1194 (2002) (LUPA applies to decision about boundary of shoreline jurisdiction made incident to approval of building permit); *Brotherton v. Jefferson County*, 160 Wn. App. 699, 249 P.3d 666 (2011); (LUPA applies to denial of request for waiver from state and local sewage regulations); and *Wellington River Hollow, LLC v. King County*, 121 Wn. App. 224, 54 P.3d 213 (2004) (LUPA applied to calculation of dollar amount of school impact fee).

To challenge any condition on their permits, including the applicable fee, Appellants had to satisfy LUPA's review procedures. Their failure to do so bars this untimely lawsuit.

B. THE LUPA EXCEPTION FOR “DAMAGES OR COMPENSATION” DOES NOT APPLY HERE.

LUPA excludes certain claims in which the relief requested is for money damages or compensation. But, “[t]his is not a strict bar—as this court has recognized, a damage claim may still be controlled by LUPA if it is dependent on an interpretive decision regarding the application of a zoning ordinance.” *Woods View II, LLC v. Kitsap County*, 188 Wn. App. 1, 24–25, 352 P.3d 807 (2015), *review denied*, 184 Wn.2d 1015, 360 P.3d 818 (2015). Although Appellants ask for repayment of alleged overcharges, to succeed, they must undo the County’s permit decision either because the fee was the wrong category or because it was calculated incorrectly. Regardless of the reason, Appellants must invalidate the permits they received. For that reason LUPA applies.

1. LUPA Applies To Every Claim For Damages In Which The Relief Requested *Requires* A Change To A Land Use Decision.

LUPA is the exclusive remedy to challenge land use decisions, and therefore, a party cannot make a collateral attack on the land use decision with a claim for damages. A damage claim proceeds outside LUPA only when there is a basis that is independent, distinct and separate from the land use decision.

In *James v. Kitsap County*, this Court held RCW 82.02.020 did not create a damage claim, independent of LUPA, to challenge conditions on land development. “Consistent with our holdings in *Isla Verde*, *Nykreim*, and *Wenatchee Sportsmen*, we find that the imposition of impact fees as a condition on the issuance of a building permit is a land use decision and is not reviewable unless a party timely challenges that decision within 21 days of its issuance.” *James*, 154 Wn.2d at 586.

The same conclusion is appropriate here because RCW 82.02.020 did not create a self-executing cause of action. The clause has no express mechanism and no basis for starting a lawsuit independent from another statute.

RCW 82.02.020 is considered “supplemental authority” and the court’s jurisdiction will be determined by compliance with the statutory framework provided for challenging the underlying action. *Trimen Development Co. v. King County*, 65 Wn. App. 692, 700, 829 P.2d 226 (1992) *affirmed on other grounds*, 124 Wn.2d 261, 877 P.2d 187 (1994).³ See e.g., *Isla Verde Int’l Holdings, Inc. v. City of Camas*,

³ The reference here is to the court of appeals. The supreme court majority in *Trimen* relied upon *Henderson Homes v. City of Bothel*, 124 Wn.2d 248, 877 P.2d 176 (1994) to conclude that three year statute of limitation applied to “taxes” under

146 Wn.2d 740, 753, 49 P.3d 867 (2002) (LUPA applied to claim that land set aside condition violated RCW 82.02.020); *James v. Kitsap County*, *supra*, (LUPA applied to claims that impact fees violated RCW 82.02.020). Since its adoption, LUPA has been the exclusive means of judicial review for land use decisions. RCW 36.70C.030(1); *Habitat Watch v. Skagit County*, 155 Wn.2d 397, 407, 120 P.3d 56, 61 (2005).

The year after *James* was decided, the United States District Court required a developer to comply with LUPA when challenging a permit condition that the developer pay the City's general facilities charge as a condition of building permit. *Tapps Brewing Co. v. City of Sumner*, 482 F.Supp. 2d 1218, 1232 1233 (2007). The court applied LUPA and rejected the contention that a three-year statute of limitation should have been used.

The court examined the majority and dissenting opinions in *James*:

RCW 36.70C.030(1)(c) expressly exempts claims for "monetary damages or compensation" from the procedures, standards, and deadlines set forth in LUPA. Therefore, Plaintiffs argue, their claim is subject to a three year statute of limitations, which they satisfy. Dkt. 50-1, at 23.

RCW 82.02.020. This ruling in *Henderson Homes* was abrogated by the adoption of LUPA, as recognized in *James v. Kitsap County*, 154 Wn.574, 115 P.3d 286 (2006), thereby strengthening the ruling of the court of appeals in *Trimen*.

The Washington Supreme Court recently addressed this issue, holding that the imposition of impact fees as a condition on the issuance of a building permit is a “land use decision” under LUPA and is not reviewable unless a party timely challenges that decision within twenty-one days of its issuance. *James*, 154 Wn.2d at 586–87, 115 P.3d 286. The dissent argued that a challenge to the government's decision to issue or withhold a permit is distinct from a challenge to the imposition of illegal fees or taxes. *Id.* at 591–94, 115 P.3d 286. However, the majority expressly found that the government's decision to exact a fee as a condition for granting the developer's building permit constituted a land use decision and not a revenue decision. *Id.* at 583–84, 115 P.3d 286.

Accordingly, Plaintiffs claim of a violation of RCW § 82.02.020 is barred under LUPA. ...

Tapps Brewing Co., 482 F.Supp. 2d at 1232-33 (emphasis added).

In *Asche v. Blomquist*, 132 Wn. App. 784, 133 P.3d 475 (2006) *review denied*, 159 Wn.2d 1005, 153 P.3d 195 (2007), LUPA applied to bar a common law public nuisance action based upon a claim that a building permit allowed a building height that was calculated erroneously. Without relying on *James v. Kitsap County*, the Court held: “Their public nuisance claims on this ground are barred by LUPA's 21–day statute of limitations because the Asches would need to have an interpretive decision regarding the application of a zoning ordinance to a specific property declared improper to prevail.” *Id.* at 801.

In *Mercer Island Citizens for Fair Process v. Tent City 4*, 156 Wn. App. 393, 232 P.3d 1163 (2010) a citizens group filed a Section 1983 claim against the City of Mercer Island claiming that a temporary use agreement (TUA) permitting a homeless tent encampment violated 42 USC Section 1983. A timely LUPA petition was not filed, which the court said barred the damages action because “all of the group's claims challenged the validity of the TUA and were therefore subject to LUPA, the group's failure to assert them within LUPA's time limitations requires dismissal of all the claims, including those for damages.” *Id.* at 405.

2. LUPA Exempts Damage Actions Unrelated To The Validity Of The Land Use Decision.

Only when the damage action is distinct and separate from the land use decision, have the court decisions led to a different result. These cases are inapposite. For example, in *Lakey v. Puget Sound Energy, Inc.*, 176 Wn.2d 909, 926, 296 P.3d 860 (2013), the Supreme Court ruled that the appellants were not required to file a LUPA petition to pursue their claims for inverse condemnation against the city. The claim arose from a variance for an electrical substation emitting electromagnetic fields radiation, and the appellants were only seeking money compensation from the utility and city and not a

reversal or modification of the variance. The court distinguished cases that “required a judicial determination that the land use decision was invalid or partially invalid.” *Id.* at 926.

Libera v. City of Port Angeles, 178 Wn. App. 669, 675 n.6, 316 P.3d 1064 (2013) involved a builder who ran into difficulty with a storm drain and resulting delays caused by the city. Libera’s claims were not subject to LUPA because no part of the cause of action required a change or modification to the storm drain conditions of the permit or an administrative interpretation of the land use rules. The court’s decision is not helpful because it fails to note the nuanced approach in the caselaw and simply cites the first sentence of the exemption regarding damages and other compensation.

In *Woods View II, LLC v. Kitsap County*, 188 Wn. App. at 24–25, a tort claim was filed for negligently handling an application and causing delays but there was no challenge to any condition of the permit itself.

Appellants cannot bypass LUPA simply because they requested compensation in their complaint. When the crux of their claim challenges a land use decision – the fee required for their permits – they have a well-defined administrative and statutory process to seek relief. If this Court allows Appellants to circumvent

LUPA, it would undermine decades of caselaw, creating a new, indeterminate exemption for challenging development fees. This Court for good reason has enforced LUPA's uniform process for reviewing all components of a land use decision.

V. CONCLUSION

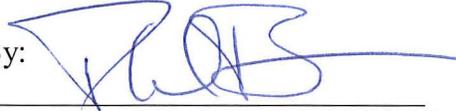
The San Juan County Superior Court, the Court of Appeals, and now this Court appropriately require Appellants Community Treasures and John Evans to comply with the Land Use Petition Act. It should come as no surprise that LUPA governs their challenge to the reasonableness of San Juan County's permit fees.

Appellants did not raise their complaints before the County in administrative review, depriving the County of any opportunity to consider the merits of their arguments. And it is now too late to reverse or modify the decision determining and calculating the permit fee. That determination is, and should be, final. Respondent San Juan County therefore requests this Court to affirm the Court of Appeals and dismiss this appeal.

Respectfully submitted this 5th day of October 2017.

RANDALL K. GAYLORD
PROSECUTING ATTORNEY

By:

A handwritten signature in blue ink, appearing to be "RKB", written over a horizontal line.

Randall K. Gaylord, WSBA #16080
Philip J. Buri, WSBA #17637
Attorney for San Juan County

APPENDICES

Appendix A: Ordinance No. 28-2011: An Ordinance Setting Fees for Services Provided by the San Juan County Community Development and Planning Department

Appendix B. Ordinance No. 34-2010: An Ordinance Setting Fees for Services Provided by the San Juan County Community Development and Planning Department

Appendix C: San Juan County Code Section 18.80.020 (Land Use Permit Applications)

Appendix D: San Juan County Code Section 18.80.140 (Administrative Appeals)

Appendix E San Juan County Hearing Examiner: Chapter 2.22 (portion)

Appendix F Receipts for Permit Fees

APPENDIX A

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ORDINANCE NO. 28 -2011

AN ORDINANCE SETTING FEES FOR SERVICES PROVIDED BY THE SAN JUAN COUNTY COMMUNITY DEVELOPMENT AND PLANNING DEPARTMENT AND THE SAN JUAN COUNTY PARKS DEPARTMENT AND AMENDING ORDINANCE 43-2009 AND ORDINANCE 34-2010

BACKGROUND

- A. The Community Development and Planning Department collects fees for services in accordance with a fee schedule established by Ordinance 34-2010.
- B. The Parks Department collects fees for services in accordance with a fee schedule established by Ordinance 43-2009.
- C. The County desires to amend fee schedules for the Community Development and Planning Department and Parks Department by ordinance and does not wish to codify these fee schedules in the San Juan County Code ("SJCC").
- D. Copies of the fees proposed in this ordinance were made available to the public in accordance with RCW 36.32.120.
- E. On November 16, 2011 a hearing notice was published in conformance with RCW 36.32.120.
- F. On November 29, 2011 the County Council held a public hearing, and accepted testimony.
- G. After considering the public comment and staff report the County Council adopted a motion to adopt the fee schedule set out below.

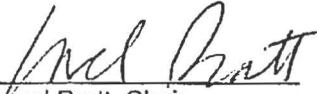
NOW, THEREFORE, BE IT ORDAINED by the County Council of San Juan County, Washington as follows:

Section 1. Building Fees. Ordinance 34-2010 § 1 (uncodified) is amended to read as follows: Building and Land Use Permitting fees shall be charged and collected in accordance with the schedule set out below:

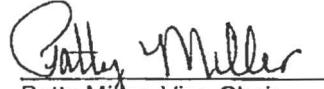
ADOPTED THIS 29th day of November, 2011.

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

ATTEST: Clerk of the Council


Lovel Pratt, Chair
District 1, San Juan South

By:  11.29.2011
Ingrid Gabriel Date:


Patty Miller, Vice-Chair
District 5, Orcas East

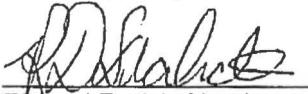
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ADMINISTRATOR

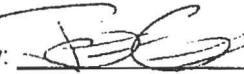

Rich Peterson, Member
District 2, San Juan North

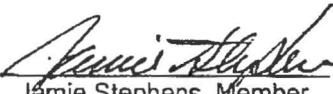

Pete Rose Date: 29 November 2011


Howard Rosenfeld, Member
District 3, Friday Harbor

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD


Richard Fralick, Member
District 4, Orcas West

By:  11/29/11
Date:


Jamie Stephens, Member
District 6, Lopez/Shaw

PROPOSED REVISED BUILDING FEES

SERVICE	CURRENT FEE	PROPOSED FEE																		
Conventional Building Permit	.7% of value, \$105 minimum*	<table border="1"> <thead> <tr> <th colspan="2" data-bbox="1321 264 2006 289">BUILDING PERMIT FEE TABLE</th> </tr> <tr> <th data-bbox="1321 289 1651 313">BUILDING VALUATION*</th> <th data-bbox="1651 289 2006 313">FEE</th> </tr> </thead> <tbody> <tr> <td data-bbox="1321 313 1651 345">\$1 to \$2,000</td> <td data-bbox="1651 313 2006 345">\$69</td> </tr> <tr> <td data-bbox="1321 345 1651 467">\$2,001 to \$40,000</td> <td data-bbox="1651 345 2006 467">\$69 for the first \$2,000; plus \$11 for each additional \$1,000 or fraction thereof, to and including \$40,000</td> </tr> <tr> <td data-bbox="1321 467 1651 589">\$40,001 to \$100,000</td> <td data-bbox="1651 467 2006 589">\$487 for the first \$40,000; plus \$9 for each additional \$1,000 or fraction thereof, to and including \$100,000</td> </tr> <tr> <td data-bbox="1321 589 1651 711">\$100,001 to \$500,000</td> <td data-bbox="1651 589 2006 711">\$1,027 for the first \$100,000; plus \$7 for each additional \$1,000 or fraction thereof, to and including \$500,000</td> </tr> <tr> <td data-bbox="1321 711 1651 849">\$500,001 to \$1,000,000</td> <td data-bbox="1651 711 2006 849">\$3,827 for the first \$500,000; plus \$5 for each additional \$1,000 or fraction thereof, to and including \$1,000,000</td> </tr> <tr> <td data-bbox="1321 849 1651 995">\$1,000,001 to \$5,000,000</td> <td data-bbox="1651 849 2006 995">\$6,327 for the first \$1,000,000; plus \$3 for each additional \$1,000 or fraction thereof, to and including \$5,000,000</td> </tr> <tr> <td data-bbox="1321 995 1651 1117">\$5,000,001 and over</td> <td data-bbox="1651 995 2006 1117">\$18,327 for the first \$5,000,000; plus \$1 for each additional \$1,000 or fraction thereof</td> </tr> </tbody> </table>	BUILDING PERMIT FEE TABLE		BUILDING VALUATION*	FEE	\$1 to \$2,000	\$69	\$2,001 to \$40,000	\$69 for the first \$2,000; plus \$11 for each additional \$1,000 or fraction thereof, to and including \$40,000	\$40,001 to \$100,000	\$487 for the first \$40,000; plus \$9 for each additional \$1,000 or fraction thereof, to and including \$100,000	\$100,001 to \$500,000	\$1,027 for the first \$100,000; plus \$7 for each additional \$1,000 or fraction thereof, to and including \$500,000	\$500,001 to \$1,000,000	\$3,827 for the first \$500,000; plus \$5 for each additional \$1,000 or fraction thereof, to and including \$1,000,000	\$1,000,001 to \$5,000,000	\$6,327 for the first \$1,000,000; plus \$3 for each additional \$1,000 or fraction thereof, to and including \$5,000,000	\$5,000,001 and over	\$18,327 for the first \$5,000,000; plus \$1 for each additional \$1,000 or fraction thereof
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\$5,000,001 and over	\$18,327 for the first \$5,000,000; plus \$1 for each additional \$1,000 or fraction thereof																			
Conventional Plan Review	.4% of value* ***	65% of Building Permit Fee***																		
Annual Permit Fee	\$56/yr.	No Change																		
Owner/Builder Fees Building Permit	.4% of valuation, \$105 minimum*	57.5% of Conventional Permit Fee, \$69 minimum																		
Plan Review	0.3% of valuation***	75% of Conventional Plan Review Fee***																		

Annual Permit Fee	\$56/yr.	No Change
Subsequent Life Safety Inspection for sale, lease or rental	\$111	No Change
Mobile/ Manufactured Home Permits	\$222/unit	No change
Modular Permits (Residential or Commercial)	\$222 (foundation) + \$222/unit	No change
Temporary Certificate of Occupancy	\$222	No change
Replacement of Building Permit/Inspection Record Card	\$25	No change
Plumbing Permits Assoc. with Building Permit	\$34 + \$11.00 per fixture	No change
Sprinkler system on one meter, including backflow device	\$17	
Non-atmospheric backflow protection device ≤ 2"	\$17	
Non-atmospheric backflow protection device >2"	\$22	
Stand Alone Plumbing Permit	\$105 minimum	\$69 minimum
Mechanical and Fuel Gas Permits Assoc. with Building Permit	\$34 base fee	No change
HVAC-Boiler-Air Handler	\$20	
Non-electric floor/wall heater including zero clearance fireplace	\$20	
Kitchen hood/ ductwork – residential	\$17	
Kitchen hood/ ductwork – commercial	\$105	
Source specific exhaust fans & ductwork	\$8	
Clothes dryer	\$12	
Wood, pellet stove, fireplace insert	\$17	
Wood stove piping	\$8	
LPG or fuel oil tank	\$12	
Underground LPG or fuel oil piping	\$12	
Interior Gas Piping	\$12	
Oil/ Kerosene Heater	\$12	
Stand Alone Mechanical and Fuel Gas Permit	\$105 minimum	\$69 minimum
Stormwater Review & Inspection	\$70/hr, \$245 minimum	No change
Demolition Permit/ Inspection	\$105	No change
Work begun without required permit		
Conventional Permit	Double permit and plan review fees	No change
Owner Builder Permit	Fee Equal to Conventional permit and plan review fees in	No change

	addition to applicable Owner Builder Fees	
Reactivation of expired permit after construction started	½ original total permit fee plus annual renewal fee for each year following expiration	No change
Change of occupancy, use or classification (in addition to any other required permits or fees)	105	No change
Title Elimination	\$34.00	No change
Plan recheck, research, inspection, re-inspection, site visit or other professional service	\$70/hr, ½ hr minimum	No change
State Building Codes Council fee	as required by State	No change
Plan review by third party	Cost plus 15%	No change
<i>Written Construction Code Interpretation</i>	\$95/hr.	No change
Appeal of code interpretation**	2,300	No change
Clerical Services	\$35./hr, ½ hr minimum	No change
Black and White Copies Up to 8 ½" x 14" 11" x 17"	\$0.15 \$1	No change
Color Copies Up to 8 ½" X 14"	\$1.50	
Black and White or Color Copies 18" x 24"	\$5.00	
24" x 36"	\$6.50	
36" x 48"	\$8.00	
FAX	\$2 + \$1 each additional page	No change

***Building Valuation** is determined by the Building Official or Fire Code Official, based on the current International Code Council Building Valuation Data with a cost modifier of 1.3, and/or local valuation information.

****Appeal Fee.** If the appellant is the prevailing party in an appeal of a code or administrative determination, and the County chooses not to appeal the decision, the County shall refund the Appeal Fee.

*****Plan Review Deposit.** An estimated non-refundable deposit of the Plan Review Fee, as calculated by CD&P, shall be collected at time of permit application.

Section 2. **Adoption of Parks Department Fees.** Ordinance 43-2009 § 3 (uncodified) is amended to read as follows: San Juan County Parks Department fees shall be charged and collected in accordance with the schedule set out below:

ALL CAMPING PARKS				
Item	Location	Dates	Proposed Fee \$	Existing Fees
Reservation fee	All Camping Parks	1/1-12/31	\$7.00	10.00
Extra person in campsite (12+ years old)	All Camping Parks	4/1-10/31	\$8.00/person/night	8.00/night
Extra person in campsite (5-11 years old)	All Camping Parks	4/1-10/31	\$5.00/person/night	5.00/night
Extra person in campsite (12+ years old)	All Camping Parks	11/1-3/31	\$5.00/person/night	5.00/night
Extra person in campsite (5-11 years old)	All Camping Parks	11/1-3/31	\$3.00/person/night	3.00/night
Commercial billing fee	All Parks	1/1-12/31	\$25.00/statement	25.00/statement
Returned check fee	All transactions	1/1-12/31	\$25.00/item	25.00/item
Special Use Permit appl'n fee	All Parks	1/1-12/31	\$100.00 annually	100.00 annually
Event Insurance Appl'n fee	All Parks	1/1-12/31	\$20.00/application	\$20.00/appl'n

SAN JUAN ISLAND				
Item	Location	Dates	Proposed Fee \$	Existing Fees
Standard Campsite	S. J. County Park	4/1-10/31	\$32.00/night	32.00/night
Better Campsite	S. J. County Park	4/1-10/31	\$40.00/night	37.00/night
Premium Campsite	S. J. County Park	4/1-10/31	\$45.00/night	42.00/night
Item	Location	Dates	Proposed Fee \$	Existing Fees
Standard Campsite	S. J. County Park	11/1-3/31	\$27.00/night	27.00/night
Better Campsite	S. J. County Park	11/1-3/31	\$30.00/night	30.00/night
Premium Campsite	S. J. County Park	11/1-3/31	\$35.00/night	35.00/night
Extra vehicle	S. J. County Park	4/1-10/31	\$20.00/night	20.00/night
Extra vehicle	S. J. County Park	11/1-3/31	\$16.00/night	16.00/night
Overnight parking	S. J. County Park	4/1-10/31	\$20.00/night	20.00/night
Overnight parking	S. J. County Park	11/1-3/31	\$16.00/night	16.00/night
Walk-in Camp (12 yrs +)	S. J. County Park	4/1-10/31	\$10.00/person/night	10.00/person/nt
Walk-in Camp (5-11 yrs)	S. J. County Park	4/1-10/31	\$5.00/person/night	5.00/person/nt
Walk-in Camp (12 yrs +)	S. J. County Park	11/1-3/31	\$8.00/person/night	8.00/person/nt
Walk-in Camp (5-11 yrs)	S. J. County Park	11/1-3/31	\$3.00/person/night	3.00/person/nt
Walk-in camp w/vehicle	S. J. County Park	4/1-10/31	\$75.00/night	50.00/night
Walk-in camp w/vehicle	S. J. County Park	11/1-3/31	\$40.00/night	40.00/night
Lg Group Camp (5 campsites)	S. J. County Park	4/1-10/31	\$150.00/night OR \$30.00/site	150.00/night
Lg Group Camp	S. J. County Park	11/1-3/31	\$100.00/night	100.00/night
Use fee-Commercial	S. J. County Park	1/1-12/31	\$7.00/guest	7.00/guest
Trailer parking-Commercial	S. J. County Park	1/1-12/31	\$25.00/day	25.00/day
Commercial use permit fees-Annual, unlimited trips	San Juan Island Day Parks	1/1-12/31	\$500.00/annually	500.00/annually
Commercial use permit fee-single trip	All San Juan Island Parks	1/1-12/31	\$100.00/trip	100.00/trip

LOPEZ ISLAND				
Item	Location	Dates	Proposed Fee \$	Existing Fees
Water side campsite	Odlin County Park	4/1-10/31	\$25.00/night	25.00/night
Land side campsite	Odlin County Park	4/1-10/31	\$22.00/night	22.00/night
Water side campsite	Odlin County Park	11/1-3/31	\$20.00/night	20.00/night
Land side campsite	Odlin County Park	11/1-3/31	\$18.00/night	18.00/night
Extra vehicle	Odlin County Park	4/1-10/31	\$10.00/night	10.00/night
Extra vehicle	Odlin County Park	11/1-3/31	\$8.00/night	8.00/night
Overnight parking	Odlin County Park	4/1-10/31	\$10.00/night	10.00/night
Overnight parking	Odlin County Park	11/1-3/31	\$8.00/night	8.00/night
Walk-in Camp	Odlin County Park	4/1-10/31	\$20.00/site	20.00/site/night
Walk-in Camp	Odlin County Park	11/1-3/31	\$15.00/site/night	15.00/site/night
Lg Group Camp (8 campsites)	Odlin County Park	4/1-10/31	\$140.00/night (8 sites) OR \$20.00/site	88.00/night (4 sites)
Lg Group Camp (8 campsites)	Odlin County Park	11/1-3/31	\$128.00/night (8 sites) OR \$16/site	72.00/night (4 sites)
Mooring buoy	Odlin County Park	1/1-12/31	\$10.00/day/night	10.00/day/night
Use fees-Commercial, single trip, 1-8 guests	Lopez Island Parks	1/1-12/31	\$70.00/trip	70.00/trip
Use fees-Commercial, single trip, 9-14 guests	Lopez Island Parks	1/1-12/31	\$140.00/trip	140.00/trip
Use fees-Commercial, single trip, 15-28 guests	Lopez Island Parks	1/1-12/31	\$280.00/trip	280.00/trip
Use fees-Commercial, unlimited trips, 1-8 guests	Lopez Island Parks	1/1-12/31	\$700.00/annually	700.00/season
Use fees-Commercial, unlimited trips, 9-24 guests	Lopez Island Parks	1/1-12/31	\$1200.00 annually	1200.00/season

SHAW COUNTY PARK				
Item	Location	Dates	Proposed Fee \$	Existing Fees
Water side campsite	Shaw County Park	4/1-10/31	\$20.00/night	18.00/night
Land side campsite	Shaw County Park	4/1-10/31	\$15.00/night	14.00/night
Water side campsite	Shaw County Park	11/1-3/31	\$16.00/night	16.00/night
Land side campsite	Shaw County Park	11/1-3/31	\$12.00/night	12.00/night
Extra vehicle	Shaw County Park	4/1-10/31	\$10.00/night	7.00/night
Extra vehicle	Shaw County Park	11/1-3/31	\$6.00/night	6.00/night
Overnight parking	Shaw County Park	4/1-10/31	\$10.00/night	7.00/night
Overnight parking	Shaw County Park	11/1-3/31	\$6.00/night	6.00/night
Walk-in Camp (site #9)	Shaw County Park	4/1-10/31	\$8.00/person/night	8.00/person/nt
Walk-in Camp (site #9)	Shaw County Park	11/1-3/31	\$6.00/person/night	6.00/person/nt
Small Group Camp	Shaw County Park	4/1-10/31	\$40.00/night	39.00/night
Small Group Camp	Shaw County Park	11/1-3/31	\$32.00/night	32.00/night
Use fees-Commercial, single trip, 1-8 guests	Shaw County Park	1/1-12/31	\$50.00/trip	50.00/trip
Use fees-Commercial, single trip, 9-24 guests	Shaw County Park	1/1-12/31	\$100.00/trip	100.00/trip
Use fees-Commercial, unlimited trips, 1-8 guests	Shaw County Park	1/1-12/31	\$500.00/season	500.00/season
Use fees-Commercial, unlimited trips, 9-24 guests	Shaw County Park	1/1-12/31	\$800.00/season	800.00/season

EASTSOUND VILLAGE GREEN				
Item	Location	Dates	Proposed Fee \$	Existing Fees
Single Site Rental - spaces 1-4	Eastsound Village Green	10/1-5/31	\$100.00/site/day	100.00/ day
Single Site Rental - spaces 1-4	Eastsound Village Green	6/1-9/30	\$150.00/site/day	150.00/day
Performance Stage & 2 spaces	Eastsound Village Green	1/1-12/31	\$450.00/day	450.00/day
Sites #1-5 and Stage	Eastsound Village Green	1/1-12/31	\$600.00/day	\$600.00/day

Section 3. Savings Clause. This ordinance shall not affect any pending suit or proceeding; or any rights acquired; or liability or obligation incurred under the sections amended or repealed; nor shall it affect any proceeding instituted under those sections. All rights and obligations existing prior to adoption of this ordinance shall continue in full force and affect.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provisions to other persons or circumstances, shall not be affected. Remaining sections of the ordinance shall be interpreted to give effect to the spirit of the ordinance prior to removal of the portions declared invalid.

Section 5. Effective Date.

This Ordinance is effective on January 1, 2012.

Section 6. Codification.

This Ordinance shall not be codified.

//

APPENDIX B

ORDINANCE NO. 34 -2010

AN ORDINANCE SETTING FEES FOR SERVICES PROVIDED BY THE SAN JUAN COUNTY COMMUNITY DEVELOPMENT AND PLANNING DEPARTMENT AND AMENDING ORDINANCE 43-2009

BACKGROUND

- A. The Community Development and Planning Department collects fees for services in accordance with a fee schedule established by Ordinance 43-2009.
- B. The County desires to amend fee schedules for the Community Development and Planning Department by ordinance and does not wish to codify these fee schedules in the San Juan County Code ("SJCC").
- C. Copies of the fees proposed in this ordinance were made available to the public in accordance with RCW 36.32.120.
- D. On November 24, 2010 a hearing notice was published in conformance with RCW 36.32.120.
- E. On December 7, 2010 the County Council held a public hearing, and accepted testimony.
- F. After considering the public comment and staff report the County Council adopted a motion to adopt the fee schedule set out below.

NOW, THEREFORE, BE IT ORDAINED by the County Council of San Juan County, Washington as follows:

Section 1. Building Fees. Ordinance 43-2009 § 1 (uncodified) is amended to read as follows: Building and Land Use Permitting fees shall be charged and collected in accordance with the schedule set out below:

BUILDING FEES

SERVICE	CURRENT FEE	PROPOSED FEE
One and Two Family Conventional Building Permit One and Two Family Conventional Plan Review	.7% of value, \$105 minimum* .4% of value* ***	<u>The One & Two Family and the Commercial, Multi Family, Mixed Use Fees have been combined into Single Conventional Fees</u>
Commercial, Multi family, Mixed Use Building Permit	1.1% of value, \$105 minimum*	
Commercial, Multi family, Mixed Use Plan Review	65 % of permit fee***	
Annual Permit Fee	\$55.50/yr	
Owner/Builder Fees		
Building Permit		<u>0.4% of valuation, \$105 minimum*</u>
Properties Containing \leq 1,500 sq. ft. of Living Area	0.14% of Value, \$105 Minimum*	
Properties Containing $>$ 1,500 sq. ft. & \leq 2,000 sq. ft. of Living Area	0.15% of Value, \$105 Minimum*	
Properties Containing $>$ 2,000 sq. ft. & \leq 2,500 sq. ft. of Living Area	0.17% of Value, \$105 Minimum*	
Properties Containing $>$ 2,500 sq. ft. of Living Area	0.70% of Value, \$105 Minimum*	

SERVICE	CURRENT USE FEE	PROPOSED FEE
Plan Review		
Properties Containing \leq 1,500 sq. ft. of Living Area	0.08% of Value* ***	<u>0.3% of valuation***</u>
Properties Containing $>$ 1,500 sq. ft. & \leq 2,000 sq. ft. of Living Area	0.09% of Value* ***	
Properties Containing $>$ 2,000 sq. ft. & \leq 2,500 sq. ft. of Living Area	0.10% of Value* ***	
Properties Containing $>$ 2,500 sq. ft. of Living Area	0.40% of Value* ***	
Annual Permit Fee	\$26.50/yr	\$56/yr
Subsequent Life Safety Inspection for sale, lease or rental	\$111	No change
Mobile/ Manufactured Home Permits	\$222/unit	No change
Modular Permits (Residential or Commercial)	\$222 (foundation) + \$222/unit	No change
Temporary Certificate of Occupancy	\$222	No change
Replacement of Building Permit/Inspection Record Card	<u>New Fee</u>	<u>\$25</u>
Plumbing Permits Assoc. with Building Permit	\$33.25 + \$11.00 per fixture	\$34 + \$11.00 per fixture
Sprinkler system on one meter, including backflow device	\$17	No change
Non-atmospheric backflow protection device \leq 2"	\$17	No change
Non-atmospheric backflow protection device $>$ 2"	\$22	No change
Stand Alone Plumbing Permit	\$105 minimum	No change
Mechanical and Fuel Gas Permits Assoc. with Building Permit	\$33.25 base fee	\$34 base fee
HVAC-Boiler-Air Handler	\$20	No change
Non-electric floor/wall heater including zero clearance fireplace	\$20	No change
Kitchen hood/ ductwork – residential	\$17	No change
Kitchen hood/ ductwork – commercial	\$105	No change
Source specific exhaust fans & ductwork	\$7.50	\$8
Clothes dryer	\$11.50	\$12
Wood, pellet stove, fireplace insert	\$17	No change
Wood stove piping	\$7.50	\$8
LPG or fuel oil tank	\$11.50	\$12
Underground LPG or fuel oil piping	\$11.50	\$12
LPG outlets (1-4)	\$6.50	Deleted
Each additional outlet	\$2.00	Deleted
<u>Interior Gas Piping</u>	<u>New Substitute Fee</u>	<u>\$12</u>
Oil/ Kerosene Heater	\$11.50	\$12
Stand Alone Mechanical and Fuel Gas Permit	\$105 minimum	No change
Stormwater Review & Inspection	\$70/hr, \$245 minimum	No change
Demolition Permit/ Inspection	\$61	\$105
Work begun without required permit	Double permit fee	
<u>Conventional Permit</u>	<u>Clarified Fee</u>	<u>Double permit and plan review fee</u>
<u>Owner Builder Permit</u>	<u>Clarified Fee</u>	<u>Fee Equal to Conventional permit and plan review fees in addition to applicable Owner Builder Fees</u>
Reactivation of expired permit after construction started	½ original total permit fee plus annual renewal fee for each year following expiration	No change

SERVICE	CURRENT FEE	PROPOSED FEE
Change of occupancy, use or classification ((in addition to any other required permits or fees)	\$55.50	\$105
Title Elimination	\$33.25	\$34
Plan recheck, research, inspection, re-inspection, site visit or other professional service	\$70/hr, ½ hr minimum	No change
State Building Codes Council fee	as required by State	No change
Plan review by third party	Cost plus 15%	No change
<u>Written Construction Code Interpretation</u>	<u>New fee</u>	<u>\$95/hr</u>
Appeal of code interpretation**	\$1,200	\$2,300
Clerical Services	\$35/hr, ½ hr minimum	No change
Black and White Copies		
Up to 8 ½" x 14"	\$.15	No change
11" x 17"	\$.50	\$1.00
<u>Color Copies</u>		
Up to 8 ½" x 14"	New fee	\$1.50
<u>Black and White or Color Copies</u>	Redefined Fee for Color	
18" x 24"	\$1.00	\$5.00
24" x 36"	\$3.00	\$6.50
36" x 48"	New fee	\$8.00
FAX	\$2 + \$1 each additional page	No change

***Building Valuation** is determined by the Building Official or Fire Code Official, based on the current International Code Council Building Valuation Data with a cost modifier of 1.3, and/or local valuation information.

****Appeal Fee.** If the appellant is the prevailing party in an appeal of a code or administrative determination, and the County chooses not to appeal the decision, the County shall refund the Appeal Fee.

***An estimated non-refundable deposit of the Plan Review Fee, as calculated by CD&P, shall be collected at time of permit application.

Section 2. Planning and Land Use Fees. Ordinance 43-2009 § 2 (uncodified) is amended to read as follows: Planning and land use permit fees shall be charged and collected in accordance with the schedule set out below:

PLANNING AND LAND USE FEES

SERVICE	CURRENT FEE	PROPOSED FEE
<u>Land Division Applications</u>		No change
Long Subdivision, Binding Site Plan, PUD, & Plat Alteration with Division		
Preliminary	\$4,600	
Final	\$2,350	
Plat Alteration without land division/	\$2,800	
Short Subdivision or Plat Alteration with Division		No change
Preliminary	\$2,150	
Final	\$750	
Plat Alteration without land division/	\$1,025	
Simple Land Division	\$1,025	No change
Boundary Line Modification	\$500	No change
Plat Vacation		
Long Plat	\$2,550	No change
Short Plat	\$1,250	
<u>Land Use Applications</u>		No change
Conditional Use and Essential Public Facility CUP		
\$0-\$4,999 value of improvement	\$2,300	
\$5,000-\$49,999 " " "	\$2,700	
\$50,000-\$100,000 " " "	\$3,100	
> \$100,000 " " "	\$3,500	
Provisional Use	\$1,000	No change
Site Specific Map Re-designation	\$3,900 + \$95/hr over 40 hrs	No change
Re-designation Mapping Fee	<u>New Fee</u>	<u>\$275</u>
<u>Shoreline Applications</u>		
Shoreline Exemption		
Mooring Buoy	\$1,100	<u>\$350</u>
General	\$1,200	No change
Substantial Development and/or CUP		No change
\$0-\$4,999 value of improvement	\$3,300	
\$5,000-\$49,999 " " "	\$3,700	
\$50,000-\$100,000 " " "	\$4,100	
> \$100,000 " " "	\$4,500	
<u>Other</u>		No change
Variance	\$2,500	
Shoreline Variance	\$3,500	
Time Extension	\$475	No change
ADU Permit Review	Same as stormwater review fee	No change
Revision of approved shoreline permit	\$475	No change

Service	CURRENT FEE	PROPOSED FEE
Clearing and Grading Permit	\$450	No change
Stormwater Review & Inspection	see building fees	No change
SEPA Checklist	\$450	No change
Residential Site Plan (dependent on available staff time)	\$ 400	No change
Open Space Current Use Open Space	\$1,330	\$4,060
Timber Open Space Review	\$1,330	\$3,150
Ag Open Space Review	\$1,330	(See Current Use Open Space)
Shoreline Tree Removal Plan Review	New Fee	\$105
Owner Builder Exemption Review	New Fee	\$105
Work begun without required permit	Double Permit Fee	No change
COHP (conversion option harvest plan)	\$475	No change
Appeal of administrative determination**	\$2,300	No change
Plan recheck; research; prepare/ review EIS; review CASP, mitigation or monitoring plan; other professional service	\$70/hr, ½ hr minimum	No change
Determination of Essential Public Facility	\$400+ hard costs (postage, room rental, publishing etc.)	No change
Siting of Essential Public Facility	\$800+ hard costs (postage, room rental, publishing etc.)	No change
Plan Review by Third Party	Cost + 15%	No change
Property sales report (dependent on available staff time)	\$140	No change
Reasonable Use Exception (for >2,500 s.f. wetlands/ FWHCAs disturbed add hourly rate for each hour over 15)	Base fee same as provisional	No change
Public agency/ utility exception	Provisional + \$95/hr > 15 hrs	No change
Site Visit	\$150	No change
Additional Advertising fee*** Project permit table Small legal ad	\$75 \$35	No change
Publications and Maps		No change
UDC	\$23	
Comp Plan	\$23	
Eastsound Sub-Area Plan	\$7	
Open Space & Conservation Plan	\$16	
Sign Boards	\$7	No change
Small Comp Plan Map	\$7	No change
Large Comp Plan Map	\$23	
Postage and handling for mailing signs, documents and maps	\$11.50 or cost for special delivery	No change
Written Code Interpretation (dependent on available staff time)	\$95/hr	No change
Clerical Services	\$35/ hr, ½ hr minimum	No change

Black and White Copies Up to 8 1/2" x 14" 11" x 17"	\$.15 \$.50	No change <u>\$1.00</u>
<u>Color Copies</u> Up to 8 1/2" x 14"	New fee	<u>\$1.50</u>
<u>Black and White or Color Copies</u> 18" x 24"	Redefined Fee for Color \$4.00	<u>\$5.00</u>
24" x 36"	\$3.00	<u>\$6.50</u>
36" x 48"	New fee	<u>\$8.00</u>
FAX	\$2 + \$1 each additional page	No change
Audio Reproduction	\$23	No change

***ADU Permit.** The ADU Permit fee is the same as the stormwater review fee per Ord. 51-2008

****Appeal Fee.** If the appellant is the prevailing party in an appeal of a code or administrative determination, and the County chooses not to appeal the decision, the County shall refund the Appeal Fee.

*****Additional Advertising Fee.** Fee for rescheduling of hearing at applicant's request or due to applicant error.

Affordable Housing. All "Planning and Land Use Fees" under this Ordinance shall be waived when:

- The development or owner-occupied dwelling is intended for occupancy by very low income, low income, and moderate income families, as defined by Section 1 of the Housing Needs Assessment for San Juan County, Appendix 5 of the Comprehensive Plan; or
- The applicant is classified by the Internal Revenue Service as a 501(C) non-profit organization and the development is intended for occupancy by very low income, low income, and moderate income families, as defined by Section 1 of the Housing Needs Assessment for San Juan County, Appendix 5 of the Comprehensive Plan.

Section 3. **Savings Clause.** This ordinance shall not affect any pending suit or proceeding; or any rights acquired; or liability or obligation incurred under the sections amended or repealed; nor shall it affect any proceeding instituted under those sections. All rights and obligations existing prior to adoption of this ordinance shall continue in full force and affect.

Section 4. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provisions to other persons or circumstances, shall not be affected. Remaining sections of the ordinance shall be interpreted to give effect to the spirit of the ordinance prior to removal of the portions declared invalid.

Section 5. **Effective Date.**
This Ordinance is effective on January 1, 2011.

Section 6. **Codification.**
This Ordinance shall not be codified.

//

ADOPTED this 7th day of December 2010.

ATTEST: Clerk of the Council

By: IP Gabriel
Ingrid Gabriel - Clerk
Date: 12-07-2010

REVIEWED BY COUNTY
ADMINISTRATOR

Pete Rose
Pete Rose Date: 12-6-10

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD

By: Karen Wedder 12/6/10
Date:

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Richard Fralick
Richard Fralick, Chair
District 4, Orcas West/Waldron

Lovel Pratt
Lovel Pratt, Vice-Chair
District 1, San Juan South

Richard Peterson
Richard Peterson, Member
District 2, San Juan North

Howard Rosenfeld
Howard Rosenfeld, Member
District 3, Friday Harbor

Gene Knapp
Gene Knapp, Member
District 5, Orcas East

EXCUSED

Bob Myhr
Bob Myhr, Member
District 6, Lopez/Shaw

36.70B.020(4) and 36.70B.140). (See “development permit” in SJCC 18.20.040.) Procedures for building and development permits that do not trigger a requirement for a project permit are found in SJCC 18.80.070 (procedures for “Yes” uses). The procedures in this subsection are enacted to provide consistent evaluation of project permit applications and to protect nearby properties from the possible negative impacts of such requests by:

1. Providing clear criteria on which to base a decision;
2. Recognizing the effects of unique circumstances upon the development potential of a property;
3. Avoiding the granting of special privileges;
4. Providing criteria which emphasize compatibility with legally existing land uses in the same land use designation;
5. Requiring that the design, scope, and intensity of development are in keeping with the physical aspects of a site and adopted land use policies for the area;
6. Providing criteria which emphasize the rural and small-village character of the County;
7. Combining the environmental review process with the procedures for review of project permit applications; and
8. Providing no more than one open-record hearing, except as provided in Chapters 36.70B and 43.21C RCW.

B. Director’s Responsibilities.

1. Responsibilities. The director shall provide for the review of all project permit applications, conducting such field inspections as necessary, to determine whether or not the proposal meets the requirements specified in this code.

a. If, upon application for a development permit, the director determines that a project permit is required, the applicant shall be so informed immediately. Upon receipt of an application for a project permit, the director shall conduct a review as specified in this section.

b. All applications for project permits shall be reviewed by the director for compliance with this code regardless of whether a development permit is required. No development permit which involves a change or alteration of existing uses shall be issued until any required project permit has been issued according to the provisions in this chapter.

2. Upon receipt of a project permit application, the director shall review the proposal, conduct

or require such field inspections as necessary to determine whether or not the proposal complies with the purpose and intent of this section and this code. The director may require additional information from the applicant sufficient to make a determination. (Ord. 26-2012 § 22; Ord. 11-2011 § 6; Ord. 15-2002 § 1; Ord. 2-1998 Exh. B § 8.1)

18.80.020 Project permit applications – Procedures.

A. Nonbinding Preapplication Conferences and Site Inspections. Preapplication conferences and site inspections are optional, but strongly encouraged, and will be conducted on a time-available basis. Any fee assessed for such a preapplication conference and site inspection shall be refunded upon submission of a permit application.

1. Preapplication conferences and site inspections are recommended to provide a prospective applicant and the County the opportunity to discuss the property owner’s plans; review available critical area maps; examine unique site characteristics; discuss stormwater management and low impact development options; determine if and how County regulations may apply; and to encourage the applicant to consider the effect of County regulations in designing the project.

2. Recognizing that project plans are typically incomplete at the preapplication stage, that more information is typically obtained prior to filing a project permit application, and that new regulations may be enacted prior to submission of a project permit application, preliminary discussions at a preapplication meeting shall not be binding on either the County or the potential applicant.

B. Determination of Proper Type of Project Permit.

1. Determination by Director. The director shall determine the proper type of project permit. Table 8.1 summarizes the steps in the review process for each type of project permit.

2. Consolidated Permit Processing. For a proposal that involves two or more shoreline permits and/or other project permits, such applications shall be consolidated under the “highest” procedure (i.e., the rightmost applicable column in Table 8.1) required for such permits or processed individually under each of the procedures identified by this code. The applicant may request the consolidation of hearings with other local, state, regional, federal, or other agencies in accordance with RCW 36.70B.090 and 36.70B.110. (See also SJCC

18.80.110(D)(1), shoreline permits consolidated permit processing, and SJCC 18.80.140.)

C. Project Permit Application – Forms. Applications for project permits shall be submitted on forms approved by the director. An application must (1) consist of all materials required by the applicable development regulations; (2) be accompanied by plans and appropriate narrative and descriptive information sufficiently detailed to clearly define the proposed project and demonstrate compliance with applicable provisions of this code; and (3) except for project permit applications for temporary uses, include the following:

1. A completed project permit application form;
2. If the applicant is not the owner of the subject property, a notarized statement by the owner(s) that (a) the application has been submitted with the consent of all owners of the subject property, and (b) identification of the owner's authorized agent or representative;
3. A legal description of the site and any other property description required by the applicable development regulations;
4. The applicable fee;
5. Evidence of available and adequate water supply as required by SJCC Title 8; see also SJCC 18.60.020;
6. Evidence of sewer availability or septic approval or suitability as required by SJCC Title 8;
7. A plot plan to scale at no smaller than one inch equals 40 feet for a plot larger than one acre, and no smaller than one inch equals 20 feet for a plot one acre or smaller;
8. Graphic depiction of the following:
 - a. Compass direction and graphic scale;
 - b. Corner grades and, if required by the director, existing contours of topography at five-foot contour intervals;
 - c. Proposed developments or use areas;
 - d. Existing structures and significant features on the subject property and on adjacent properties;
 - e. Property lines, adjoining streets, and immediately adjoining properties and their ownerships;
 - f. Location and dimensions of existing and proposed improvements on public rights-of-way, such as roads, sidewalks, and curbs;
 - g. Existing and proposed grades and volume and deposition of excavated material;
 - h. Natural drainage direction and storm drainage facilities and improvements;

i. Locations of all existing and proposed utility connections;

j. Parking spaces and driveways;

k. Proposed landscaping;

l. Wetlands and other critical areas; and

m. All easements (recorded or unrecorded) must be shown. If recorded, the recording number must be shown;

9. The applicant shall provide a list showing the name and addresses of the owners of property within 300 feet of the boundaries of the property subject to the project permit application. For purposes of this chapter, the owners of property within 300 feet of the boundaries of the subject property are those whose names are shown on the tax assessment rolls on the date the project permit application is submitted;

10. Photographs of the site depicting existing and proposed development areas and areas where vegetation is proposed to be removed.

11. Critical Areas (CAs).

a. All project permit applications shall include sufficient information about the site and the proposed project to demonstrate consistency with SJCC 18.35.020 through 18.35.140.

b. Critical Area Review Process. All plans for development of commercial, industrial, institutional and public facilities must undergo review for compliance with groundwater protection requirements for critical aquifer recharge areas (SJCC 18.35.080). The department shall review the application, available maps, and information and if requested by the property owner, shall conduct a site inspection prior to determining whether the proposed project may affect or be affected by a wetland, fish and wildlife habitat conservation area, frequently flooded area, or geologically hazardous area. If the area proposed for development or vegetation removal is not in a frequently flooded area; is more than 200 feet from a geologically hazardous area; is more than 300 feet from a wetland; is more than 200 feet from a fish and wildlife habitat conservation area; is more than 1,000 ft. from any golden eagle nests; and is more than one-quarter mile from any peregrine falcon or great blue heron nests, the department shall rule that the critical area review is complete with regard to those types of critical areas. Otherwise, the department will notify the applicant and provide them with a list of any report(s) or application materials required by SJCC 18.35.020 through 18.35.140. If required, these reports and materials must be

received before an application will be deemed complete.

c. Critical Area Reports.

i. Detailed requirements for critical area reports are identified in SJCC 18.35.020 through 18.35.140.

ii. If the director finds that a report does not accurately reflect site conditions, is inadequate to determine compliance, or does not meet the requirements of this title, the director shall contact the qualified professional who prepared the report to discuss the issues and, if necessary, shall have the report reviewed by a third party qualified professional.

12. Frequently Flooded Areas. Project permit applications shall include the location of any frequently flooded areas or special flood hazard area on the subject property, and an elevation certificate if required by the director. No use or development shall be undertaken or approved within any area of special flood hazard except in compliance with the provisions of SJCC Titles 15 and 18. Elevation certificates shall include certification by a land surveyor, licensed civil engineer or architect authorized by law to certify elevation information. Elevation certificate forms shall be provided by the director;

13. Additional Application Information for Divisions of Land and Boundary Line Modifications. The application for a division of land shall meet the requirements of this subsection and the requirements in Chapter 18.70 SJCC;

14. Additional Application Information for Binding Site Plans. The application for a binding site plan shall meet the requirements of this subsection, SJCC 18.70.090, and the requirements in SJCC 18.80.170;

15. Additional Application Information for Planned Unit Developments. A planned unit development application is part of the application for a subdivision or a binding site plan; additional information requirements are summarized in SJCC 18.80.160. The application for a planned unit development shall meet the requirements of this subsection and the requirements in SJCC 18.80.160;

16. Additional Application Information for Rural Residential Cluster Development. The application for a rural residential cluster development shall meet the requirements of this subsection, SJCC 18.60.230 and 18.80.180, and shall also include the following:

a. The floor plan and elevations for each proposed residential structure, at a scale of not less than one-quarter inch equals one foot;

b. A list, diagram and samples showing exterior materials and finishes for all structures, fences, and other constructed features of the project;

c. The plot plan prepared under this subsection shall also show the location and species of any existing trees greater than six inches in diameter at breast height on the property, except in areas proposed for open space preservation or forest resource management;

d. A list showing the floor area and use of each structure to be constructed on the site, and the total floor area of structures, and the area of the site devoted to residences, residential yards, circulation spaces, other uses, and open space; and

e. A narrative description indicating how the project responds to the requirements of SJCC 18.60.230, including the minimum standards of SJCC 18.60.230(C), the separation requirements of SJCC 18.60.230(F), and the design guidelines of SJCC 18.60.230(G);

17. Additional Information. The director may require additional information necessary for review and evaluation or demonstration of project consistency with this code;

18. Director's Waiver. The director may waive specific submittal requirements determined to be unnecessary for review of a project permit application required by this code; and

19. Temporary Use Permit Applications. All project permit applications for a temporary use shall be submitted to the director in writing and contain sufficient information for the director to make a decision (see SJCC 18.80.060). The director shall determine what information is necessary for review of such applications.

D. Project Permit Applications – Determination of Completeness, Modification, Referral and Review.

1. Determination of Completeness. Within 28 days after receiving a project permit application, the director shall determine if a project permit application is complete and notify the applicant in writing that either:

a. The application is complete; or

b. The application is incomplete. If such application is incomplete, the director shall specify what information is necessary to make the application complete.

2. Identification of Other Agencies with Jurisdiction. To the extent known by the County, other agencies with jurisdiction over the project permit application shall be identified.

3. Additional Information.

a. A project permit application is complete for purposes of this chapter when it meets the submittal requirements in this section and any submittal requirements contained in applicable development regulations.

b. If the submittal requirements have not been met, the director may determine that the application is complete and, at the same time, require that additional information or studies be provided within a time specified.

c. Nothing in this section precludes the director from requesting additional information or studies at any time if new information is determined to be necessary due to the complexity of the plans, apparent errors, or where there are substantial changes in the proposal.

d. If the applicant fails to submit the requested information or studies within the time specified, or within a longer period if agreed to by the director, the application shall lapse and the applicant shall forfeit the application fee.

4. Incomplete Applications.

a. If the director notifies the applicant that an application is incomplete, the applicant shall have 90 days to submit the necessary information to the director. Within 14 days after an applicant has submitted the additional information, the director shall again make the determination described in subsection (D)(1) of this section, and notify the applicant. If the applicant submits the required information to the director within the 90-day period and the director determines that the application is now complete, the project permit application will be considered complete as of the date the project permit application was originally

submitted; however, the 120-day processing period in SJCC 18.80.130 will be tolled during the 90-day resubmittal period.

b. If the applicant fails to submit additional information, or does not within such 90-day period request additional time to submit the required information, the application shall lapse and the applicant shall forfeit the application fee.

5. Director's Failure to Provide Determination of Completeness. A project permit application shall be deemed complete under this section if the director does not timely notify the applicant that the application is incomplete.

6. Modifications to Applications. An applicant-initiated modification to an application which is not in response to technical review, a change requiring a new public notice, a change of land use(s), or a mitigation measure under SEPA may require a new application. A change requiring a new public notice establishes a new vesting date for that application.

7. Referral and Review of Project Permit Applications. Within 14 days of determining that a project permit application is complete, the director shall transmit a copy of the application, or appropriate parts of the application, to each affected agency and County department for review and comment, including those responsible for determining compliance with state and federal requirements. Applications for shoreline permits shall also be circulated to the director of the University of Washington Friday Harbor Laboratories for comment as a reviewing agency. The affected agencies and County departments shall have 20 days to comment. The referral agency or County department is presumed to have no comments if comments are not received within the specified time period. The director shall grant an extension of time where unusual circumstances are present.

Table 8.1. Summary of Project Permit Notice, Hearing, Decision and Appeals Processes. ⁽¹⁾

Project Permit Application	Boundary Line Modification; Simple Land Division	Provisional Use; Short Subdivisions; BSP to 4 Lots; Temporary Use Permits (Level II)	Conditional Use and/or Variance	Shoreline Permits (Substantial Development, Conditional Use or Variance)	Subdivisions; BSP for More than 4 Lots
	Administrative		Quasi-Judicial		
Public Notice of Application	no	yes	yes	yes	yes

Table 8.1. Summary of Project Permit Notice, Hearing, Decision and Appeals Processes. ⁽¹⁾ (Continued)

Project Permit Application	Boundary Line Modification; Simple Land Division	Provisional Use; Short Subdivisions; BSP to 4 Lots; Temporary Use Permits (Level II)	Conditional Use and/or Variance	Shoreline Permits (Substantial Development, Conditional Use or Variance)	Subdivisions; BSP for More than 4 Lots
	Administrative		Quasi-Judicial		
Notice of Public Hearing	no	no	yes	yes	yes
Public Comment Period	no (yes if BLM and SLD and SEPA required)	yes	yes	yes	yes
Open-Record Predecision Hearing	no	no	yes	yes	yes
Decisionmaker	Director	Director	Hearing Examiner	Hearing Examiner	Hearing Examiner
Open-Record Appeal Hearing (Hearing Examiner)	yes	yes	no	no	no
Appeal Period (days) for Appeal to the Hearing Examiner	21	21	N/A	N/A	N/A
Judicial Appeal	yes (of Hearing Examiner decision)	yes (of Hearing Examiner decision)	yes	yes (of SHB decision)	yes
Other Appeal	no	no	no	yes (to SHB)	no

1. Abbreviations: SHB: Shorelines Hearings Board BSP: Binding Site Plan

(Ord. 2-2014 § 7; Ord. 26-2012 § 23; Ord. 11-2011 § 7; Ord. 26-2002 § 6; Ord. 15-2002 § 2; Ord. 4-2001 § 5; Ord. 14-2000 § 7(AAA); Ord. 11-2000 § 7; Ord. 2-1998 Exh. B § 8.2)

18.80.050 Notice of project permit applications, public comment, and notice of hearing.

- A. Notice of Project Permit Applications.
 - 1. Applicability.
 - a. Notice of application is required for all project permit applications.
 - b. Public notice of the issuance of a threshold determination for projects subject to SEPA review may be combined with the notice of

application or given separately, as provided in SJCC 18.80.050(I).

2. Mailing, Publication, and Posting Requirements. Notice of application shall be prepared in accordance with this section and provided within 14 days after the application is determined to be complete; and, if an open-record predecision hearing is required, at least 15 days prior to the open-record hearing, as follows:

APPENDIX D

18.80.140 Appeals.

A. Appeals – General. Appeals are open-record appeals (see definitions in Chapter 18.20 SJCC), and include:

1. Appeals to the hearing examiner of permits (development permits and/or project permits) granted or denied by the director (director is the decisionmaker);
2. Appeals to the hearing examiner of administrative determinations or interpretations made by the director (director is the decision-maker);

3. SEPA appeals of project actions, as defined in WAC 197-11-704;

4. Appeals of consolidated matters (i.e., appeal of administrative determination consolidated with project permit application hearing);

5. A timely appeal of a code interpretation or decision made by the director or building official stays the effective date of such decision until the matter has been resolved at the County level. (See also SJCC 18.10.030 and RCW 36.70C.100.)

6. The appeal path for project permits is shown in Table 8.1. The appeal path for SEPA is shown in Table 8.3.

Table 8.3. SEPA Processing and Appeals.

	Threshold Determination		EIS	
	DNS/MDNS	DS	DEIS	FEIS
Comment Period Prior to Action (days)	14	21	30	N/A
Administrative Appeal Period (days)	21	21	N/A	21
Consolidated Hearings	yes	no	N/A	yes
Open-Record Appeal Hearing	yes	yes	N/A	yes
Decisionmaker for Administrative Appeal	Hearing Examiner	Hearing Examiner	N/A	Hearing Examiner
Further Appeals	Superior Court (21 days per Chapter 36.70C RCW) or SHB (21 days per Chapter 90.58 RCW)	See RCW 43.21C.075; Superior Court, SHB: 21 days	N/A	Superior Court or SHB: 21 days

B. Open-Record Appeals. The San Juan County hearing examiner has authority to conduct open-record appeal hearings of the following decisions by the director and/or responsible official, and to affirm, reverse, modify, or remand the decision that is on appeal:

1. Boundary line modifications;
2. Simple land divisions;
3. Provisional use permits;
4. Short subdivisions;
5. Binding site plans (up to four lots);
6. Temporary use permits (Level II);
7. Discretionary use permits;
8. Administrative determinations or interpretations (see SJCC 18.10.030);
9. SEPA threshold determinations (DNS and DS) of project actions (see WAC 197-11-704);
10. EIS adequacy for project actions;
11. Development permits issued or approved by the director; and

12. Consolidated matters where the director was the decisionmaker.

C. Standing to Appeal. Appeals to the hearing examiner may be initiated by:

1. The applicant;
2. Any recipient of the notice of application (see SJCC 18.80.030);
3. Any person who submitted written comments to the director concerning the application; and
4. Any aggrieved person.

D. Time Period and Procedure for Filing Appeals.

1. Appeals to the hearing examiner must be filed (and appeal fees paid) within 21 calendar days following the date of the written decision being appealed; and

2. Appeals of a SEPA threshold determination or an FEIS must be filed within 21 days fol-

lowing the date of the threshold determination or FEIS.

3. All appeals shall be delivered to the director by mail, personal delivery, or fax, and received before 4:30 p.m. on the due date of the appeal period. Applicable appeal fees must be paid at the time of delivery to the director for the appeal to be accepted.

4. For the purposes of computing the time for filing an appeal, the date of the decision being appealed shall not be included. If the last day of the appeal period is a Saturday, Sunday, or a day excluded by RCW 1.16.050 as a legal holiday for the County, the filing must be completed on the next business day (RCW 36A.21.080).

5. Content of Appeal. Appeals must be in writing, be accompanied by an appeal fee, and contain the following information:

- a. Appellant's name, address and phone number;
- b. Appellant's statement describing standing to appeal (i.e., how he or she is affected by or interested in the decision);
- c. Identification of the decision which is the subject of the appeal, including date of the decision being appealed;
- d. Appellant's statement of grounds for appeal and the facts upon which the appeal is based;
- e. The relief sought, including the specific nature and extent; and
- f. A statement that the appellant has read the appeal and believes the contents to be true, signed by the appellant.

E. Notice of Hearing. The director shall give notice of the appeal hearing as provided in SJCC 18.80.030(C).

F. Decision Time and Notice.

1. The hearing examiner shall consider and render a written decision on all appeals. Such decision shall be issued within 60 days from the date the appeal is filed; provided, that the appeal contains all of the information specified in this section.

2. The parties to an appeal may agree to extend these time periods.

G. Consolidated Appeal Hearings.

1. All appeals of development permit or project permit decisions shall be considered together in a consolidated appeal hearing.

2. Appeals of environmental determinations under SEPA, except for an appeal of a determination of significance (DS), shall be consolidated with any open-record hearing (open-record pre-

cision hearing or open-record appeal hearing) before the hearing examiner. (See also SJCC 18.80.020(B)(2), Consolidated Permit Processing, and SJCC 18.80.110(D), Shorelines – Consolidated Permit Processing.)

H. Administrative SEPA Appeals of Project Actions.

1. The County establishes the following consolidated appeal procedures, under RCW 43.21C.075 and WAC 197-11-680, for administrative SEPA appeals of project actions as defined in WAC 197-11-704. The comment and appeal path is shown in Table 8.3.

a. Appeals of the intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) are not allowed;

b. An appeal to the hearing examiner on SEPA decisions is limited to review of a final threshold determination (determination of significance (DS) or nonsignificance (DNS/MDNS)) or the adequacy of a final environmental impact statement (FEIS);

c. As provided in WAC 197-11-680(3)(a)(iv), there shall be no more than one administrative appeal of a threshold determination or of the adequacy of an FEIS;

d. Except as provided in WAC 197-11-680(3)(a)(iv), administrative SEPA appeals authorized by this subsection shall be consolidated with the hearing or appeal on the underlying governmental action in a single simultaneous hearing before one hearing officer, in conformance with WAC 197-11-680(3)(a)(v);

e. An appeal of a DS shall be heard and decided at a separate, open record hearing to establish whether an applicant must provide an environmental impact statement. As provided in RCW 36.70B.060(6) and 43.21C.075, this open-record hearing shall not preclude a subsequent open-record hearing as provided by this code;

f. A timely appeal of a DS or other application identified in WAC 197-11-680(3)(a)(vi) shall stay the decision on a project permit application or development permit application until such time as the appeal has been resolved at the administrative level (i.e., decision by the hearing examiner) or the appeal has been withdrawn;

g. The determination of the responsible official shall carry substantial weight in any appeal proceeding;

h. The hearing examiner's decision on a SEPA appeal is final unless a timely judicial appeal is filed.

2. Notice of the date and place for commencing a judicial SEPA appeal.

a. Pursuant to WAC 197-11-680(5), notice of the date and place for commencing a SEPA judicial appeal shall be given if there is a time limit established by statute or ordinance for commencing an appeal of the permit decision. The notice shall include the time limit for commencing appeal of the underlying permit decision and SEPA issues, the statute or ordinance establishing the time limit, and where such a judicial appeal may be filed.

b. Notice is given by delivery of written notice to the applicant, all parties of record in any administrative appeal, and all persons who have requested notice of decisions with respect to the particular proposal along with any additional notice required by County code, such as SJCC 18.80.130.

c. Written notice containing the required information may be appended to the permit, decision documents, or SEPA compliance documents or may be given separately.

d. Official notices required by this section shall not be given prior to the County's final decision on a proposal or appeal.

I. No Administrative SEPA Appeals of Nonproject Actions.

1. SEPA determinations for nonproject actions are not subject to administrative appeals;

they may only be appealed in conjunction with the underlying action to superior court or state boards as provided by law. The comment and appeal path for nonproject actions is shown in Table 8.4.

2. Notice of the date and place for commencing a judicial SEPA appeal.

a. Pursuant to WAC 197-11-680(5), notice of the date and place for commencing a SEPA judicial appeal must be given if there is a time limit established by statute or ordinance for commencing an appeal of the decision. The notice shall include the time limit for commencing appeal of the underlying permit decision and SEPA issues, and the statute or ordinance establishing the time limit; and where such a judicial appeal may be filed.

b. Such notice is given by delivery of written notice to the applicant, all parties of record in any administrative appeal, and all persons who have requested notice of decisions with respect to the particular proposal along with any additional notice required by County code, such as SJCC 18.80.130.

c. Written notice containing the required information may be appended to the permit, decision documents, SEPA compliance documents, or may be given separately.

d. Official notices required by this section shall not be given prior to the County's final decision on a proposal or appeal.

Table 8.4. SEPA Processing and Appeals of Nonproject Actions.

	Threshold Determination		EIS	
	DNS/MDNS	DS	DEIS	FEIS
Comment Period Prior to Action (days)	14	21	30	N/A
Appeal Period	Superior Court (21 days per Chapter 36.70C RCW) GMHB (60 days per Chapters 36.70A and 90.58 RCW)	Superior Court (21 days per Chapter 36.70C RCW) GMHB (60 days per Chapters 36.70A and 90.58 RCW)	N/A	Superior Court (21 days per Chapter 36.70C RCW) GMHB (60 days per Chapters 36.70A and 90.58 RCW)

GMHB: Growth Management Hearings Board

J. Judicial and State Board Appeals. The time limits, methods, procedures and criteria for review of land use decisions by the courts or by a quasi-judicial body created by state law, such as the Shorelines Hearings Board or the Growth Management Hearings Board, are provided by state law. See, for example, Chapter 36.70C RCW (21 days; appeal to superior court). (Ord. 9-2013 § 32; Ord. 11-2011 § 10; Ord. 7-2005 §§ 19, 20; Ord. 15-2002 § 14; Ord. 14-2000 § 7(QQQ); Ord. 11-2000 § 7; Ord. 2-1998 Exh. B § 8.14)

18.80.150 Road vacation procedures.

A. County road vacations are subject to procedures specified in state law at Chapter 36.87 RCW and the policies in the Transportation Element 6 of the Comprehensive Plan. Vacations of County road ends shall not be permitted when prohibited under RCW 36.87.130.

B. Applications for vacations of County roads, road rights-of-way, or any portion of one shall meet the requirements of SJCC 18.60.090(C).

C. Applications for vacations of County roads may be processed pursuant to SJCC 18.70.080(B) only when such road vacations are proposed in conjunction with the vacation of the subdivision. Vacation of private roads within recorded subdivisions is subject to plat vacation procedures in RCW 58.17.212. (Ord. 15-2002 § 15; Ord. 2-1998 Exh. B § 8.15)

18.80.160 Procedures for planned unit developments.

A. Purpose and Applicability. Planned unit developments (PUDs) under the development standards and requirements of SJCC 18.60.220 are subject to this permit review process.

B. Application Submittal, Processing and Approval. PUD processing and approval shall occur as part of, and through the same procedures as, subdivision or binding site plan application for the project.

C. Additional Application Requirements.

1. In addition to or as part of the materials being prepared to meet the requirements for subdivisions or binding site plans in Chapter 18.70 SJCC, the applicant shall prepare such other illustrations, diagrams, calculations, or descriptive materials as are needed to meet the requirements of SJCC 18.60.220.

2. Project information shall include:

a. A statement that discusses the general design concept of the PUD, and what special pur-

poses (e.g., senior housing; community and environmental purposes), if any, the PUD is intended to meet or fulfill;

b. A description and layout of all proposed developments, including the location, use and size of all proposed structures, and the proposed development schedule;

c. A statement of the number of dwelling units, number of affordable units and their type, average density, use restrictions, information on how affordability will be assured, and other pertinent data;

d. A statement of the percentage and design approach of open space;

e. A calculation of estimated new demands on capital facilities and services, and a demonstration that the development has met the requirements of SJCC 18.60.200 and 18.60.220(D) (1) or 18.60.200(E). This shall include either:

i. Arranging for sufficient water and sewer service to meet the additional demands of the development; or

ii. Demonstrating that such service is not currently available and that funding of capital facilities and service improvements is less appropriate than other alternatives; and

f. A demonstration that the development contains sufficient infrastructure to meet the requirements of this code for stormwater management.

D. Notice. Notice of application shall be provided by the same notice as the subdivision or binding site plan for the project. Notice of public hearing, if required by the subdivision or binding site plan procedures, shall be provided by the same notice as the subdivision or binding site plan for the project.

E. Decisionmaking Authority. The decision-making authority for the subdivision or binding site plan for the project shall have the authority to approve, approve with modifications, or disapprove the planned unit development.

F. Criteria for Approval. The PUD shall be approved only if it:

1. Meets the conditions and requirements of SJCC 18.60.220 and other applicable standards in this and other County codes; and complies with the policies and requirements of the Shoreline Master Program, the State Environmental Policy Act, and the Comprehensive Plan.

2. Satisfactorily addresses the comments of the reviewing authorities, and receives the necessary approvals, and is in the public interest.

initially serve two-year terms, expiring on December 31, 2009.

D. Members appointed to positions 7 (San Juan Island) and 8 (Orcas Island), shall initially serve one-year terms, expiring on December 31, 2008.

Thereafter, the term of office for all planning commission members shall be four years. (Ord. 14-2007 § 5)

2.20.100 Vacancy.

Any vacancy on the planning commission shall be filled by the chair of the County council, with approval of the County council, for the duration of the vacating member's unexpired term; provided, that each member of the council shall submit to the chair a list of nominees residing in his/her council district and the chair shall make his/her appointments from such lists so that as nearly as mathematically possible each council district shall be equally represented on the commission (RCW 36.70.080). Each person filling a vacancy shall have met the same residency requirement as that of the vacating member. (Ord. 14-2007 § 6)

2.20.110 Operating rules.

The planning commission shall follow the Uniform Business Rules established by the County council, including the Rules of Procedure, unless other rules have been duly adopted after notice and hearing and such rules are provided to the prosecuting attorney for codification, except as such rules may be superseded by Chapter 36.70 RCW. (Ord. 14-2007 § 7)

2.20.120 Meetings.

Regular meetings of the planning commission are held on the third Friday of each month at a place determined at the prior meeting. The commission may substitute another day, time, or place for the regular meeting and include such notification in the meeting call. Work sessions may be scheduled as needed.

Special meetings may be called by formal action of the planning commission, by order of the chair, or by written request to the secretary by a minimum of three members of the commission. Notice of such special meeting is to be provided to all commission members at a minimum of 10 days prior to the meeting. (Ord. 14-2007 § 8)

Chapter 2.22

HEARING EXAMINER

Sections:

Article I. General Provisions

- 2.22.010 Title.
- 2.22.020 Purpose.
- 2.22.030 Establishment.
- 2.22.040 Appointment.
- 2.22.050 Qualifications.
- 2.22.060 Removal.
- 2.22.070 Freedom from improper influence.
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- 2.22.105 Hearing examiner clerk – Duties and responsibilities.
- 2.22.110 Submittal of applications.
- 2.22.120 Report and recommendation of the administrator.
- 2.22.130 Multiple applications.
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Article II. Rules and Procedures

- 2.22.200 General.
- 2.22.210 Features common to all hearings.
- 2.22.220 Permit hearings.
- 2.22.230 Appeal hearings.
- 2.22.240 Appeal of hearing examiner decisions.

Article I. General Provisions

2.22.010 Title.

The ordinance codified in this chapter shall be known as the "land use hearing examiner ordinance," or "hearing examiner ordinance," may be cited as such, and will hereinafter be referred to as "this chapter." (Ord. 3-1994)

2.22.020 Purpose.

A. The purpose of this chapter is to provide a hearing examiner system in furtherance of the

County Home Rule Charter to satisfy the following needs:

1. Provide an efficient, integrated hearing system to administer land use regulations and decisions pursuant to SJCC Title 18 and decisions of the County health officer pursuant to SJCC Title 8;
2. Render land use regulatory and appeal decisions on behalf of the County council and appeal decisions on behalf of the board of health;
3. Provide a greater degree of fairness and due process in regulatory and appeal hearings involving land use and decisions of the health officer;
4. Separate the County's land use planning program from the land use regulatory process; and
5. Protect the community's general health, safety, and welfare as provided for in Chapter 36.70 RCW.

B. The administrator under this chapter shall be the director of the department of health and community services for all appeals of decisions of the health officer pursuant to SJCC Title 8 and the director of San Juan community development and planning for all other appeals. (Ord. 8-2011 § 1; Ord. 30-2008 § 2; Ord. 3-1994)

2.22.030 Establishment.

The office of hearing examiner is hereby created pursuant to RCW 36.70.970 and San Juan County Charter Section 3.70. The hearing examiner shall interpret, review, and implement land use regulations as provided by ordinance and may perform such other quasi-judicial functions or conduct other nonlegislative hearings as are delegated by the County council. Unless the context requires otherwise, the term "hearing examiner" as used herein shall include examiners pro tem. (Ord. 30-2008 § 3; Ord. 3-1994)

2.22.040 Appointment.

The County council shall appoint the hearing examiner for terms which shall initially expire one year following the date of original appointment and thereafter expire up to two years following the date of each reappointment, subject to the terms of an executed contract. The hearing examiner shall serve under a professional services contract. The County council may also, by professional services contract, appoint one or more examiner pro tem for terms and functions deemed appropriate by the County council, to serve in the event of absence or inability to act of the examiner. (Ord. 30-2008 § 4; Ord. 3-1994)

2.22.050 Qualifications.

The hearing examiner and examiner(s) pro tem shall be appointed solely with regard to their qualifications for the duties of such office and shall have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory matters and to discharge other functions conferred upon them by ordinance. Examiners and examiners pro tem shall hold no other appointed or elected public office or position in San Juan County government. (Ord. 3-1994)

2.22.060 Removal.

A hearing examiner may be removed from office by a majority vote of the County council, subject to the terms of the executed professional services contract between the County council and the hearing examiner. (Ord. 30-2008 § 5; Ord. 3-1994)

2.22.070 Freedom from improper influence.

No person, including County elected and appointed officials, shall attempt to influence an examiner in any pending matter except at a public hearing duly called for such purpose, nor interfere with an examiner in the performance of duties in any way; provided, that this section shall not prohibit the County prosecutor from rendering legal services to the examiner upon request. (Ord. 3-1994)

2.22.080 Conflict of interest.

The examiner shall not conduct or participate in any hearing, decision or recommendation in which the examiner has a direct or indirect personal, business, financial or other interest which might exert such influence upon the examiner or interfere with the examiner's decision making process, or concerning which the examiner has had substantive prehearing contacts with proponents or opponents. Any actual or potential conflict of interest shall be disclosed to the parties immediately upon discovery of such conflict. The examiner pro tem shall perform the duties of hearing examiner whenever a conflict of interest exists or the hearing examiner is otherwise unable to perform the duties of the office. (Ord. 3-1994)

2.22.090 Rules.*

The rules and regulations for the conduct of public hearings before the examiner shall be adopted and thereafter amended from time to time by the County council by resolution or ordinance, and

thereafter codified and made part of the County code. (Ord. 30-2008 § 6; Ord. 3-1994)

* Code reviser's note: See Article II of this chapter, Rules and Procedures.

2.22.100 Authority.

A. The hearing examiner shall receive and examine available information, conduct public hearings, prepare a record thereof, and enter findings of fact and conclusions based upon those facts. Those decisions of the hearing examiner shall represent the final decision upon the following matters:

1. Shoreline substantial development permits, shoreline conditional use permits, and shoreline variances;
2. Conditional use permits, subdivisions, and binding site plans for more than four lots;
3. Appeals of matters arising pursuant to SJCC Title 15 (building and fire codes);
4. Appeals from decisions of the CD&P director on boundary line modifications, simple land divisions, provisional uses, short subdivisions, binding site plans (up to four lots), temporary uses (Level II), discretionary uses, and other development permits issued by the CD&P director;
5. Appeals from administrative determinations made by the CD&P director pursuant to SJCC 18.10.030;
6. For project actions, appeals from decisions of the responsible official under SEPA;
7. Matters that have been consolidated by the CD&P director for review and approval by the hearing examiner; and
8. Appeals from decisions of the health officer pursuant to Chapter 8.22 SJCC.

B. Decisions Final. The decision of the hearing examiner on all matters shall be final and not subject to appeal to the County council unless the County council has adopted procedures for the discretionary review of decisions of the hearing examiner. Decisions on shoreline permits are subject to approval by the Washington Department of Ecology pursuant to RCW 90.58.140, WAC 173-27-130 and SJCC 18.80.110. Final decisions may be appealed to superior court or to state boards as provided by law. (Ord. 8-2011 § 2; Ord. 30-2008 § 7; Ord. 9-2002 § 1; Ord. 3-1994)

2.22.105 Hearing examiner clerk – Duties and responsibilities.

The CD&P director shall designate a person to serve as the clerk of the hearing examiner. The hearing examiner clerk shall have the following duties and responsibilities:

- A. Acceptance and marking of written testimony and exhibits, and maintenance of the record of the proceedings. These items constitute the official record of the hearing examiner proceedings;
- B. Under the general direction of the hearing examiner, scheduling hearings or other actions before the hearing examiner, in cooperation with the examiner and the CD&P director; and
- C. Under the supervision of the hearing examiner, preparation, certification, and transmittal of the official record of the proceedings when an appeal of an examiner's decision is filed. (Ord. 30-2008 § 8; Ord. 26-2002 § 7; Ord. 3-1994)

2.22.110 Submittal of applications.

All applications and matters to be submitted to the examiner shall be submitted to the administrator as specified by the ordinance governing the application. The administrator shall accept such applications only if the applicable filing requirements are met. The administrator, in coordination with the examiner, shall assign a date of public hearing for each submittal, in accordance with the ordinance governing the application or appeal. (Ord. 9-2002 § 2; Ord. 3-1994)

2.22.120 Report and recommendation of the administrator.

When an application has been scheduled before the hearing examiner, the administrator shall coordinate and assemble the comments and recommendations of other County departments and governmental agencies having an interest in the application and shall prepare a report summarizing the factors involved and the planning department findings, conclusions, and recommendations. At least 10 days prior to the scheduled hearing, the report shall be filed with the examiner and copies mailed to the applicant and appellant, and made available for any interested party. (Ord. 9-2002 § 3; Ord. 3-1994)

2.22.130 Multiple applications.

The examiner may consider two or more applications relating to a single project concurrently, and the findings of fact, conclusions and decision

on each application may be covered in one written decision. (Ord. 3-1994)

2.22.140 Time of meetings.

A. Notice of the time and place of the public hearing shall be given as provided in the ordinance governing the application or appeal.

B. The hearing examiner shall conduct public hearings two days each month, as necessary except during November and December, when only one hearing will be held unless a second hearing is necessary due to the number of agenda items. Hearings shall take place as specified in the hearing examiner contract; provided, that the hearings days shall be consistent from month to month. The hearing examiner may schedule special meetings and continued meetings, as deemed necessary. (Ord. 3-1994)

2.22.150 Decisions.

Decisions shall be rendered and transmitted in accordance with the ordinance requirements governing the application or appeal. Pursuant to RCW 36.70.970, hearing examiner decisions shall be in writing and shall include findings and conclusions, based on the record, to support the decision. The findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the County's Comprehensive Plan and development regulations (if applicable).

If an application is approved, the hearing examiner may attach conditions necessary to ensure compliance with the County Comprehensive Plan and Unified Development Code. Examples of conditions include, but are not limited to: additional setbacks, screening, restrictive covenants, notices to title, easements, dedications, rights-of-way, performance bonds, and, when supported by the appropriate environmental review, reduction in the density on the parcel, and other measures to mitigate adverse environmental impacts.

Each decision of a hearing examiner shall be rendered within the time required by state statutes following conclusion of all testimony and hearings and the closing of the record, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner. (Ord. 30-2008 § 9; Ord. 3-1994)

2.22.160 Appeals.

Repealed by Ord. 14-2000. (Ord. 3-1994)

2.22.170 Effective date of decision.

Hearing examiner decisions become effective when mailed or such later date in accordance with the laws and ordinance requirements governing the matter under consideration. Before becoming effective, shoreline permits are subject to review and approval by the Washington Department of Ecology pursuant to RCW 90.58.140, WAC 173-27-130 and SJCC 18.80.110. (Ord. 30-2008 § 10; Ord. 9-2002 § 4; Ord. 3-1994)

2.22.180 BOCC action on appeals.

Repealed by Ord. 14-2000. (Ord. 3-1994)

2.22.190 Examiner reports.

The hearing examiner shall report in writing to the County council and director of the community development and planning department at least annually for the purpose of reviewing the administration of the County's land use policies and regulatory ordinances. Such report shall include a summary of the examiner's decisions within that year. (Ord. 30-2008 § 11; Ord. 9-2002 § 5; Ord. 3-1994)

Article II. Rules and Procedures

2.22.200 General.

A. Introduction and Scope of Rules. These rules apply to all hearings that are required by the San Juan County Code to be held before the hearing examiner and shall serve as guidance when the hearing examiner is given the duty to conduct hearings on other subjects. These rules should be considered with Article I of this chapter, which contains provisions regarding the establishment and duties of the hearing examiner. The criteria for consideration of land use decisions are found in SJCC Title 18 and, most often, in Chapter 18.80 SJCC. These hearing examiner rules have been approved by the County council in Resolution No. 25-2011.

Public testimony is encouraged in all permit hearings but the hearing examiner is concerned not with the popularity of the proposal but with whether it conforms to criteria for approval under the applicable ordinance. The hearing examiner decides matters on the merits, based on the preponderance of the evidence. The decisions of the hearing examiner are final unless appealed. Failure of the hearing examiner to follow these rules shall not serve as grounds for invalidation of the decision,

but the hearing examiner is expected to apply these rules to the best of his or her ability.

B. Definitions.

1. "Appellant" means a person, organization, association or other similar group who files a complete and timely appeal to the hearing examiner as set forth in Article I of this chapter.

2. "Department" means the San Juan County department of community development and planning or its successor.

3. "Notice of decision" means a written document that communicates a decision of the hearing examiner.

4. "Participant" means any individual, partnership, corporation, association, or public or private organization that has submitted public comment before the hearing examiner.

5. "Party of record" means:

- a. The permit applicant;
- b. The appellant (if different than the permit applicant); and
- c. The County (if different than the appellant); and

d. Any person or entity who has submitted timely written or verbal testimony.

6. "Record" means the oral testimony and written exhibits submitted at the hearing before the hearing examiner. The audio recording of the proceeding and/or an accurate written transcription thereof shall be included as part of the record.

7. "SJCC" or "code" means the San Juan County Code.

C. Organization Representative Required.

When a group of people, organization, corporation, or other entity participates in a hearing, one person is to be designated to be its representative and inform the hearing examiner in writing of the name, address and telephone number of that designated representative. The rights of such participant shall be exercised by the person designated as the representative. Except as otherwise provided in these rules, notice or other communication to the representative is considered to be notice or communication to the organization.

D. Powers of Hearing Examiner. The hearing examiner shall preside over the hearing. The hearing examiner shall have all of the authority and duties granted to the hearing examiner in state statutes, the County code, and other County ordinances. Included in the duties of the hearing examiner are the following: to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and

to maintain order. The hearing examiner has all powers necessary to that end, including the following:

1. To administer oaths and affirmations;
2. To rule upon offers of proof and receive evidence;
3. To regulate the course of the hearings and the conduct of the parties and their agents;
4. To consolidate matters under consideration for hearing whenever the interests of justice and efficiency will be served or as required by the County code;
5. To question any [authorized] participant at the hearing;
6. To hold conferences for settlement, simplification of the issues, or any other proper purpose;
7. To require brief on legal issues;
8. To consider and rule upon all procedural and other motions appropriate to the proceedings; and
9. To make and file decisions and recommendations.

E. Conflict with County Code or State Law. These rules of procedure are adopted to supplement the requirements of the County code, state law and procedural due process. In the event that there are any conflicts between these rules and the provisions of the County code, state law or procedural due process, the applicable provisions of the County code, state law or procedural due process shall prevail.

F. Nature of Proceedings.

1. Frequency. Hearings before the hearing examiner shall be held at the time and place specified in the notice of hearing. Each matter shall be noted to commence at a particular time. Once commenced, a hearing may be continued by the hearing examiner for good cause.

2. Format. The format for a hearing will be of an informal nature yet designed in such a way that the evidence and facts relevant to a particular proceeding will be easily ascertainable by a reviewing body. The format will allow development of a record consistent with these rules.

3. Site Visit. Site visits may be helpful in understanding evidence that has been or might be presented at a hearing. When deemed necessary by the hearing examiner, the hearing examiner may inspect the site before or after a hearing. If the hearing examiner intends to conduct a post-hearing inspection, he or she shall notify the parties of record.

4. Record of Hearing. Hearings shall be electronically recorded and such recordings shall be a part of the official case record. No minutes of the hearing will be required, except that the list of witnesses testifying and exhibits offered and/or entered shall be maintained throughout the proceedings. Written transcripts of recorded proceedings are the responsibility of the person desiring the transcript at his or her own cost.

5. Computation of Time. In the computation of any period of time prescribed or allowed in any manner by the hearing examiner or County code, the day from which the time period begins to run shall not be included. When the last day of the period so computed is a Saturday, Sunday or a County recognized holiday, the period shall run until the end of the next following business day.

6. Filing and Service.

a. Filing occurs when documents are submitted to the hearing examiner clerk at the department. Documents may be submitted by mail, personal delivery, fax, or email. Filing is complete upon receipt. Courtesy copies may be sent directly to the hearing examiner. Service by mail will be deemed complete if postmarked three days before the due date.

b. Documents required to be served on another party of record may be delivered personally, transmitted by facsimile or email, or sent by regular mail. Service must be complete by 4:30 p.m. on the day it is due. In the case of regular mail, service will be deemed complete if postmarked three days before the due date.

c. Except for final decisions, every party of record represented by another person and every participant represented by another person consents to service on the representative.

d. At least 10 days prior to the hearing, the staff member assigned to the matter shall file a written analysis ("staff report") with the hearing examiner, along with all documents from the file he or she determines are required for review of the matter. The staff report and an identification of the documents shall be mailed to the applicant and to the appellant(s), if different from the applicant. Any party may inspect the department's file and submit additional documents to the hearing examiner.

7. Communications with Hearing Examiner. Any written or verbal communication, made directly or indirectly with or by the hearing examiner, that occurs outside of the hearing and in the absence of other participants is an ex parte commu-

nication. Ex parte communications are prohibited, except those communications regarding written submissions that are copied to all other parties of record or procedural matters. If an ex parte communication is prohibited by these rules and is recognized after it occurs, a written statement of the communication shall be made or the statement shall be disclosed during the hearing with an opportunity for parties of record to respond.

8. Appearance of Fairness. Proceedings before the hearing examiner are quasi-judicial in nature and, therefore, the appearance of fairness doctrine applies. At the commencement of the hearing or prior to commencement, if known, the hearing examiner and parties of record are required to disclose any fact that may affect the ability of the hearing examiner to issue a fair and impartial decision.

9. Hearing Examiner Pro Tem. In the event the hearing examiner is unable to serve, a "hearing examiner pro tem" will be selected randomly from a list established by the County council for this purpose.

10. Termination of Jurisdiction. The jurisdiction of the hearing examiner ends when the hearing examiner issues a final decision in the matter and the time limit for all appeals has been exhausted. All prehearing orders and nonfinal decisions of the hearing examiner are subject to reconsideration and correction.

11. Consolidation of Appeal Hearing with Permit Hearing. When an appeal hearing is consolidated with a permit hearing, the hearing examiner may segregate testimony in the hearing into appeal and permit testimony. The format for each of the segregated portions of the testimony may individually follow the formats applicable to permit and appeal hearings, as required below. (Res. 25-2011 Exh. A)

2.22.210 Features common to all hearings.

A. Oath. All testimony shall be taken under oath or affirmation.

B. Recording. Hearings shall be electronically recorded and the recordings shall be made a part of the record. Copies of the electronic recordings shall be made available on request upon payment of the costs of reproduction.

C. Evidence. Technical rules of evidence will not be applied. The key requirements for evidence will be relevance and reliability. Relevant and reliable evidence will be admitted if it possesses probative value commonly accepted by reasonable

persons in the conduct of their affairs. The hearing examiner may take judicial notice of facts generally known or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Personal attacks shall not be tolerated, unless it is demonstrated that there is no other manner in which relevant evidence can be presented.

D. Exhibits. Documents, photographs and physical evidence will be admitted as exhibits as determined by the hearing examiner and each will be assigned an exhibit number.

E. Staff Report or Analysis. The staff report or staff analysis produced by the department will be admitted as an exhibit in every hearing.

F. Testimony – How Presented. Testimony may be presented orally, in writing, or both. Persons giving expert testimony shall be subject to questioning by both parties of record and by the hearing examiner. When testimony is presented only in writing, the hearing examiner has discretion to leave the record open for written responses by any party of record. The hearing examiner is granted discretion to allow or disallow testimony by telephone or other means that can be heard or reviewed by all parties of record.

G. Limits on Testimony. The hearing examiner may impose reasonable limitations on the nature and length of testimony. In so doing, the hearing examiner shall give consideration to:

1. The expeditious completion of the hearing.
2. The need to provide all parties of record a fair opportunity to present their cases.
3. Accommodating the desires of members of the public to be heard, when public testimony is taken.

At the hearing examiner's discretion, irrelevant or unduly repetitious testimony may be excluded. If all testimony cannot be presented in the time available, the hearing shall be continued.

H. Burden of Proof. For an application to be approved, a preponderance of the evidence presented at the hearing must support the conclusion that the application meets the legal decision criteria that apply. The applicant shall have the burden of proof in a pre-decision hearing. The County shall have the burden of proof in a code enforcement hearing. For an administrative decision to be reversed or modified, the appellant has the burden by a preponderance of the evidence to show that the legal decision criteria are erroneously applied by the decision maker. In appeals of procedural

matters under SEPA, the determinations of the responsible official shall be entitled to substantial weight.

I. Expert Testimony. Affidavits, declarations or letters containing expert opinion will generally be admitted without the presence of the expert absent objection from the parties of record. Objections must be made at the time the written expert testimony is made known to the objecting party. Upon the submittal of a timely objection, the hearing examiner may continue the hearing to require the expert to appear and be available for cross-examination.

J. Filing of Papers. All written submissions made in advance of the hearing shall be filed with the department, marked for the attention of the hearing examiner.

K. Form and Timing of Hearing Examiner's Decision. The hearing examiner's decision will be contained in a written decision document with supporting findings and conclusions. Normally this document will be issued about 10 working days after the record closes and, in any event, the notice of decision on permit applications should be made within 120 days after the County notifies the applicant that the application is complete.

L. Substance of Hearing Examiner's Decision. The hearing examiner's decision shall be in writing and shall contain findings of fact and conclusions of law supporting the result reached. Any conditions included as part of an approval shall be set forth. The hearing examiner may approve or deny the application or appeal before him or her. In any decision which allows a project, the hearing examiner may impose reasonable conditions supported by the record.

M. Continuation or Reopening of Hearing. The hearing examiner may continue or reopen proceedings, as allowed by law, for good cause any time prior to the issuance of the decision.

N. Distribution of Decision. The department will maintain a copy of the hearing examiner's decision, available for public inspection, in the official file of each application or appeal and a copy will be sent to the San Juan County Law Library. The department will promptly distribute to the parties of record the hearing examiner's decision or a notice of where it is available on a publicly accessible website within one day of the department's receipt of the decision. Any person may obtain a copy of a hearing examiner decision upon request and payment of the costs of reproduc-

tion and postage as allowed by the Public Records Act, Chapter 42.56 RCW.

O. Reconsideration of Hearing Examiner's Decision.

1. General. The hearing examiner may reconsider any decision. Any party of record may request reconsideration of a decision of the hearing examiner. Reconsideration is not a condition precedent to any appeal. Reconsideration shall be limited to:

- a. Error(s) of procedure;
- b. Error(s) of law or fact; and/or
- c. Error(s) of judgment.

2. Time to File. A request for reconsideration, including reconsideration fee, must be filed with the department within five business days of the issuance of the hearing examiner's written decision. Such requests shall be delivered to the department before 4:00 p.m. on the last business day of the reconsideration period. Requests for reconsideration that are received by mail after 4:00 p.m. on the last day of this reconsideration period will not be accepted, no matter when such requests were sent, mailed or postmarked.

3. Content of Request for Reconsideration. Requests for reconsideration shall be in writing, be accompanied by the required reconsideration fee, and contain the following information:

- a. The name, address and phone number of the requestor;
- b. Identification of the application and final decision which is the subject of the request for reconsideration;
- c. Requestor's statement of grounds for reconsideration and the facts upon which the request is based;
- d. The specific relief requested;
- e. A statement that the requestor believes the contents of the request to be true, followed by his/her signature.

4. Effect. The timely filing of a request for reconsideration shall stay the hearing examiner's decision until such time as the hearing examiner issues a decision on reconsideration.

5. Reconsideration. The department shall provide mailed notice that a request for reconsideration has been filed to all parties of record.

6. Hearing Examiner's Action on Request. The hearing examiner shall consider the request for reconsideration without a hearing, but may solicit written arguments from parties of record. A decision on the request for reconsideration shall be issued within 10 business days after receipt of the

request for reconsideration by the County or the last date of receipt of any written arguments, whichever is later.

a. The time period for judicial appeal shall recommence upon issuance of the decision on reconsideration and be the same for all parties of record, regardless of whether a party filed a motion for reconsideration.

b. Only one request for reconsideration may be made by a party of record. Any ground not stated in the initial motion is waived.

7. Limitations on Hearing Examiner's Reconsideration. The hearing examiner shall consider the request for reconsideration based on the administrative record only. No new evidence may be considered or submitted by any party. The reconsideration decision issued by the hearing examiner may modify, affirm or reverse the hearing examiner's decision.

8. Final Decision on Reconsideration. A decision on reconsideration shall be distributed in the same manner as the original final decision.

P. Termination of Jurisdiction. The jurisdiction of the hearing examiner terminates upon the end of the appeal period for a decision. (Ord. 9-2013 § 33; Res. 25-2011 Exh. A)

2.22.220 Permit hearings.

A. Format of Permit Hearings. The public hearing will be informal in nature, but organized, so that testimony and evidence can be presented efficiently. The hearing shall include at least the following elements:

1. An introductory outline of the procedure by the hearing examiner.

2. Testimony by the department staff which shall summarize the written staff report and provide any additional exhibits or other information the staff believes should be brought to the hearing examiner's attention. The staff presentation shall include a recommendation for approval, approval with conditions, or denial.

3. Testimony by the applicant and the applicant's witnesses.

4. Testimony from others wishing to be heard.

5. Rebuttal testimony and closing argument from staff.

6. Rebuttal testimony and closing argument from the applicant.

7. Any participant in the hearing may present his or her testimony through witnesses; provided, that such witnesses, including expert

witnesses, must be personally present to so testify unless permission has been granted in advance by the hearing examiner to present such testimony by telephone. Written testimony shall be accepted pursuant to these rules.

B. Testimony for Organizations. Whenever the views of any formal or informal organization are to be presented, the organization shall designate a representative with authority to coordinate the presentation and to speak for the group. Any communications with the organization by the hearing examiner or by any party of record during the course of proceedings shall be through the designated representative.

C. Requiring Further Information. When the hearing examiner concludes that further information is necessary to reach a decision, the record may be kept open to allow time for such information to be supplied. When appropriate, an opportunity to reply to such information shall be provided to the parties of record specified by the hearing examiner, either in writing or through further hearings.

D. Content of the Record. The record of a permit hearing shall include at least the following:

1. The application.
2. The staff report.
3. All documentary or physical evidence received and considered, including all exhibits filed.
4. Electronic recordings of the proceedings and/or an accurate written transcription thereof. (Res. 25-2011 Exh. A)

2.22.230 Appeal hearings.

A. Who May Appeal. On matters within the hearing examiner's jurisdiction, any person aggrieved by an administrative decision, as defined by law, may appeal to the hearing examiner.

B. Notice of Appeal. The contents of an appeal and the filing requirements thereof shall comply with applicable provisions of the San Juan County Code. The content and filing requirements shall be considered jurisdictional. The hearing examiner shall have no authority to consider appeals that fail to comply with the content and filing requirements of the San Juan County Code.

C. Clarification of Notice of Appeal. If the appeal is unclear and does not sufficiently explain the basis for the appeal, the hearing examiner may issue an order requiring that the appellant amend the appeal within 10 days of the date of the order.

If the appeal is not satisfactorily amended within the time allowed, it shall be dismissed.

D. Motions. The hearing examiner shall dismiss an appeal, without hearing, when it is determined by the hearing examiner to be untimely, without merit on its face, incomplete, or frivolous.

Any application to the hearing examiner for an order shall be by motion which, unless made during a hearing, shall be in writing, stating the reasons for the request and setting forth the relief or order sought. Written motions shall be received at least five days in advance of the hearing.

E. Parties. The parties in appeal hearings shall be the County, the applicant, an intervenor granted such status, and the appellant(s), if different from the applicant or the County. No other persons shall be allowed to testify unless serving as a witness to one of the parties unless otherwise permitted at the discretion of the hearing examiner.

F. Intervention in Appeal Hearings.

1. Upon a showing of a substantial or significant interest that is not otherwise represented, the hearing examiner may permit an interested person, group, organization, corporation, or other entity, who is not a part to the appeal, to intervene in the appeal, except that no intervention shall be allowed in appeal hearings concerning code enforcement matters.

2. A written request for intervention must be submitted to the hearing examiner, the applicant, and the appellant at least five days prior to the day on which the hearing is to begin, unless the intervention is for the sole purpose of preserving the right to appeal the decision of the hearing examiner to court, in which such written intervention request may be permitted at any time up to the start of the hearing. The intervention request must state the basis for the intervention and how the person, group, organization, corporation or other entity making the request is affected by or interested in the appeal.

3. Upon approval of the request, the intervenor shall have all the procedural rights of a party in the proceedings, subject the terms of the order granted intervention and any subsequent condition that the hearing examiner may impose or direction. Conditions of intervention may include:

a. Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest or expertise as shown by the request for intervention or other information;

b. Requiring or limiting the intervenor's use of discovery, cross-examination, and other pro-

cedures so as to promote the orderly and prompt conduct of the proceedings;

c. Requiring two or more intervenors and/or parties with similar interest to combine their presentations of evidence and argument, cross examination, discovery, and other participation in the proceedings;

d. Prohibiting any participation because the intervention is granted only for the purpose of preserving a right of appeal of the hearing examiner decision;

e. Such other terms as will help further the purpose of the proceedings.

G. Format of the Appeal Hearing. The appeal hearing will be of an informal nature, but organized so that testimony and other evidence can be presented efficiently. An appeal hearing shall include at least the following:

1. An introductory outline of the procedure by the hearing examiner.

2. Presentation by the appellant, including any witnesses.

3. Cross-examination, if any, of appellant and appellant's witnesses.

4. Presentation by the department staff, summarizing the staff analysis and including any witnesses for the County.

5. Cross-examination, if any, of department staff and staff's witnesses.

6. Presentation by the project applicant, if different from appellant, including any witnesses.

7. Cross-examination, if any, of the project applicant and applicant's witnesses.

8. Rebuttal testimony and closing by staff.

9. Rebuttal testimony and closing by applicant, if different from appellant.

10. Rebuttal testimony and closing by appellant.

11. Written statements of interested members of the public shall be permitted and may be limited at the discretion of the hearing examiner at an appropriate time of the proceeding.

H. Prehearing Conference. The hearing examiner may schedule and hold a prehearing conference when it appears that the orderly and efficient conduct of the hearing will be served, or that settlement of the appeal through such a conference is likely. A prehearing conference may, among other things, consider:

1. Simplification of the issues.

2. The existence of undisputed facts to which the parties are willing to stipulate.

3. The identification of witnesses and documentary or other evidence to be presented at hearing.

4. Any reasonable needs any party may have for discovering the details of the case the other party intends to present.

5. The imposition of reasonable time limits.

Based upon the discussions and agreements at such a conference, the hearing examiner may enter a prehearing order, which shall govern subsequent proceedings. If the case is settled at such a conference, the hearing examiner shall enter an order reciting the terms of the settlement and dismissing the appeal.

I. Content of the Record. The record of an appeal hearing conducted by the hearing examiner shall include at least the following:

1. The notice of appeal and any amendments.

2. The staff analysis responding to the appeal and all accompanying documents, including the papers that comprise the record of the decision subject to appeal.

3. Additional documentary or physical evidence received and considered, including all exhibits filed.

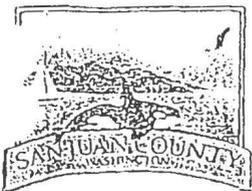
4. The hearing examiner's decision.

5. Electronic recordings of the proceedings and/or an accurate written transcription thereof. (Ord. 9-2013 § 29; Res. 25-2011 Exh. A)

2.22.240 Appeal of hearing examiner decisions.

Decisions of the hearing examiner are the final decision of the County and there is no further administrative appeal. The rules and procedures for appeals to court or other boards are set out in the Revised Code of Washington. Appeals shall be within the time allowed by law. The hearing examiner's decision shall contain a statement advising parties of their appeal rights. (Res. 25-2011 Exh. A)

APPENDIX F



San Juan County
Community Development & Planning

P.O. Box 947 Friday Harbor, WA 98250

Permit No.: BUILDG-13-0197

Application Date: 9/19/2013

Issue Date: 2/26/2014

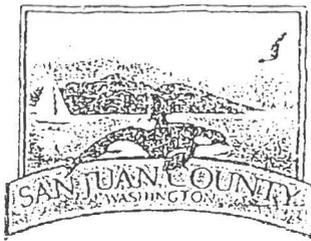
Parcel / APN: 361943002000

<p>Site Address: 6739-A ROCHE HARBOR RD FRIDAY HARBOR WA 98250</p> <p>Bedrooms: 0 Stories: 0</p> <p>Building Code: 2012 IBC Occ. Group: M Mercantile Use Code: Shed roof on ex. bld</p> <p>Applicant: FRANK & PATRICIA PENWELL, TTEES Address: 560 KELSANDO CIR FRIDAY HARBOR, WA 98250</p> <p>Contractor: OWNER/CONTRACTOR Address:</p> <p>Description: ADDITION TO ACC STRUCTURE. ON SAME TPN BUILDG-13-0198 & BUILDG-13-0199</p> <p>Restrictions: Per PCUP00-13-0008 new covered area shall NOT be used for commercial space. Storage/parking only</p> <p>Comments:</p>	<p>Island: SAN JUAN</p> <p>Valuation: \$ 10,000.00</p> <p>Setbacks N: >150' E: existing S: >100' W: 15'</p> <p>Septic Design #: Water Avail. #:</p> <p>Phone: (360) 378-6473 Fax:</p> <p>Phone: Fax:</p> <p>Business Lic#:</p>
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Critical Area Designation	Land Use Designation
<p>Geohazard: NO</p> <p>Wetland: NO</p> <p>FEMA: NO</p> <p>Eagle Nest: NO</p> <p>Archaeology: NO</p>	<p>Shoreline Designation:</p> <p>Upland Designation: rff</p> <p>Activity Center:</p>
FEES:	
<p>BUILDING FEE 454.00</p> <p>STATE SURCHARGE FEE 4.50</p>	<p>BLDG PLN REV DEPOSIT 295.10</p>
TOTAL FEES: 753.60	

The work performed and/or building constructed under this permit may be used only for the use or purpose set forth above unless a Change of Use is authorized by the Community Development and Planning Department. This building permit is issued pursuant to RCW Chapters 19.27 and 70.92 and the San Juan County Code. Permission is hereby granted to perform the work covered by this permit in accordance with the approved construction documents pertaining thereto and subject to field inspections and approvals; and subject to compliance with any applicable ordinance, regulation, or law. PERMITS OTHERWISE EXTENDED BY THE BUILDING OFFICIAL, PERMITS EXPIRE AND BECOME NULL AND VOID IF WORK IS NOT COMPLETED WITHIN 180 DAYS OF PERMIT ISSUANCE, OR IF WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS STARTED. Permits which have not received Final Inspection Approval are subject to an Annual Permit Fee, as established by County Council.

300-000000144



San Juan County
Building Permit, Planning & Land Use

135 Rhone Street P.O. Box 947 Friday Harbor, WA 98250
(360) 378-2354 (360) 378-2116 Fax (360) 378-3922
www.sanjuanco.com

Permit Receipt

RECEIPT NUMBER 00007275

Account number: 003340

Date: 2/26/2014

Applicant: FRANK & PATRICIA PENWELL, TTEES
560 KELSANDO CIR
FRIDAY HARBOR, WA 98250

Type: check # 4433

Permit Number	Fee Description	Amount
BUILDG-13-0197	BUILDING FEE	454.00
BUILDG-13-0197	BLDG PLN REV DEPOSIT	295.10
BUILDG-13-0197	STATE SURCHARGE FEE	4.50
Total:		\$753.60

Receipt Description:
... JOF ADDITIONS

Receipt Comments:

300-000000148



San Juan County
Community Development & Planning

P.O. Box 947 Friday Harbor, WA 98250

Permit No.: BUILDG-13-0198

Application Date: 9/19/2013

Issue Date: 11/22/2013

Parcel / APN: 361943002000

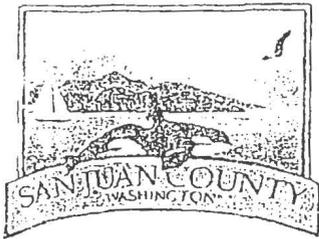
Site Address:	6739-A ROCHE HARBOR RD FRIDAY HARBOR WA 98250	Island:	SAN JUAN
Bedrooms:	0	Stories:	0
Building Code:	2012 IBC	Valuation:	S
Occ. Group:	M Mercantile	Setbacks N:	E:
Use Code:	Retail	S:	W:
Applicant:	FRANK & PATRICIA PENWELL, TTEES	Septic Design #:	
Address:	560 KELSANDO CIR FRIDAY HARBOR, WA 98250	Water Avail. #:	
Contractor:	OWNER/CONTRACTOR	Phone:	(360) 378-6473
Address:		Fax:	
Description:	CHANGE OF USE FOR BUILDING # 2 & 3 TO RETAIL. ALSO ON SAME TPN BUILDG-13-0197 & BUILDG-13-0199		
Restrictions:			
Comments:	Change of use from storage to retail		

Critical Area Designation	Land Use Designation
Geohazard: Wetland: FEMA: Eagle Nest: Archaeology:	Shoreline Designation: Upland Designation: Activity Center:

FEES:			
BLDG CHANGE OF USE	105.00	STATE SURCHARGE FEE	4.50
			TOTAL FEES: 109.50

The work performed and/or building constructed under this permit may be used only for the use or purpose set forth above unless a Change of Use is authorized by the Community Development and Planning Department. This building permit is issued pursuant to RCW Chapters 19.27 and 70.92 and the San Juan County Code. Permission is hereby granted to perform the work covered by this permit in accordance with the approved construction documents pertaining thereto and subject to field inspections and approvals; and subject to compliance with any applicable ordinance, regulation, or law. PERMITS OTHERWISE EXTENDED BY THE BUILDING OFFICIAL, PERMITS EXPIRE AND BECOME NULL AND VOID IF WORK IS NOT COMPLETED WITHIN 180 DAYS OF PERMIT ISSUANCE, OR IF WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS STARTED. Permits which have not received Final Inspection Approval are subject to an Annual Permit Fee, as established by the County Council.

400-000000152



San Juan County
Building Permit, Planning & Land Use

135 Rhone Street P.O. Box 947 Friday Harbor, WA 98250
(360) 378-2354 (360) 378-2116 Fax (360) 378-3922
www.sanjuanco.com

Permit Receipt

RECEIPT NUMBER 00006923

Account number: 003340

Date: 11/22/2013

Applicant: FRANK & PATRICIA PENWELL, TTEES
560 KELSANDO CIR
FRIDAY HARBOR, WA 98250

Type: check # 4350

Permit Number	Fee Description	Amount
BUILDG-13-0198	BLDG CHANGE OF USE	105.00
BUILDG-13-0198	STATE SURCHARGE FEE	4.50
Total:		\$109.50

Receipt Description:
CHANGE OF USE

Receipt Comments:

40-000000155



San Juan County
Community Development & Planning

P.O. Box 947 Friday Harbor, WA 98250

Permit No : BUILDG-13-0199

Application Date: 9/19/2013

Issue Date: 11/22/2013

Parcel / APN: 361943002000

Site Address:	6739-A ROCHE HARBOR RD FRIDAY HARBOR WA 98250	Island:	SAN JUAN
		Valuation:	\$
Bedrooms:	0	Stories:	0
		Setbacks N:	E:
		S:	W:
		Septic Design #:	
		Water Avail. #:	
Building Code:	2012 IBC		
Occ. Group:	M Mercantile		
Use Code:	Retail space		
Applicant:	FRANK & PATRICIA PENWELL, TTEES	Phone:	(360) 378-6473
Address:	560 KELSANDO CIR FRIDAY HARBOR, WA 98250	Fax:	
Contractor:	OWNER/CONTRACTOR	Phone:	
Address:		Fax:	
		Business Lic#:	
Description:	CHANGE OF USE FOR BUILDING # 2 & 3 TO RETAIL. ON SAME TPN - BUILDG-13-0197 & BUILDG-13-0198		
Restrictions:			
Comments:	Change of use from storage to retail		

Critical Area Designation		Land Use Designation	
Geohazard:		Shoreline Designation:	
Wetland:		Upland Designation:	
FEMA:		Activity Center:	
Eagle Nest:			
Archaeology:			
FEES:			
BLDG CHANGE OF USE	105.00	STATE SURCHARGE FEE	4.50
			TOTAL FEES: 109.50

The work performed and/or building constructed under this permit may be used only for the use or purpose set forth above unless a Change of Use is authorized by the Community Development and Planning Department. This building permit is issued pursuant to RCW Chapters 19.27 and 70.92 and the San Juan County Code. Permission is hereby granted to perform the work covered by this permit in accordance with the approved construction documents pertaining thereto and subject to field inspections and approvals; and subject to compliance with any applicable ordinance, regulation, or law. PERMITS OTHERWISE EXTENDED BY THE BUILDING OFFICIAL, PERMITS EXPIRE AND BECOME NULL AND VOID IF WORK IS NOT COMPLETED WITHIN 180 DAYS OF PERMIT ISSUANCE, OR IF WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS STARTED. Permits which have not received Final Inspection Approval are subject to an Annual Permit Fee, as established by County Council.

50-000000159



San Juan County
Building Permit, Planning & Land Use

135 Rhone Street P.O. Box 947 Friday Harbor, WA 98250
(360) 378-2354 (360) 378-2116 Fax (360) 378-3922
www.sanjuanco.com

Permit Receipt

RECEIPT NUMBER 00006924

Account number: 003340

Date: 11/22/2013

Applicant: FRANK & PATRICIA PENWELL, TTEES
560 KELSANDO CIR
FRIDAY HARBOR, WA 98250

Type: check # 4350

Permit Number	Fee Description	Amount
BUILDG-13-0199	BLDG CHANGE OF USE	105.00
BUILDG-13-0199	STATE SURCHARGE FEE	4.50
Total:		\$109.50

Receipt Description:
CHANGE OF USE

Receipt Comments:

500-000000162

BURI FUNSTON MUMFORD PLLC

October 05, 2017 - 11:22 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 94463-6
Appellate Court Case Title: Community Treasures, et al. v. San Juan County
Superior Court Case Number: 15-2-05033-9

The following documents have been uploaded:

- 944636_Briefs_20171005111956SC942679_7861.pdf
This File Contains:
Briefs - Respondents Supplemental
The Original File Name was Supplemental Brief of Resp. San Juan Co..pdf

A copy of the uploaded files will be sent to:

- heidi@burifunston.com
- nickedpower@gmail.com
- randallg@sanjuanco.com
- steve@brandlilaw.com
- tamarag@sanjuanco.com

Comments:

Sender Name: Philip Buri - Email: philip@burifunston.com
Address:
1601 F ST
BELLINGHAM, WA, 98225-3011
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