



“required changes” specified in the DOE findings and conclusions, were approved. Changes to the County SMP amendments involved calculations on the number of parcels allowed on the shorelines and the transient rental of guesthouse wording. Under the provisions of WAC 173-26-120 San Juan County submitted alternative proposals to DOE on October 23, 2001. One of the proposals was withdrawal of the amendment for transient rental provisions. On November 8, 2001, DOE accepted the County’s alternative proposal and approved the revised amendments. Notice of DOE approval was published by San Juan County on November 28, 2001. On January 15, 2002, San Juan County adopted Resolution 5-2002 which adopted the revised amendment and specifically excluded the transient rental provisions. Petitioners challenge of violation of the SMA is directed specifically to the County’s withdrawal of the proposed transient rental amendments. We resolve this case based on one of the jurisdictional issues argued by the County.

RCW 36.70A.280(1)(a) establishes the jurisdictional underpinnings of Growth Management Hearings Board (GMHB) review. A GMHB has jurisdiction to determine compliance with the SMA only “as it relates to the adoption of Shoreline Master Program or amendments thereto.” San Juan County did not adopt an amendment to its SMP regarding transient rental, although it initially planned to do so. The PFR only alleges violations of the SMA. Under this record there is no jurisdiction for us to address the issues in the PFR.

The motion to supplement the record and the motion to consolidate may not be addressed.

A final note. In the May 7, 2001 order in *Durland v. San Juan County*, 99-2-0010c/00-2-0062c at p. 26, we declined to rule on the transient rental/guesthouse issues that related to the shorelines until “that” SMP amendment was processed. The SMP amendment referred to in that case was the one San Juan County presented to us as awaiting DOE approval. Ultimately, that amendment upon which we rejected addressing the issue was withdrawn. If at the time of the compliance hearing, petitioner has presented the issue to us, we will decide whether to review the County’s actions or inactions relative to the transient rental/guesthouse issue on shorelines under the unusual facts presented through the County’s action or inaction over the past 2-3 years.

The PFR is dismissed.

This is a Final Order under RCW 36.70A.300(5) for purposes of appeal.

Pursuant to WAC 242-02-832(1), a motion for reconsideration may be filed within ten days of issuance of this final decision.

So ORDERED this 20<sup>th</sup> day of March, 2002.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

---

William H. Nielsen  
Board Member

---

Les Eldridge  
Board Member

---

Nan A. Henriksen  
Board Member