

## Adam Zack

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**From:** Gary & Nicki Ottinger <ottingerfamily@yahoo.com>  
**Sent:** Thursday, August 19, 2021 2:04 PM  
**To:** Comp Plan Update  
**Subject:** Comments to San Juan County Comprehensive Plan Element B.2 Land Use and Rural Town of Friday Harbor Urban Growth Area (UGA)  
**Attachments:** Attachment A.pdf; Attachment B 20070723 Letter to Buck.pdf; Attachment C 20071003 Paula to Buck.pdf; Attachment D 20160801 Liner Email.docx

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Below are my comments and attached supporting documents for your consideration regarding the annexation of Steve Buck's Lampard Road property into the Town of Friday Harbor.

Comments submitted by Nicholene Sundstrom Ottinger. My property borders Mr. Buck's to the west and is zoned for agricultural use.

- My biggest concern is about additional water runoff with the development of Mr. Buck's property if it is brought into the Town of Friday Harbor, and installation of roads, sidewalks, etc., creating a lot of impermeable areas. My property is downhill from Mr. Buck's and I already get his runoff; however, since it is currently in a natural state so the ground can absorb some of it as it comes towards my property, it is less than what it would be with a development. Furthermore, I have not been impressed with how the County handles runoff. In two locations along Lampard Road the County has installed culverts from north to south under the road which direct runoff from the north to flow onto and across my property. I have tried to talk to the County about this but they do not appear to be interested in properly directing the runoff so it will not drain onto my fields. I am already receiving enough of everyone else's runoff for one property owner. I am afraid I will get the same treatment from Mr. Buck and the County should his property be annexed and developed into home sites creating more water flowing my way.
- I already mentioned above my concern about additional runoff. In reading the SEPA Environmental Checklist on page 36 of Mr. Buck's original application request under B. Environmental Elements, 3. Water, c. Water runoff (including storm water), I was shocked to see his solution was to direct his water runoff onto my property! His reply to the question to describe the source of runoff, method of collection and disposal, and where this water would flow is definitely not acceptable. Please see my Attachment A. His response: "Storm water currently flows in primarily two areas from this property onto the property to the west, which includes a low spot in the middle that flows onto the Sundstrom farmland and where the irrigation pond is in the northwestern corner. If need be, a storm water system could be designed so that the vast majority of run off goes to the irrigation pond in the northwestern corner and then that water would flow just as it does now during the winter so there should be no additional impact." Consequently, my property would be taking all of Mr. Buck's runoff since I own the property to his west and the pond. The overflow from my pond goes across my field below into Paula Sundstrom's pond, and then down to the marsh below, and I believe towards San Juan Valley after that. Adding the runoff from his development to the current amount of runoff would definitely increase the volume and could possibly affect others down the line. I do not believe this is legal. Since the passing of my father, the pond has not been used for irrigation thus drawing down the water level during the summer, only for stock watering and wild life, so more water would be flowing to the south.
- I am also concerned about runoff from a development polluting my pond. Many times in neighborhoods oil leaks from vehicles and other pollutants get into the storm drain system. If my property/pond is the "storm drain," it could end up being polluted and the water not good for the livestock or wildlife.

- From past experience, Mr. Buck is very slow to act upon a water issue coming from his property. In case you are not aware, I inherited the property in 2015 after the passing of my father, Al Sundstrom. Attached is a letter from my father's attorney to Mr. Buck dated July 23, 2007, as well as a letter dated October 3, 2007, written by Paula Sundstrom on behalf of our father. Please see Attachments B and C. He had already discussed this matter with Mr. Buck trying to get him to fix the problem before finally resorting to an attorney for help. I do not recall the exact date Mr. Buck's leaking pond became a problem but it was obviously prior to 2007. A section of our field could not be farmed during that 10 year period because it was too wet to drive equipment in that area. It wasn't until August 1, 2016 that Mr. Buck finally had a pond liner installed to stop his pond from leaking. See Attachment D. Obviously, the problem was not resolved in a timely manner. Mr. Buck did not appear to be concerned about the impact this caused to my father, the property, and the ability to farm it. If Mr. Buck allows runoff to go to my middle field where there is a low spot (which he mentions in Attachment A), you can see from our past experience we may not be able to farm the field because equipment will get stuck in the wet soil.
- Valley views that Mr. Buck speaks of cannot be guaranteed since there is no view easement.
- Many of us to the west of Mr. Buck's property can see his two homes, particularly the larger home in the open field. We would now be looking at a village of homes with additional street lighting at night. That's not exactly the view we want. You can easily see his property when driving east on San Juan Valley Road and Lampard Road. It is not as "hidden" as he stated.
- We already hear a lot of "people" noise when Mr. Buck has his vacation rental rented out so I can only imagine with multiple homes, we'll have more noise floating across the fields. It currently is a quiet area so voices and sounds easily travel across the open fields.

**Adam Zack**

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**From:** Yunge, Chad (ECY) <CYUN461@ECY.WA.GOV>  
**Sent:** Monday, July 19, 2021 10:55 AM  
**To:** Adam Zack  
**Cc:** Luerkens, Chris (ECY)  
**Subject:** FW: Ordinary High Water Mark Determination TPN 241022016000

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Hi Adam,

Chris Luerkens (see message below) and I both reviewed the draft OHWM Determination letter for TPN: 241022016000 sent you us on July 13, 2021 and concur with the county's findings that the OHWM on this site is located at the toe of the bluff on this property. Please let us know if we can be of any further assistance in this matter.

Regards,  
Chad

**Chad Yunge | Senior Regional Shoreline Planner**  
Shorelands & Environmental Assistance Program | Bellingham Field Office  
360.255.4374 Office | 360.366.6186 Cell  
[chad.yunge@ecy.wa.gov](mailto:chad.yunge@ecy.wa.gov)



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**From:** Luerkens, Chris (ECY) <CLUE461@ECY.WA.GOV>  
**Sent:** Monday, July 19, 2021 10:44 AM  
**To:** Yunge, Chad (ECY) <CYUN461@ECY.WA.GOV>  
**Subject:** RE: Ordinary High Water Mark Determination TPN 241022016000

Hi Chad,

I have reviewed the OHWM determination prepared by the County regarding this site. As documented in the report, the property is located on a bluff/bank, with sparse vegetation waterward of the bluff. The methodology described by the County in making the determination appears to be consistent with Ecology's guidance for determining the OHWM. The County seems to have done a nice job documenting the site characteristics. Based on of the memo, I concur with the County's determination that the OWHM is located at the toe of the slope. The approximate OHWM line shown in figures 9 and 10 of the report appear to be reasonably accurate.

Please let me know if I can clarify anything.

**Chris Luerkens | Shorelands & Wetlands Permit Specialist | [Department of Ecology](http://DepartmentofEcology) | 360-255-4399 | cell: 360-410-4807**  
[|chris.luerkens@ecy.wa.gov](mailto:chris.luerkens@ecy.wa.gov)

*This communication is a public record and may be subject to disclosure as per the Washington State Public Records Act (RCW 42.56)*

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**From:** Yunge, Chad (ECY) <[CYUN461@ECY.WA.GOV](mailto:CYUN461@ECY.WA.GOV)>  
**Sent:** Tuesday, July 13, 2021 3:43 PM  
**To:** Luerkens, Chris (ECY) <[CLUE461@ECY.WA.GOV](mailto:CLUE461@ECY.WA.GOV)>  
**Subject:** FW: Ordinary High Water Mark Determination TPN 241022016000

Hey Chris,

This is the OHWM determination the county wants us to verify. If you think it warrants a site visit I can set that up with the property owner. Let me know

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**From:** Adam Zack <[adamz@sanjuanco.com](mailto:adamz@sanjuanco.com)>  
**Sent:** Tuesday, July 13, 2021 3:21 PM  
**To:** Yunge, Chad (ECY) <[CYUN461@ECY.WA.GOV](mailto:CYUN461@ECY.WA.GOV)>  
**Cc:** Sophia Cassam <[sophiac@sanjuanco.com](mailto:sophiac@sanjuanco.com)>; Erika Shook <[erikas@sanjuanco.com](mailto:erikas@sanjuanco.com)>  
**Subject:** Ordinary High Water Mark Determination TPN 241022016000

**THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link**

Dear Chad Yunge,

Please review the attached draft OHWM Determination Memo for TPN 241022016000 and let me know if you have any comments.

Thank You,  
Adam Zack  
Planner III  
Department of Community Development  
San Juan County, WA  
360-370-7580  
[adamz@sanjuanco.com](mailto:adamz@sanjuanco.com)

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Law Office  
DOUGLAS F. STRANDBERG, P.S.

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Douglas F. Strandberg  
Admitted to Practice in  
Washington and Alaska

Telephone (360) 378-3390  
FAX (360) 378-3490  
dfslaw@rockisland.com

July 23, 2007

Hand-Delivered  
Personal and Confidential

Steve Buck  
c/o Coldwell Banker San Juan Islands, Inc.  
P. O. Box 100  
Friday Harbor, WA 98250

Dear Steve:

Our office has been retained by Al Sundstrom regarding certain issues related to damage to the Sundstrom property caused by the pond on your property.

Al would like to resolve these matters amicably but he is obviously frustrated by your lack of action. According to Al, he has advised you repeatedly that your pond is leaking, causing serious damage to his hay field. Only recently Thor Black's truck became mired in the Sundstrom field because the field was so sodden from water that apparently emanated from your pond.

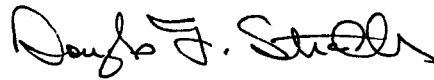
As you know, Al has owned and farmed his property for over 48 years. Before he purchased the property in 1959, he leased it for several years and farmed it without any water problems. Until you built your pond, he never had any problems whatsoever. Based on the history of the respective properties, as recounted by Mr. Sundstrom, your pond has obviously altered the natural flow of water on to the Sundstrom property. It is therefore your responsibility to correct this problem. In addition Mr. Sundstrom believes that you should pay for the recent damage to his field. Enclosed is an estimate from Black Family Enterprises, Inc. for repair of the damage to the field.

Mr. Sundstrom requests that you advise our office, within fourteen (14) days of the date of this letter, of the specific steps you agree to take to resolve these matters.

If you wish to keep your pond, rather than fill it in, you might confer with Mike Carlson. Mike constructed a 160' x 100' pond on my property, and we then installed a fabric pond liner from Bend Tarp and Liner. I will be glad to provide you a sample. We have had no leakage out of the pond since it was installed, and our pond is naturalizing very nicely and is safe for both swimming and fish.

Al certainly hopes this matter can be settled shortly, but, as you can see, he is no longer willing to let it go unresolved.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Douglas F. Strandberg". The signature is written in a cursive style with a large, stylized initial "D".

Douglas F. Strandberg

DFS:js

Encl.

187.001\07buck0719



October 3, 2007

Steve Buck  
P.O. Box 100  
Friday Harbor, WA 98250

Dear Steve,

This has been on my mind for some time, and up until now I have chosen to stay out of it because I work in your office. You know that your pond is leaking on our property, and have addressed in writing that you would fix the problem this summer—it is now October. Since this is time sensitive, it may be too late to drain this year, at best we have until the end of October.

When there was a problem with the Sandwith pond my dad talked to Bob once and it was taken care of. You are a 3<sup>rd</sup> generation islander. I would have hoped the same from you. Instead my dad has felt it necessary to contact an attorney. This is the 2<sup>nd</sup> year hay equipment has gotten stuck in the field, with the field now requiring significant repair.

Removing hawthorns is routine in fence repair (an expense customarily shared by both parties). That repair became necessary when your alpacas broke the fence. The work was started only after you said you were going to fix the pond, but now without that, even fence repair can't be done since the property is too drenched to work with. My dad has been more than patient.

The farm is a business and you run a real estate business. I'm sure you can appreciate how you would feel if things were reversed. Your lack of respect for my father and his property is becoming personal. He is not only your neighbor, he is a repeat client of yours. It makes it awkward for me to work here. For everyone we need to have resolution. To start the communication, please let us know what you plan to do and your timeframe.

Sincerely,



Paula Sundstrom for Al Sundstrom

cc: Doug Strandberg

**RE: Pond liner**

Aug 1, 2016 at 11:41 AM

**Steve Buck** <steve@sanjuanislands.com>

To: 'Gary & Nicki Ottinger' <ottingerfamily@yahoo.com>

Hi Nicholene.

Thank you. I appreciate your patience. It turned out to be quite a job and very expensive. They should be wrapping up today.

I hope you have a great rest of the summer too. See you at the fair?

Steve

**From:** Gary & Nicki Ottinger [mailto:ottingerfamily@yahoo.com]

**Sent:** Friday, July 29, 2016 9:23 AM

**To:** steve@sanjuanislands.com

**Subject:** Pond liner

Hi Steve,

Paula gave me the message that the pond liner has been completed. I just wanted to thank you for doing that. I really appreciate it!

I hope you're having a great summer!

Thanks,

Nicholene