

## Sophia Cassam

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**From:** Karl Eberhard <eberhard@silcom.com>  
**Sent:** Tuesday, November 2, 2021 2:23 PM  
**To:** Comp Plan Update  
**Cc:** Eberhard, Martin; Eberhard, Carolyn (Martin); Eberhard, Family; Community Development  
**Subject:** Re: Public Comment - MRLO  
**Attachments:** MRLO Comments 11 1 2021 Corrected.pdf

Some people who received this message don't often get email from eberhard@silcom.com. [Learn why this is important](#)

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Hi -

I corrected the word "west" to "east" in this document ... otherwise no changes ...

Best Regards,

Karl Eberhard, Architect

[eberhard@silcom.com](mailto:eberhard@silcom.com) (928) 699-7974  
[www.KarlEberhard.com](http://www.KarlEberhard.com)

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On 11/2/2021 11:31 AM, Karl Eberhard wrote:

Honorable Planning Commission and County Council, and County Staff,

Please find attached our comments relative to the proposed MRLO on TPNs 450113005000 and 450111003000.

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Best Regards,  
Karl Eberhard, Elma Ranch

[eberhard@silcom.com](mailto:eberhard@silcom.com) (928) 699-7974  
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# Karl Eberhard

Elma Ranch  
2628 West Valley Road, San Juan Island

November 2, 2021

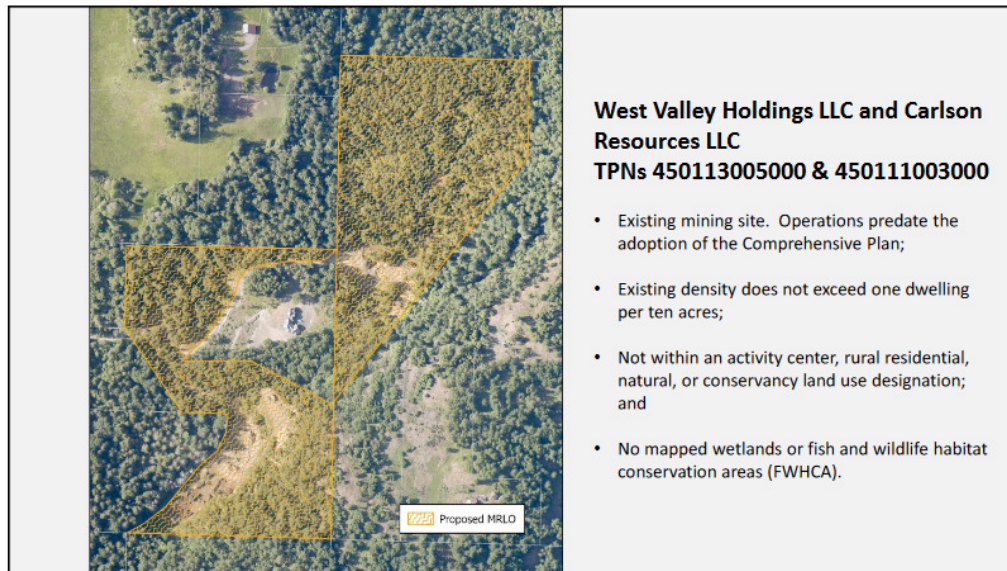
Community Development Department  
San Juan County, WA  
135 Rhone Street  
Friday Harbor, WA 98250

Re: Proposed MRLO on TPNs 450113005000 and 450111003000

Honorable Planning Commission and County Council,

Representing Martin and Carolyn Eberhard and Karl and Karin Eberhard, owners of Elma Ranch (TPNs 450111002000, 450111005000, 450111006000, and 450111007000), regarding proposed MRLO on TPNs 450113005000 and 450111003000.

It looks as if our comments from July 2021 have not been considered as the Staff presentation dated September 2021 still shows the following configuration of the proposed MRLO for these properties:

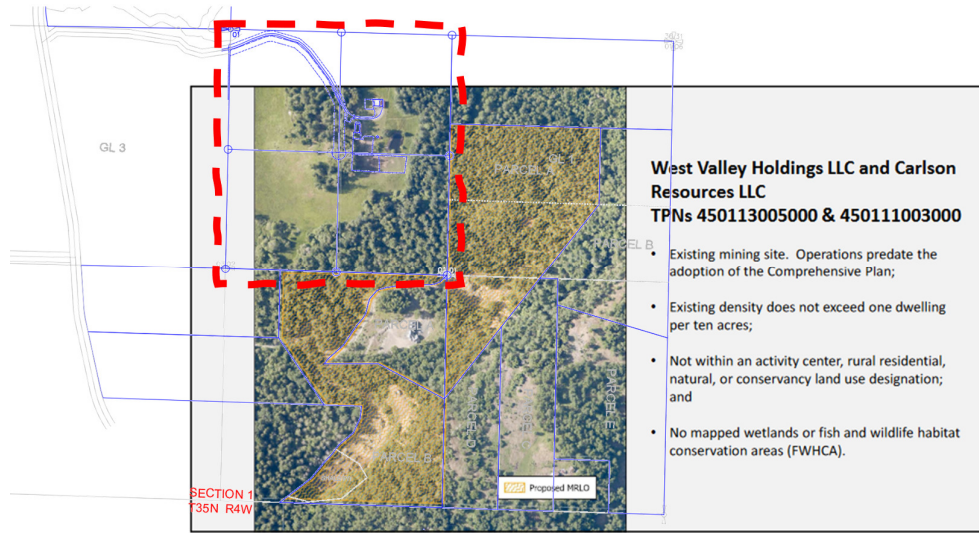


We again point out that this materially mis-represents the “existing mining site”, allowing a new land use to wrap around our farm in a manner that is significantly adverse to the enjoyment of our property and our property values.

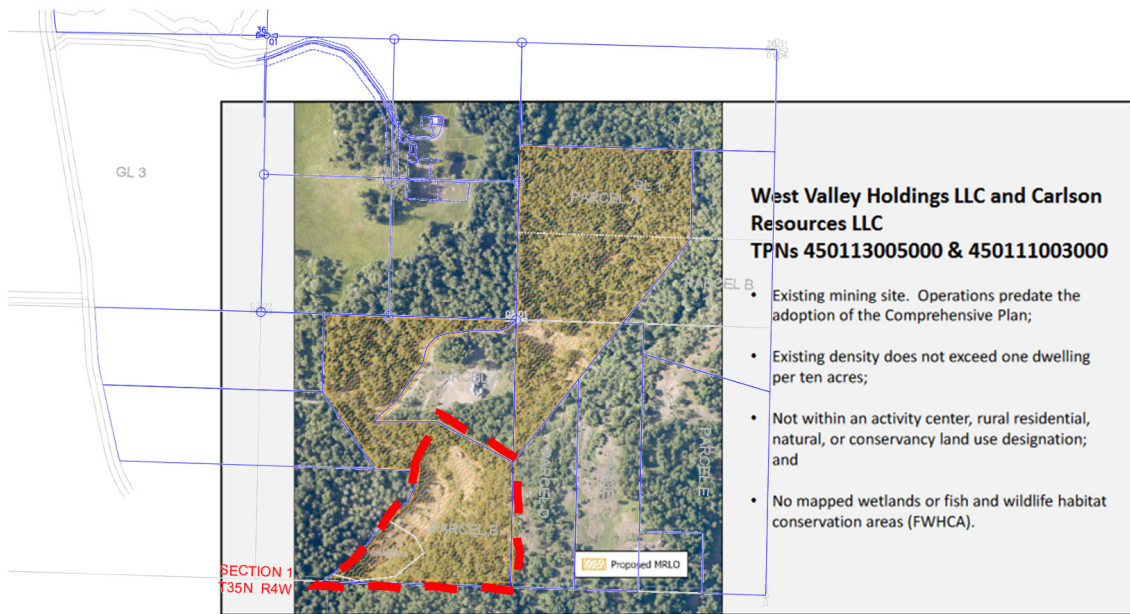
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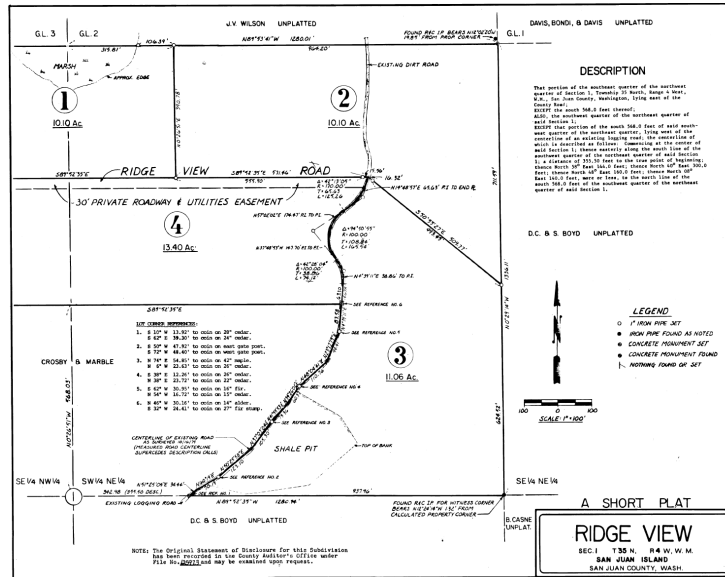
Our farm is here:



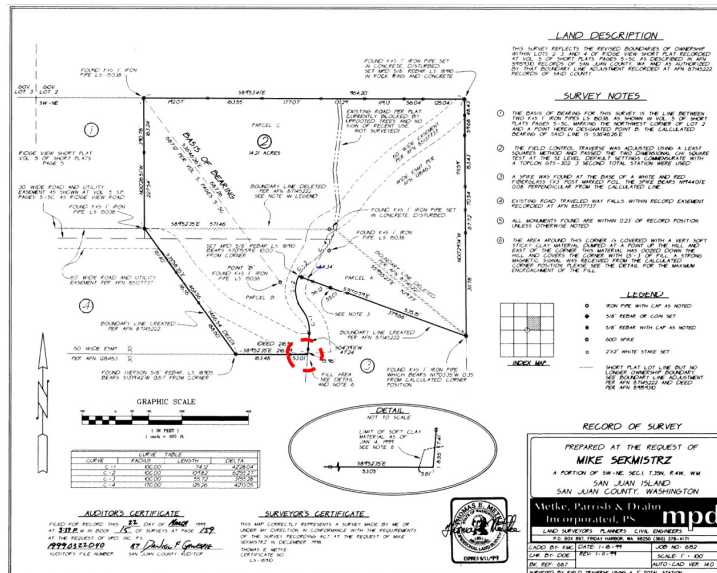
The historic mining site, that portion that has been a mine for 25 years or more (since 1996), is here:



Setting aside this overlay of my map over the Staff's map, the mapped historic mining site is clearly defined in the 1980 Plat Map:



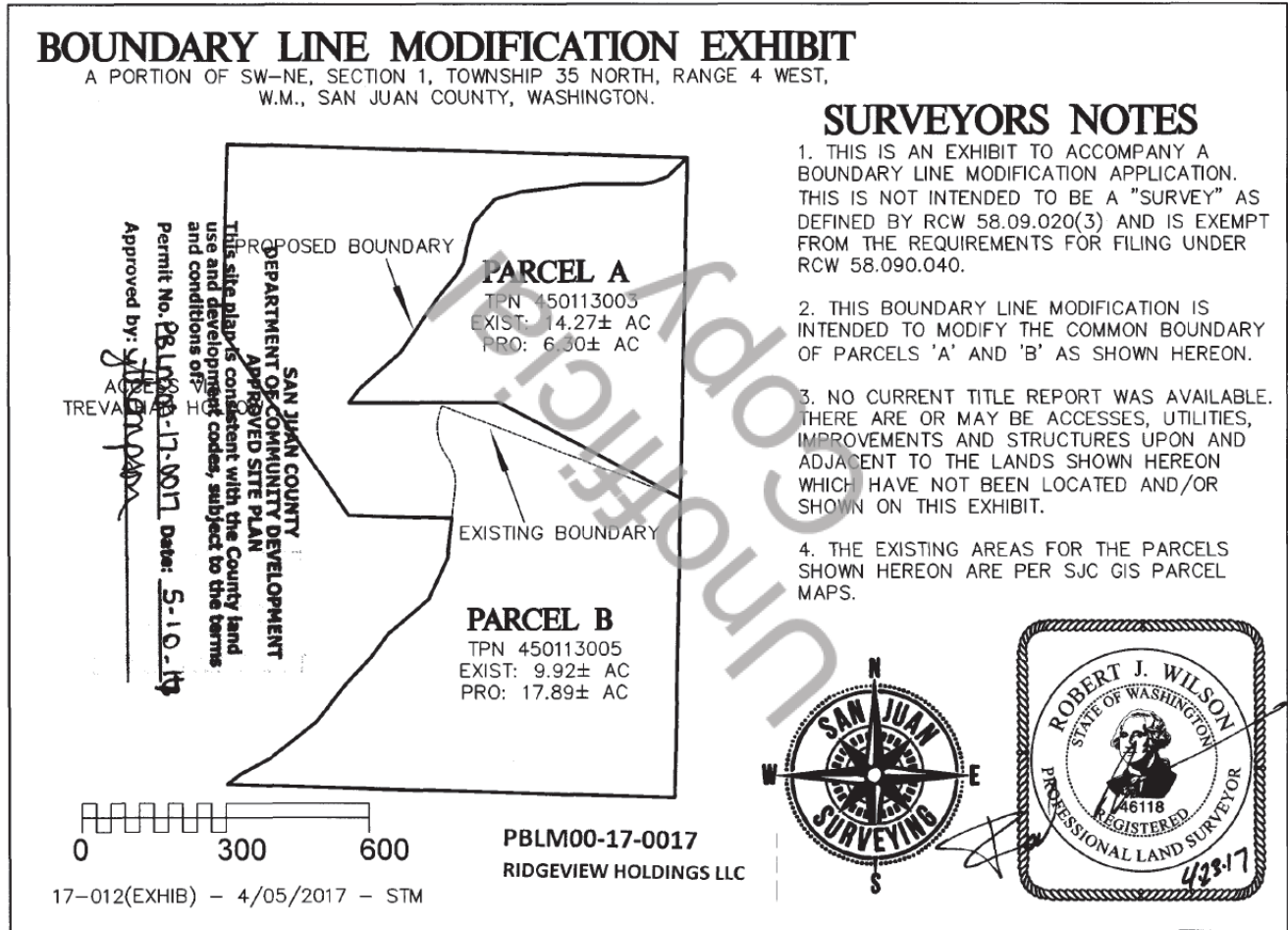
The extent of the mining operations shows up again in a 1999 boundary adjustment as having a minor intrusion on Lot 2, noted by the surveyor as spill over from the adjacent Lot 3 (the historic mining site):



Please note that three years after 1996 (25 years ago), the mining operation was fully 768 feet south of our property and only south of our property. Even if all of Lot 3 were to be assigned as a part of the historic

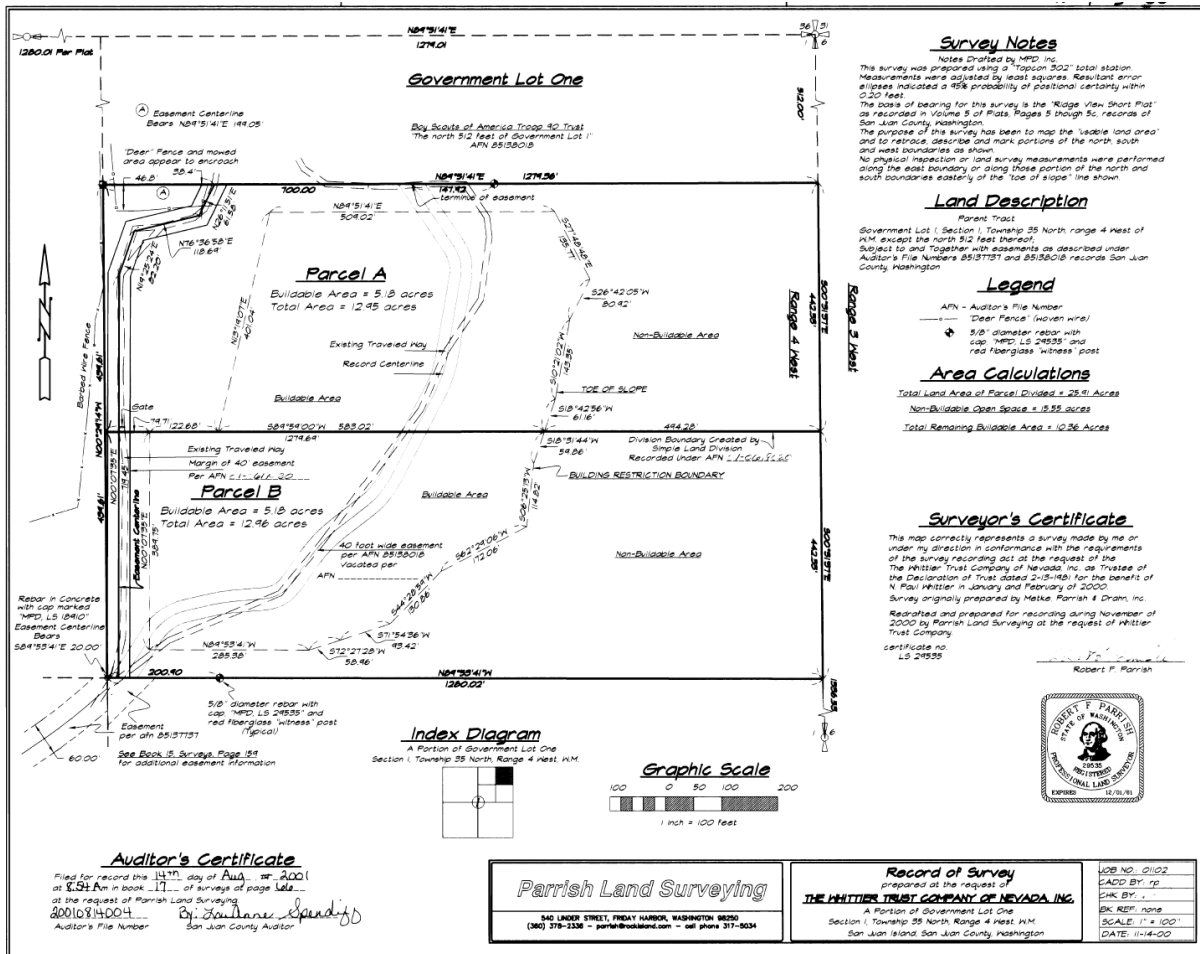
mining operations, it is still fully 400 feet south of our property, and again, only southward.

Lot 3 (Parcel B on the following map) only became adjacent to our property four years ago via this (rather unusual) 2017 Boundary Line Modification:



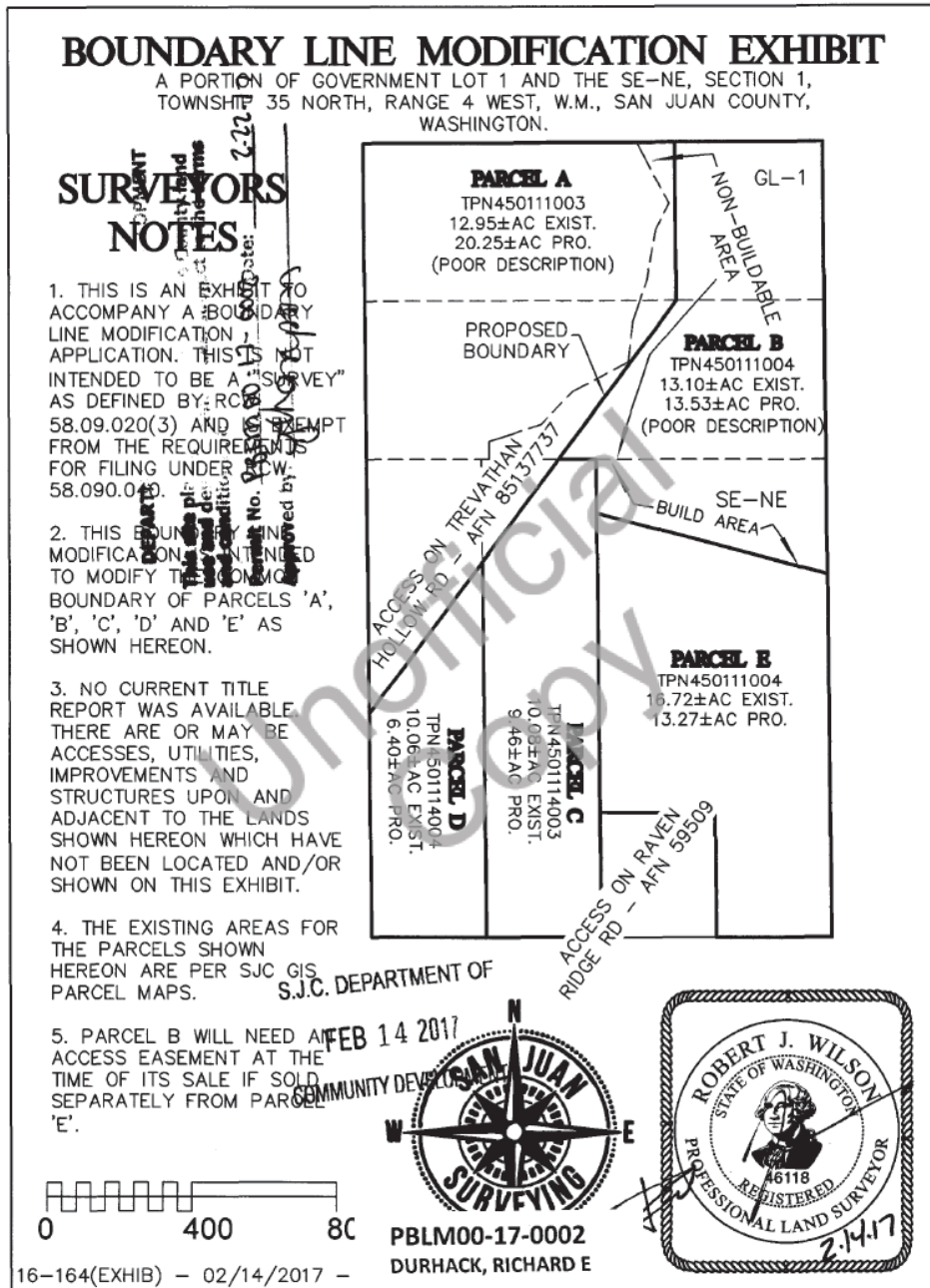
The current map under consideration in the Comprehensive Plan Update, showing the "existing use" adjacent to our property, is based on mechanisms that are "interesting" under the best description. The "historic use" when accurately considered, based on historic public record documentation, is 400 feet south of our property line. It only comes to be "adjacent" through the mine owner's purchase of adjacent parcels and various reconfigurations of the property lines - all performed in recent times. Neither purchase of adjacent parcels nor reconfigurations of lot lines allows a historic use to move to a different location.

This 2001 lot split clearly shows no mining operations to the east of our property and clearly shows residential lots being created only twenty years ago:



Notably, the Carlson's (mine owners) didn't even own this property until 2017 (four years ago). In addition, it indicates non-buildable areas on both lots adjacent to our property, which per County code means that no land disturbance should have taken place in these areas. Not only were non-buildable areas created, but they were also done in such a way as to appropriately provide a generous buffer zone between the created home sites and our property (and the property to the north).

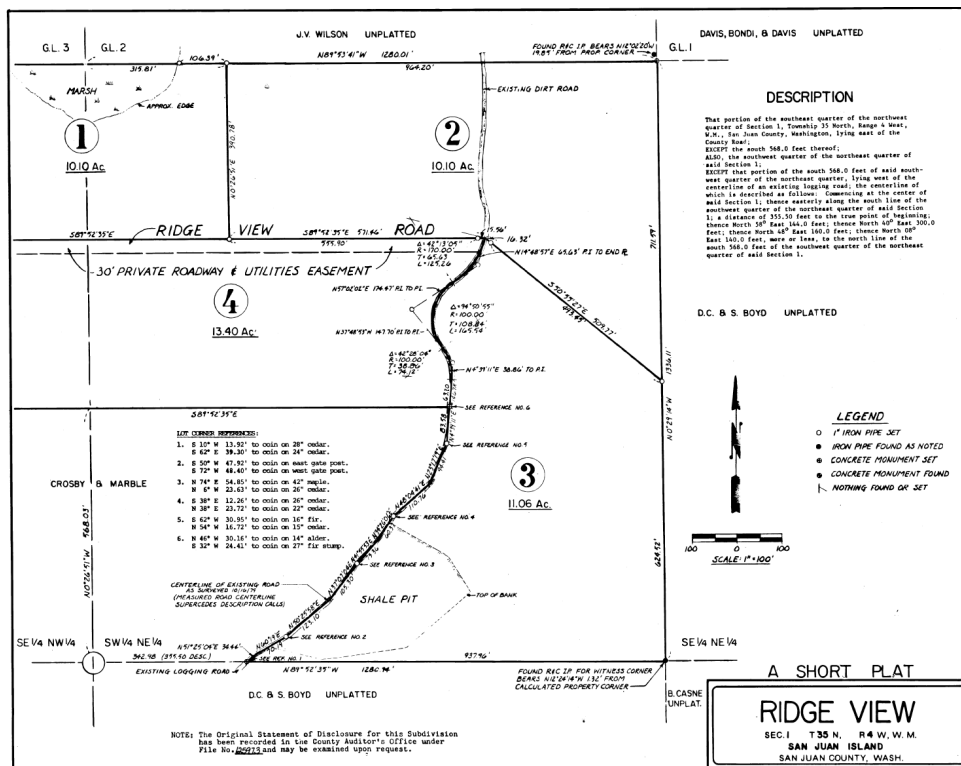
Four years ago, another Boundary Line Modification occurred creating the current property line configuration:



It is unclear from this map what portions of the new lots are buildable or non-buildable, but it appears that the buildable area was moved adjacent to our

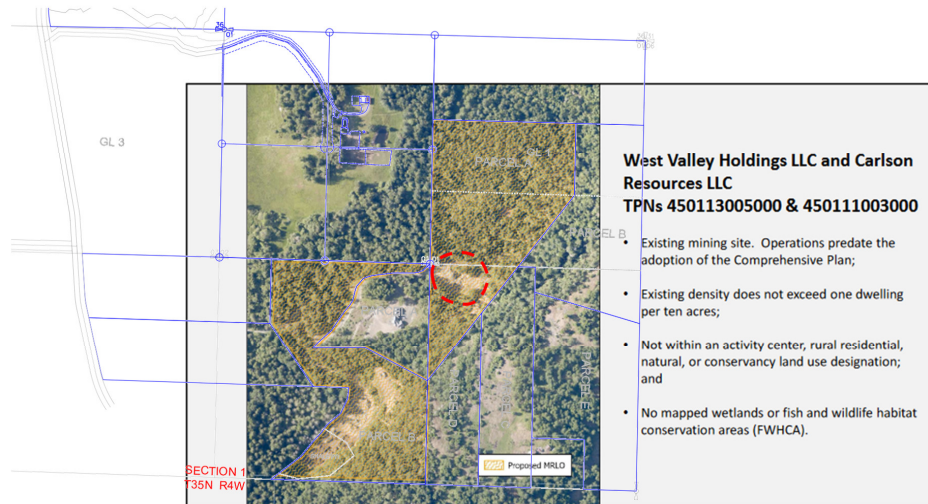
property and the property to the north with no buffer zones. And, it does not look as if 60% of the land was designated non-buildable as is required by County code. Not only is there no indication of mining operations on this map from four years ago, no other recorded map shows mining operations eastward of our property.

Without legal documentation of a historic use substantially greater than the public record shows (herein), the MRLO can only be properly applied to Lot 3 of the 1980 plat map:



On a lesser point, I have not seen the geologist report in the Carlson's application. That requirement needs to be met.

Furthermore, a new, clearly non-historic area is now being mined and used as a weekend shooting range:



It is unclear when the mining operations started here (north of the historic mining operations), but certainly after the operations were documented on the 1999 map and likely after 2017 when the eastern parcels were obtained by the Carlson's. The exact year doesn't matter since the historic use needs to be existent for twenty-five years and the 1999 map clearly shows that was not the case. The County should cause the owner to cease both mining and gun shooting at this location unless legal documentation of and permits for these uses can be provided.

For us, the grading and sifting operations, back-up beepers, engine braking, and occasional dynamite usage, all week long, combined with gun shots all weekend long, seriously impacts the use and enjoyment of our property. At the same time, the County is unwilling to consider this diminution of value relative to our property taxes. Please don't allow the continuation and expansion of this illegal land use that will surely make matters worse. Please enforce against the illegal land-use(s) and deny the MRLO (or at least only apply the MRLO where it belongs).

Sincerely,



Karl Eberhard