

# Karl Eberhard

Elma Ranch  
2628 West Valley Road, San Juan Island

August 8, 2022

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

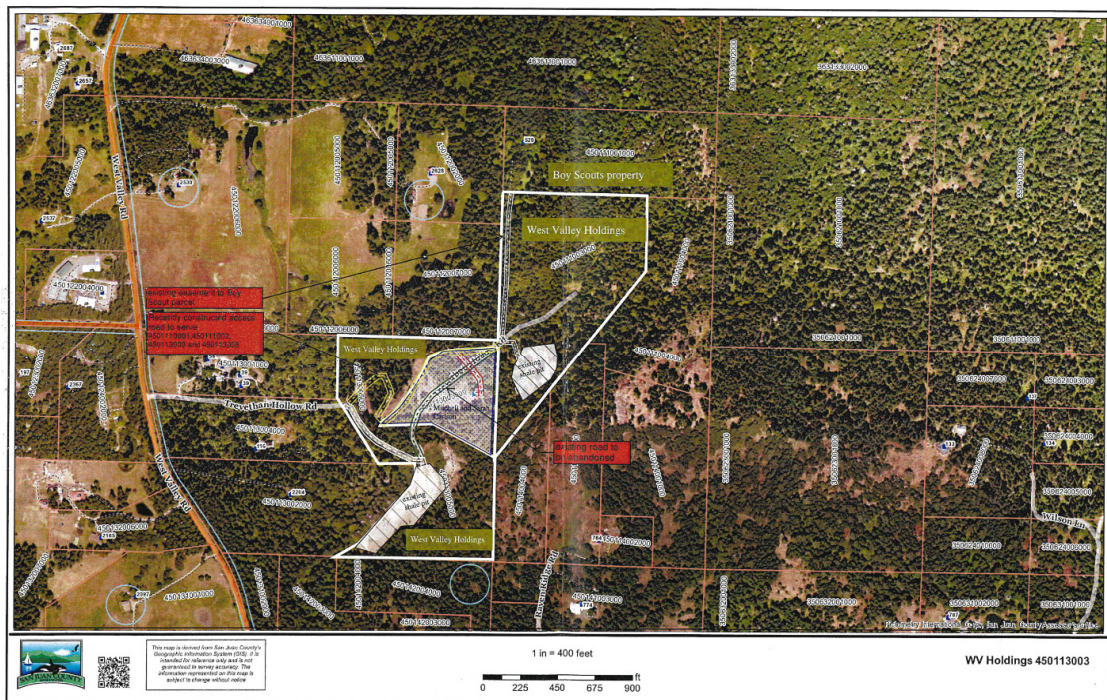
Re: Proposed MRLO on TPNs 450113005000 and 450111003000

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 the proposed MRLO on TPNs 450113005000 and 450111003000, please accept the following comments on the application.

The Carlson Comprehensive Plan Map Amendment Application is incomplete and has substantive errors.

This application was submitted with this map:



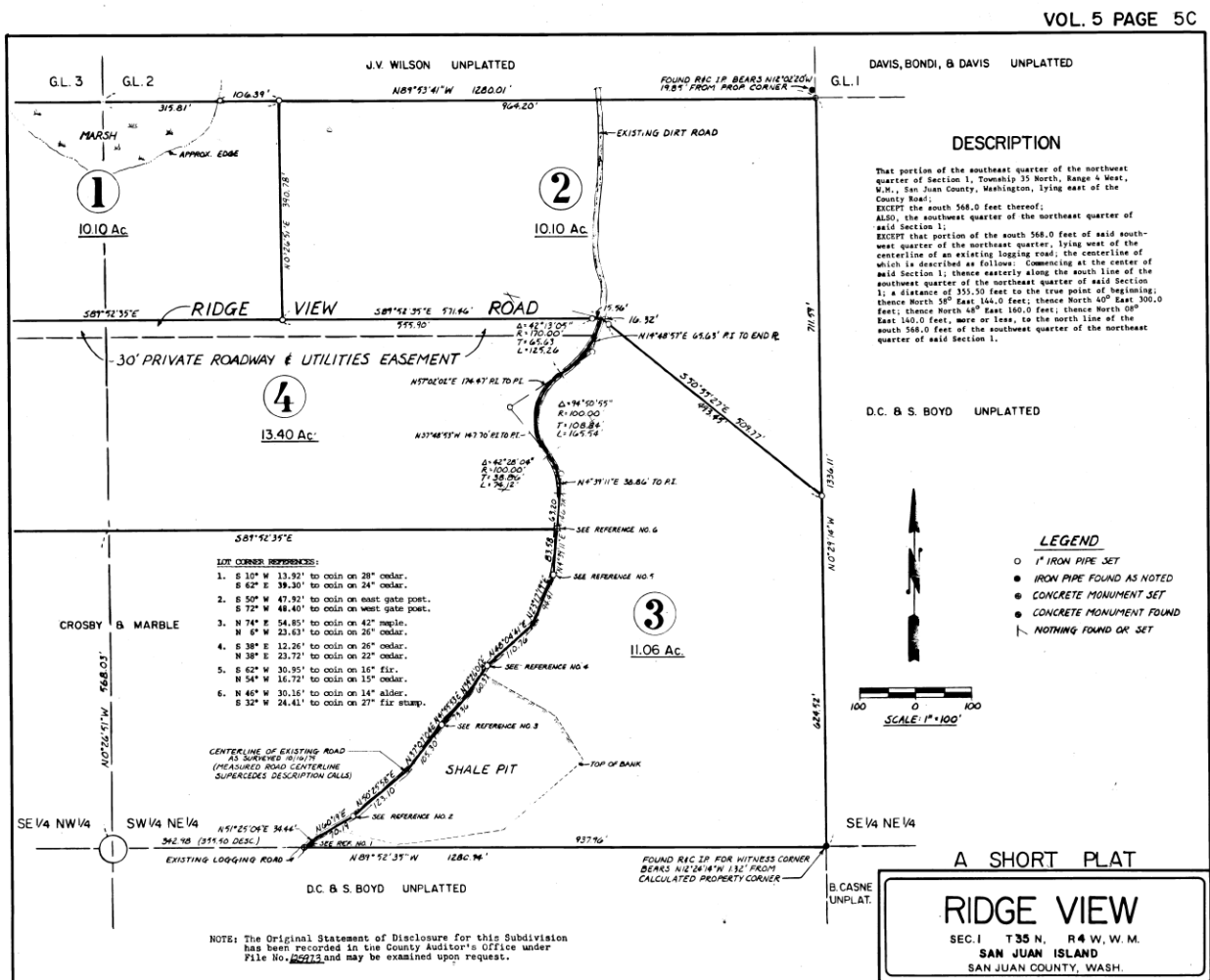
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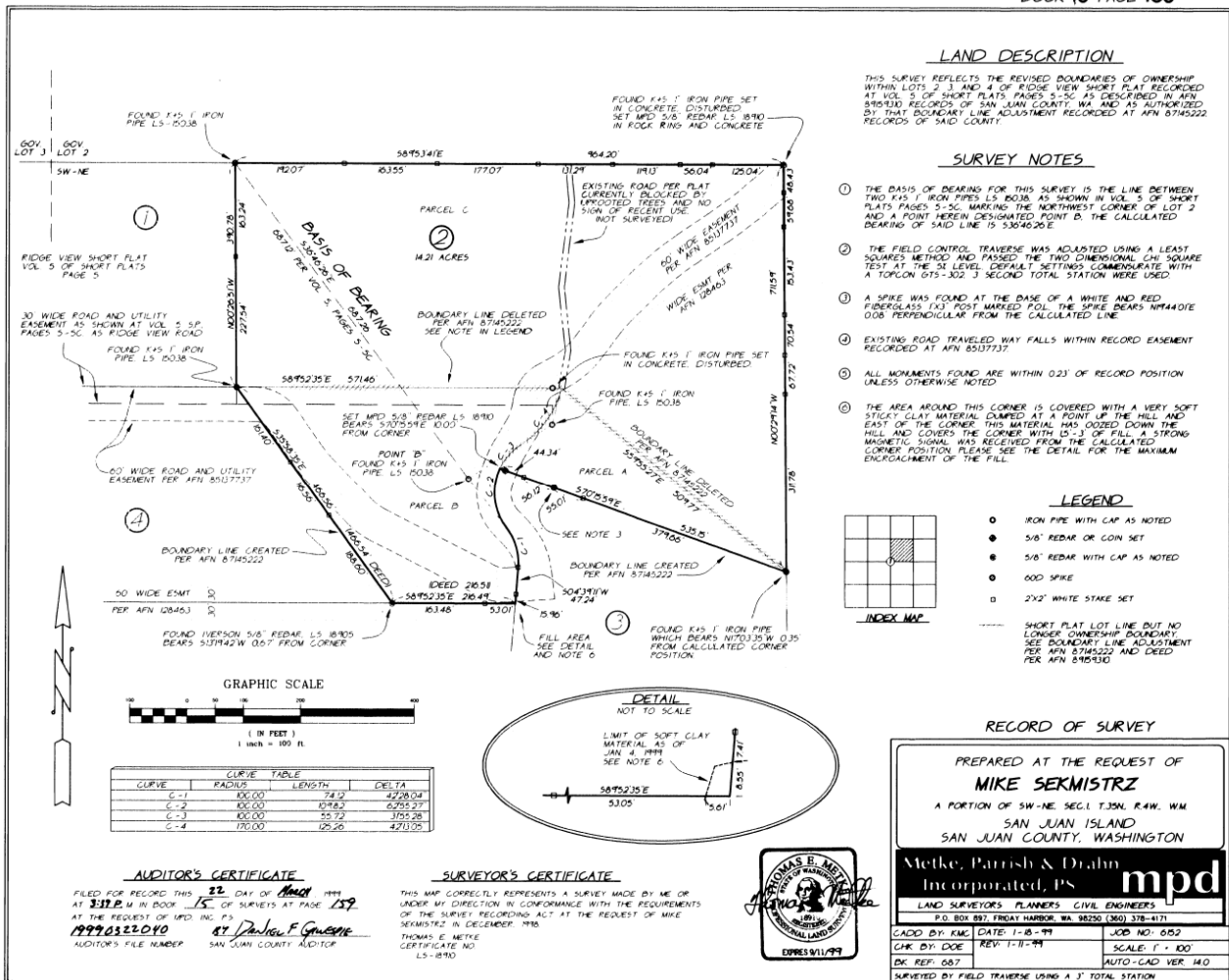
Whether or not the property has been used this way for "40 years", once the Plat was recorded, any prior uses lost their standing. Short of a permit from the County (issued after 1980), the shale pit and the other uses listed in the application are "illegal" as defined in the UDC and have no standing.

The location of the shale pit is shown in the 1980 Plat Map and is located only in the southwest corner of the property, approximately one-third the size shown on the applicant's map:



Part 2 of the Properties - In addition, from the 1999 boundary adjustment between Lots 2 and 3 of the Ridge View Plat, note that the surveyor carefully identifies the mine tailings that have spilled over from Lot 3 onto Lot 2 and notes no other "mine" areas. More importantly, it shows the on-site road coming onto our property, quite a distance from Part 2 of the Properties and shows no road to the Part 2 area. From that, it can be inferred that there was no shale pit or other such uses taking place in the Part 2 area.

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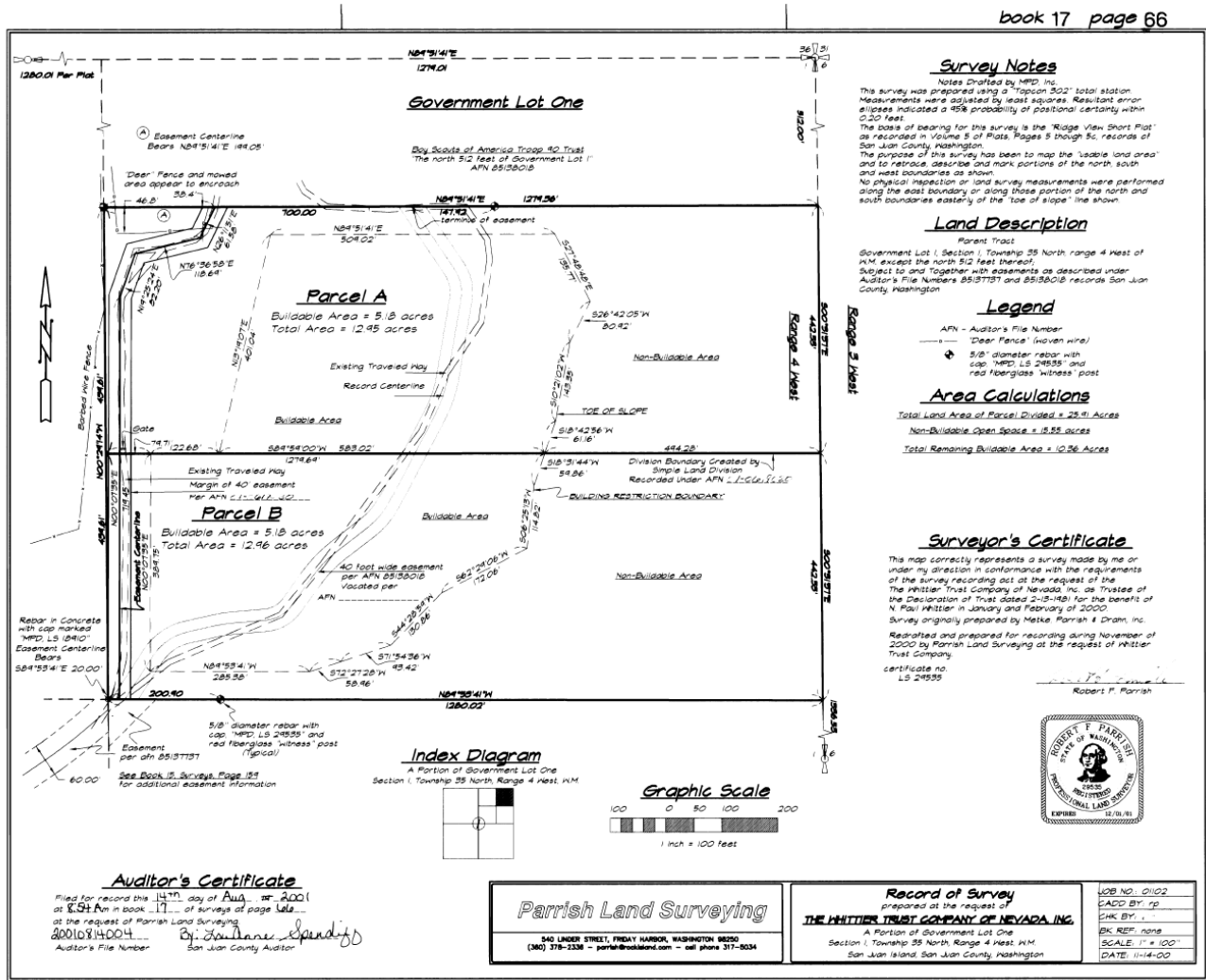


As a second check on that inference, from the County's 2004 aerial imagery, while some ground disturbance can be seen, it is certainly not the extensive mining operation that is currently taking place or the large area depicted on the applicant's map.



As with Part 1, short of an issued permit from the County, the shale pit and the other uses listed in the application are "illegal" and have no standing.

Part 3 of the Properties - This portion of the properties, though now reconfigured through many various subsequent boundary adjustments, is really the two undisposed of Parcels from a 2001 subdivision (the third Parcel now belonging to the Boy Scouts). The map includes delineations of the buildable and unbuildable areas, certain access easements and other features required by the County when land is divided.



Note again, no indications of mining activity or areas or any other uses other than a residential use (implied by the identification of buildable and unbuildable areas - terms not normally applied to mining operations).

The County records, as noted above, demonstrate that the properties (Parts 1, 2 and 3) not being mapped as "mining" is not an error but rather an accurate reflection of the legal land uses and properly issued permits.

The everyday adverse impacts of the Carlson's mining operation on our parcels are notable. While the Carlson's have at our request modified their back-up beepers (a great help), we still endure the dust and noise of the operation including blasting, grading, sifting, and trucking (mostly engine braking). It impacts our farm operations as we try to keep the horses calm when certain activities are taking place.

This application not only seeks to wrap these nuisance impacts around our property but would also require us to record against our titles a declaration that these nuisances are present, desired by the County, and that "the County will not consider to be a nuisance those inconveniences or discomforts arising from" the mining operations.

When we purchased our property, in making a determination of value, we and the title company relied (as we have a right to do) on published County plans, codes, maps, and permits. All of these documents indicate that the legal and permitted adjacent uses are single family residential, forests, farms, and so forth. In fact, mining and mineral extraction activities are specifically a prohibited use.

In addition to lacking any documentation of legal or legal nonconforming land use, and the true and correct locations of said land uses, the application is incomplete without:

1. A "geologic and economic report prepared by a qualified professional"
2. Documentation of how the applicant proposes to meet the
  - a. Clearing and Grading Standards, including mine closure requirements (vegetation and re-forestation)
  - b. Drainage and Erosion Control Standards (temporary and permanent Best Management Practices)
  - c. Other lesser development standards
3. UDC and Comprehensive Plan text amendments to allow
  - a. Illegal uses to be made legal
  - b. Map corrections

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Simply based on the incorrect and materially non-representative materials submitted, and the applicable County plans and codes, the County cannot act on this application as it has been presented. And, as it is now established that the use is in fact illegal, it would appropriate for the County to immediately issue a stop work and initiate an enforcement case to terminate the illegal use of the properties for mining and mineral extraction activities.

Sincerely,

A handwritten signature in red ink, appearing to read "Karl Eberhard". The signature is stylized and cursive.

Karl Eberhard