

Sophia Cassam

From: Karl Eberhard <eberhard@silcom.com>
Sent: Tuesday, August 16, 2022 3:02 PM
To: Comp Plan Update; Sophia Cassam; David Williams
Cc: Eberhard, Martin; Eberhard, Carolyn (Martin); Karin Eberhard; kyle@loringadvising.com; slkellerlaw@gmail.com
Subject: Re: Proposed MRLO on TPNs 450113005000 and 450111003000
Attachments: History in Annotated Maps.pdf

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Honorable Planning Commissioners,

Now speaking on behalf of five adjacent properties with three sets of owners, please accept the following:

I realize that I have sent a lot of materials and there's a lot to it. I apologize. I was having issues putting it all into words, short and sweet mode, so I made an annotated history of the properties on maps and that really helped me understand the complex issues and how to speak to them in a reasonable time frame.

I won't speak to each map on Friday, but my overall comments are based on the maps. If you can review before then, you'll understand my comments more.

We wish this were not the path forward but there does not seem to be an appetite with the applicant or County for a discussion outside of this format and means. Again, humble apologies.

Best Regards,

Karl Eberhard
Elma Ranch
2628 West Valley Road

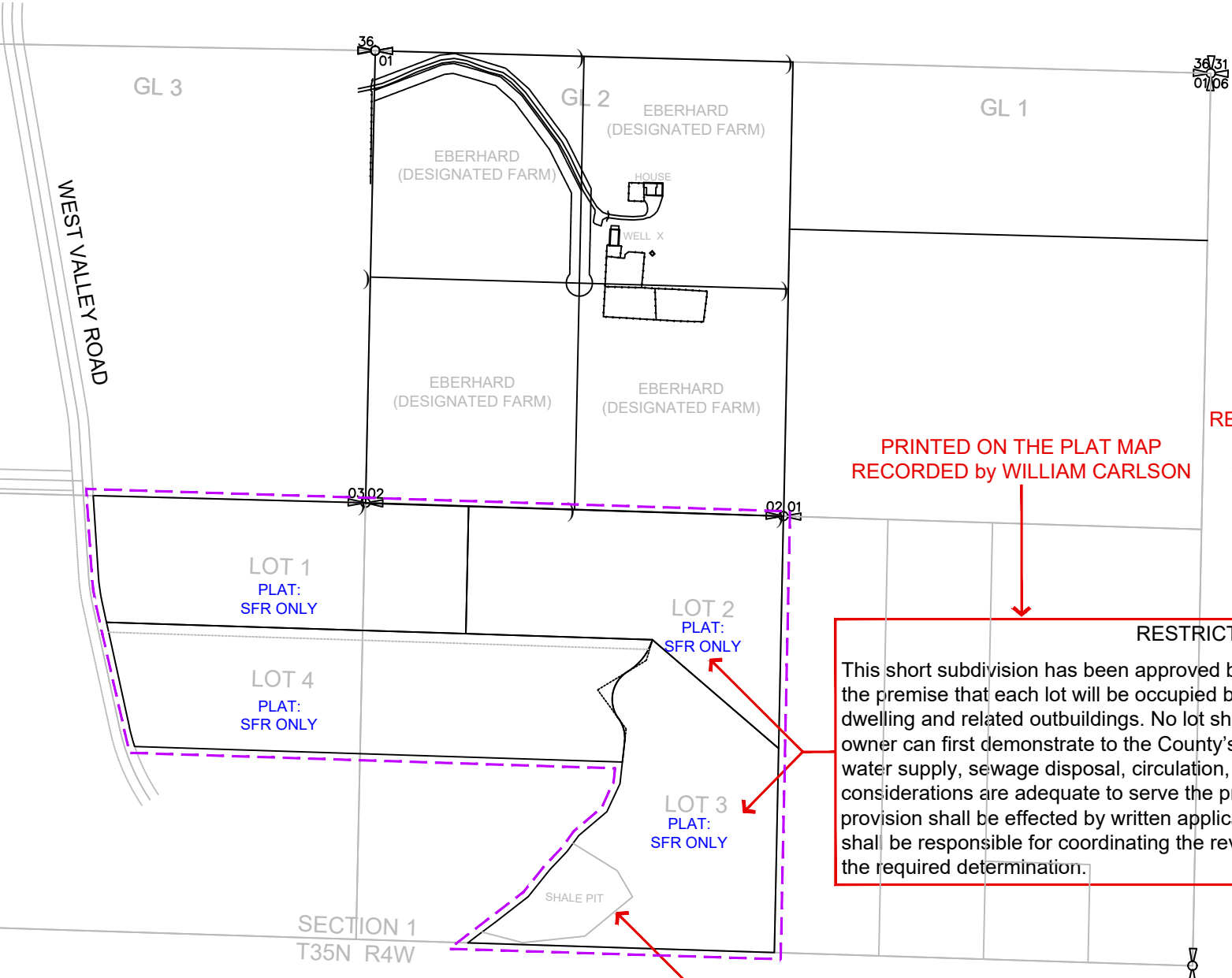
eberhard@silcom.com

(928) 699-7974

1980

SHORT PLAT

(WILLIAM CARLSON, OWNER)



PRINTED ON THE PLAT MAP
RECORDED by WILLIAM CARLSON

FULLY VACATES MINING USE
and
REQUIRES COUNTY APPROVAL/PERMIT
for ANY USE OTHER THAN
SINGLE FAMILY RESIDENTIAL (SFR)

RESTRICTIONS:

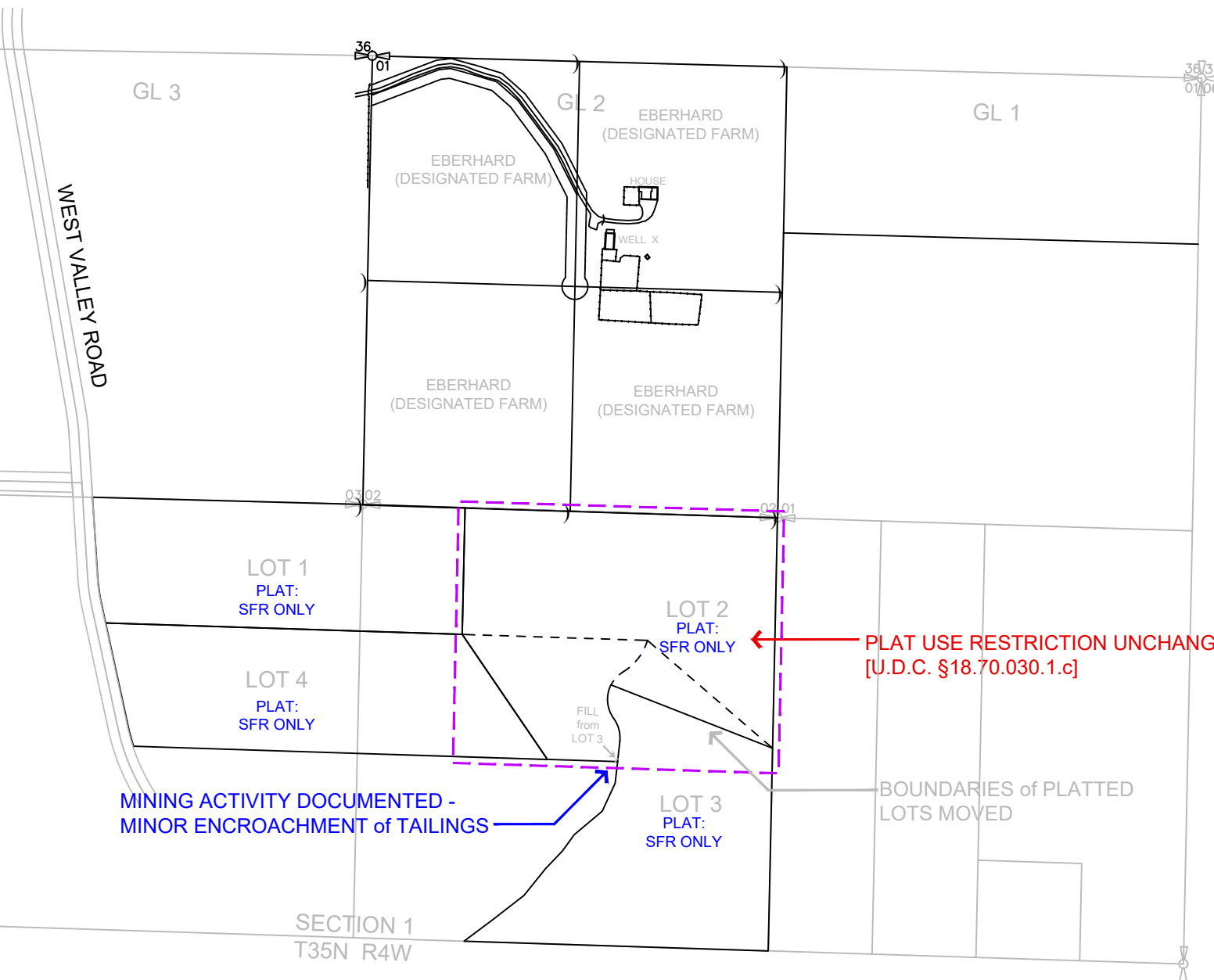
This short subdivision has been approved by the responsible County officials on the premise that each lot will be occupied by no more than one single-family dwelling and related outbuildings. No lot shall be otherwise occupied unless the owner can first demonstrate to the County's satisfaction that the provisions for water supply, sewage disposal, circulation, lot size and related planning considerations are adequate to serve the proposed use. Compliance with this provision shall be effected by written application to the Plat Administrator who shall be responsible for coordinating the review of such requests and for making the required determination.

PRIOR USE MAPPED ON PLAT MAP

1999

BOUNDARY LINE ADJUSTMENT

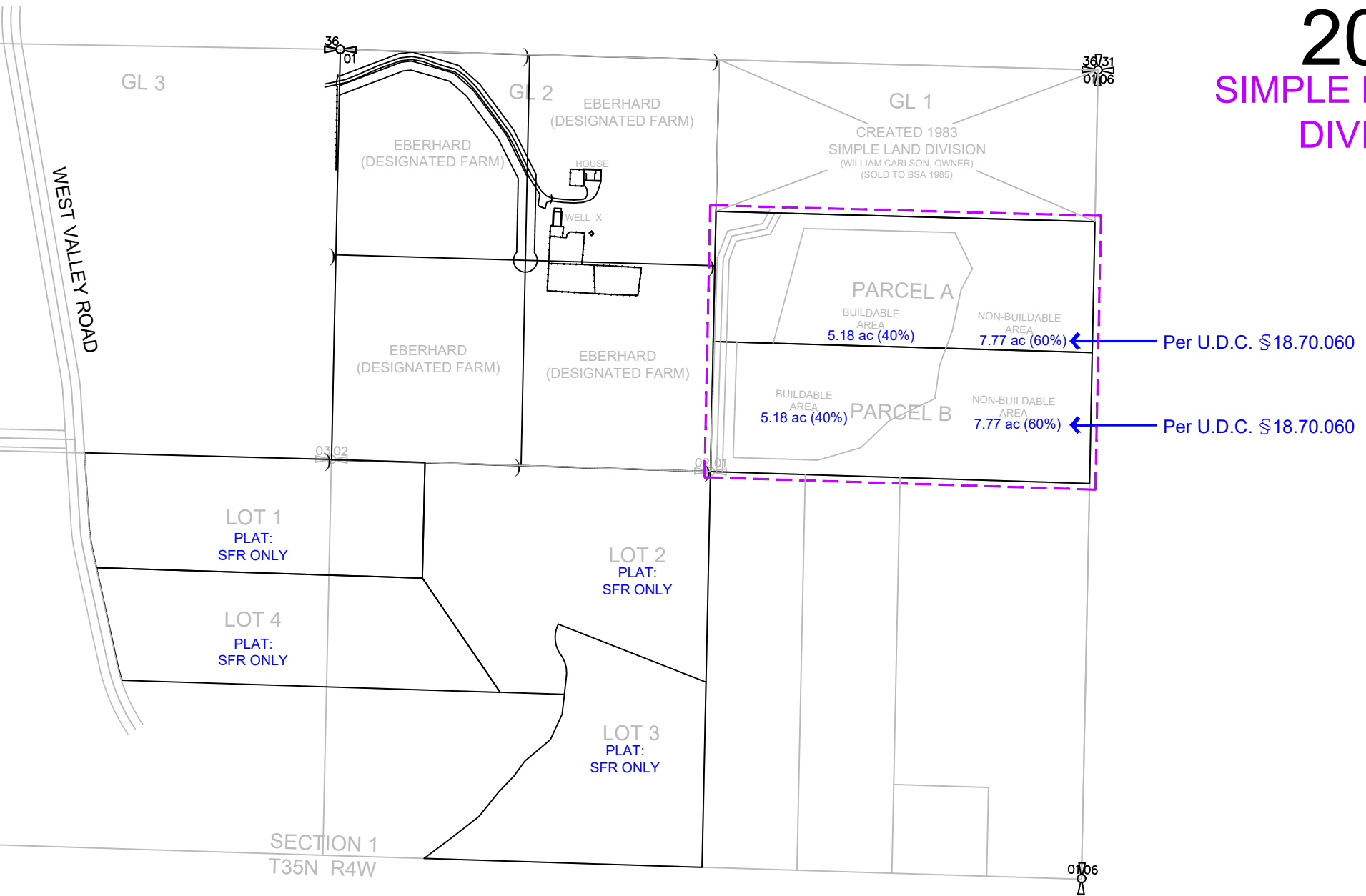
↑
INVALID
SUBDIVISION ALTERATION
REQUIRED
[U.D.C. §18.70.030.A
and
U.D.C. §18.70.030.A.4]



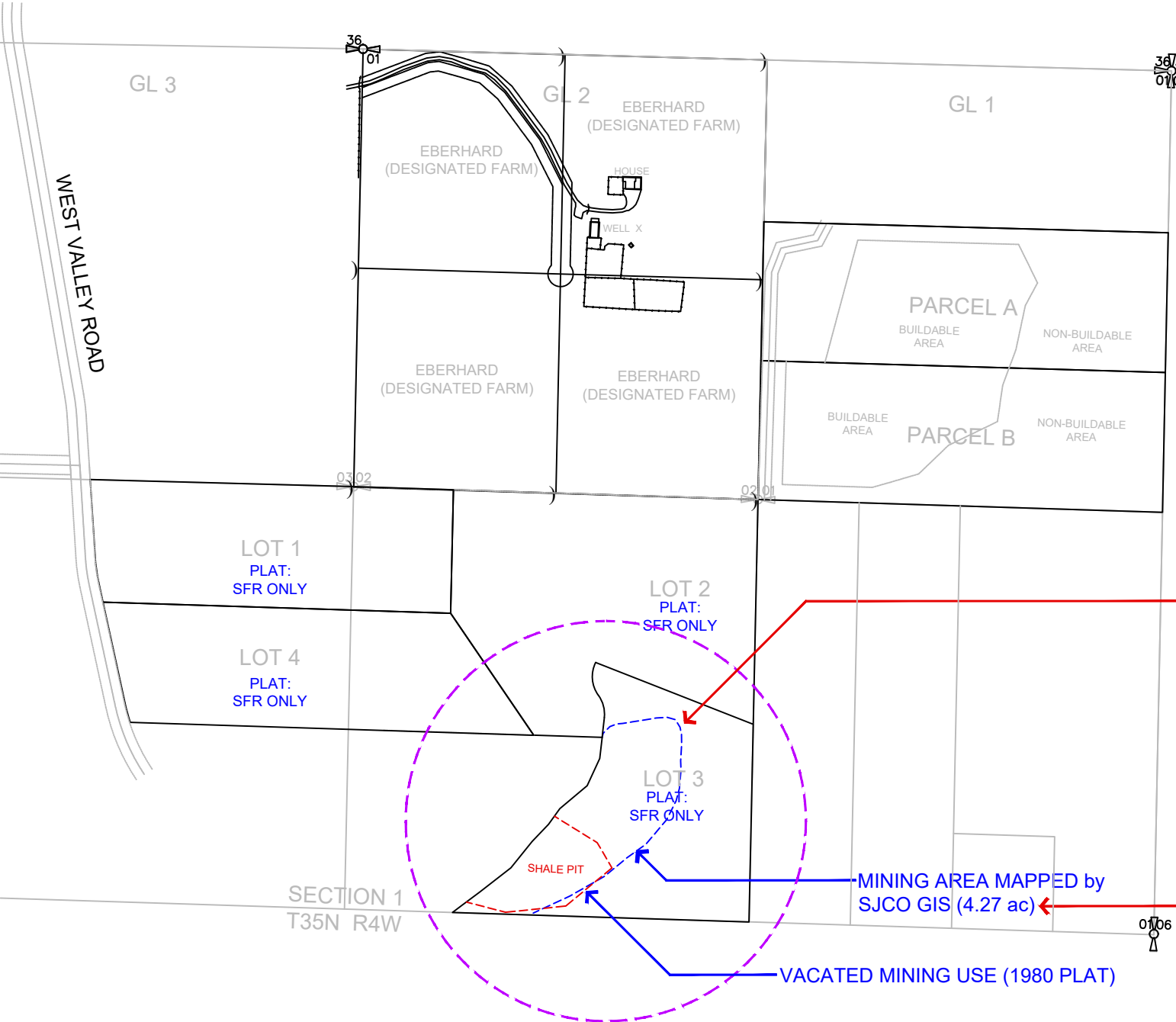
← PLAT USE RESTRICTION UNCHANGED by BOUNDARY LINE ADJUSTMENT
[U.D.C. §18.70.030.1.c]

MINING ACTIVITY DOCUMENTED -
MINOR ENCROACHMENT of TAILINGS

2001 SIMPLE LAND DIVISION



2004 COUNTY GIS (MINING ACTIVITY)



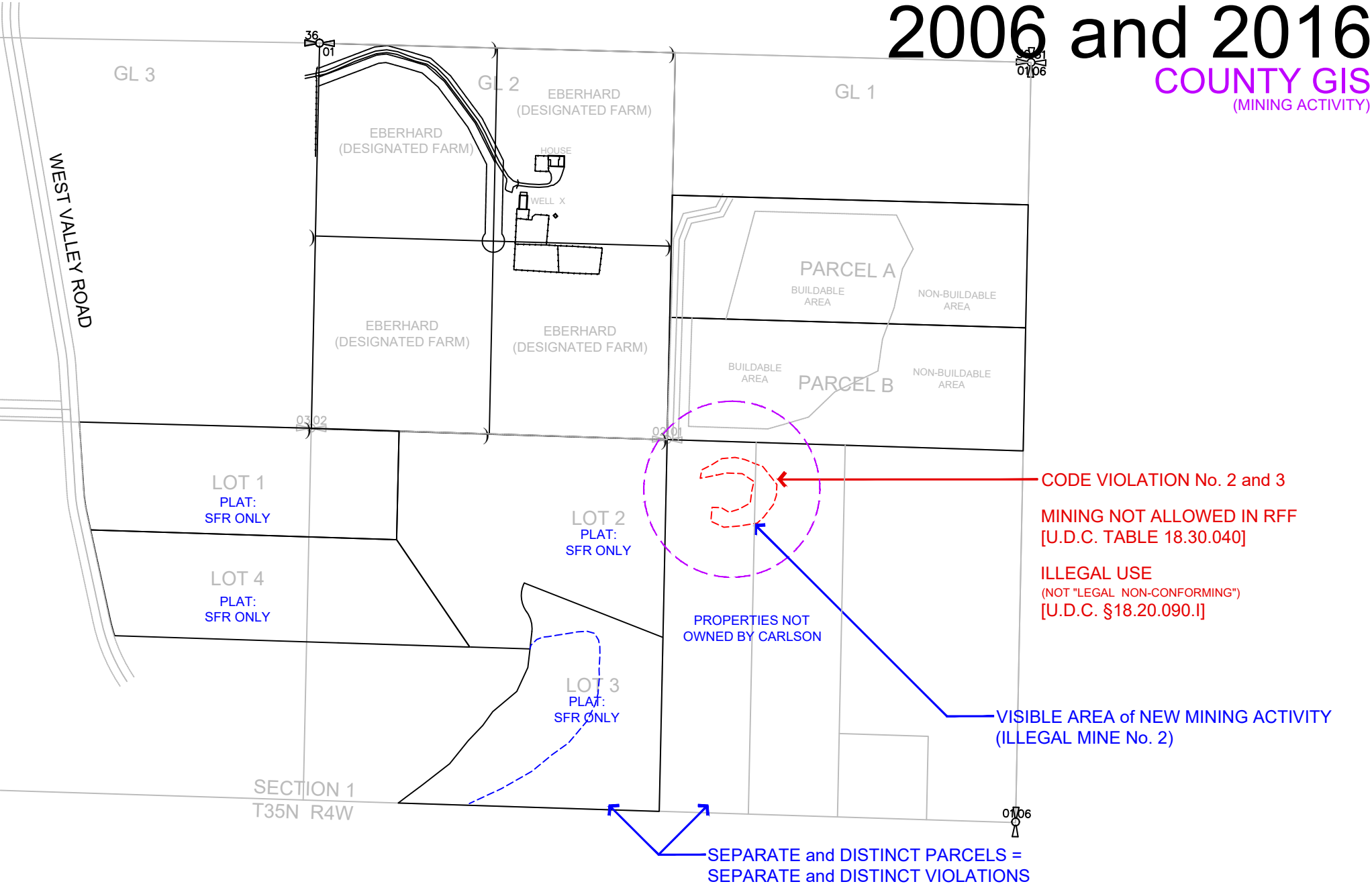
- CODE VIOLATION No. 1
- 1. MINING NOT ALLOWED IN RFF [U.D.C. TABLE 18.30.040]
- 2. VIOLATES PLAT RESTRICTION [U.D.C. §18.70.070.F.2.x]
- ILLEGAL USE (NOT "LEGAL NON-CONFORMING") [U.D.C. §18.20.090.I]
- RECLAMATION PERMIT REQUIRED [R.C.W. §78.44] and SEPA COMPLIANCE REQUIRED [R.C.W. §43.21.C]

Mining Area Mapped by SJCO GIS (4.27 ac)

VACATED MINING USE (1980 PLAT)

2006 and 2016

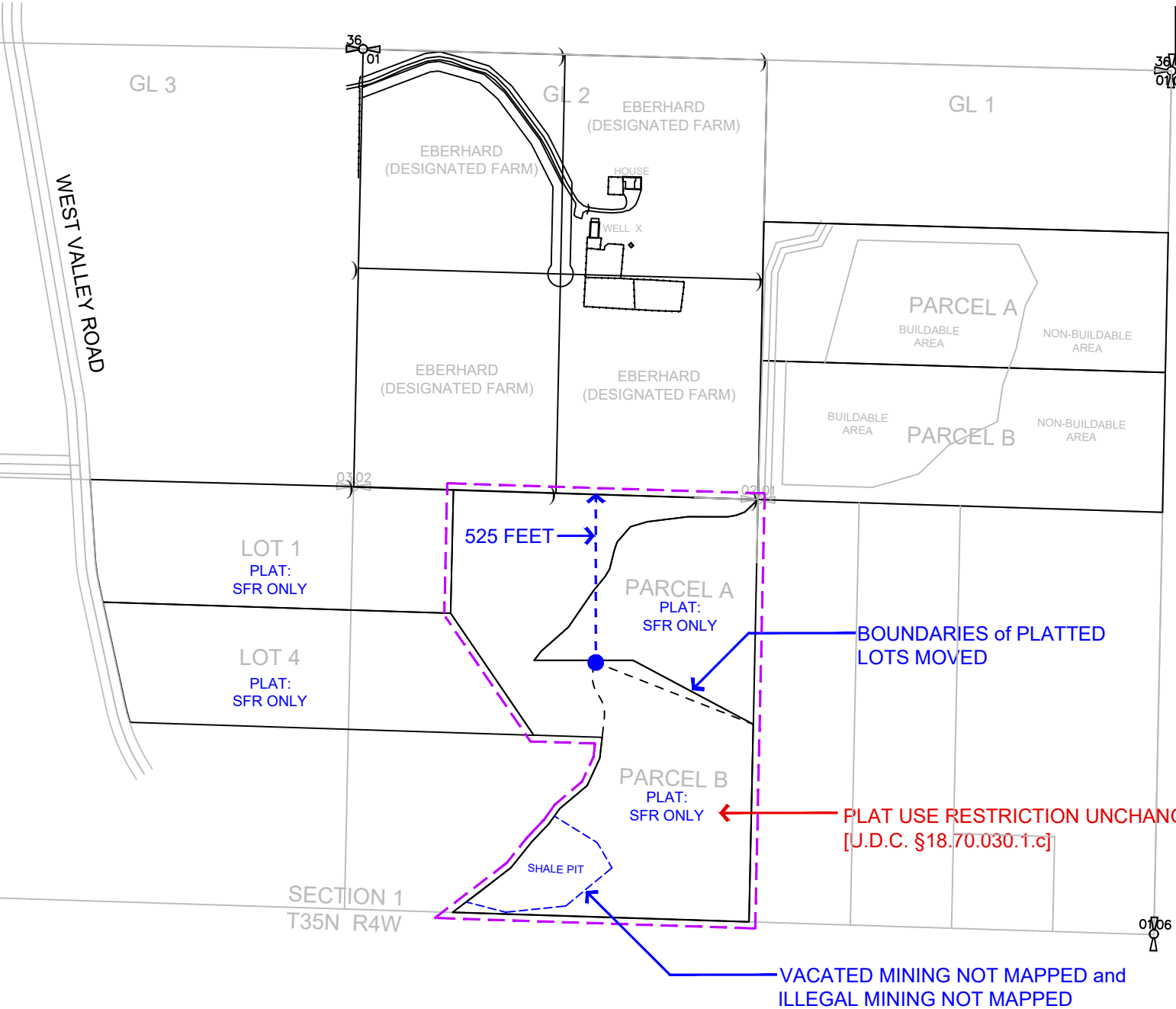
COUNTY GIS
(MINING ACTIVITY)



MAR 2017

BOUNDARY LINE MODIFICATION

↑
INVALID
SUBDIVISION ALTERATION
REQUIRED
[U.D.C. §18.70.030.A.4]



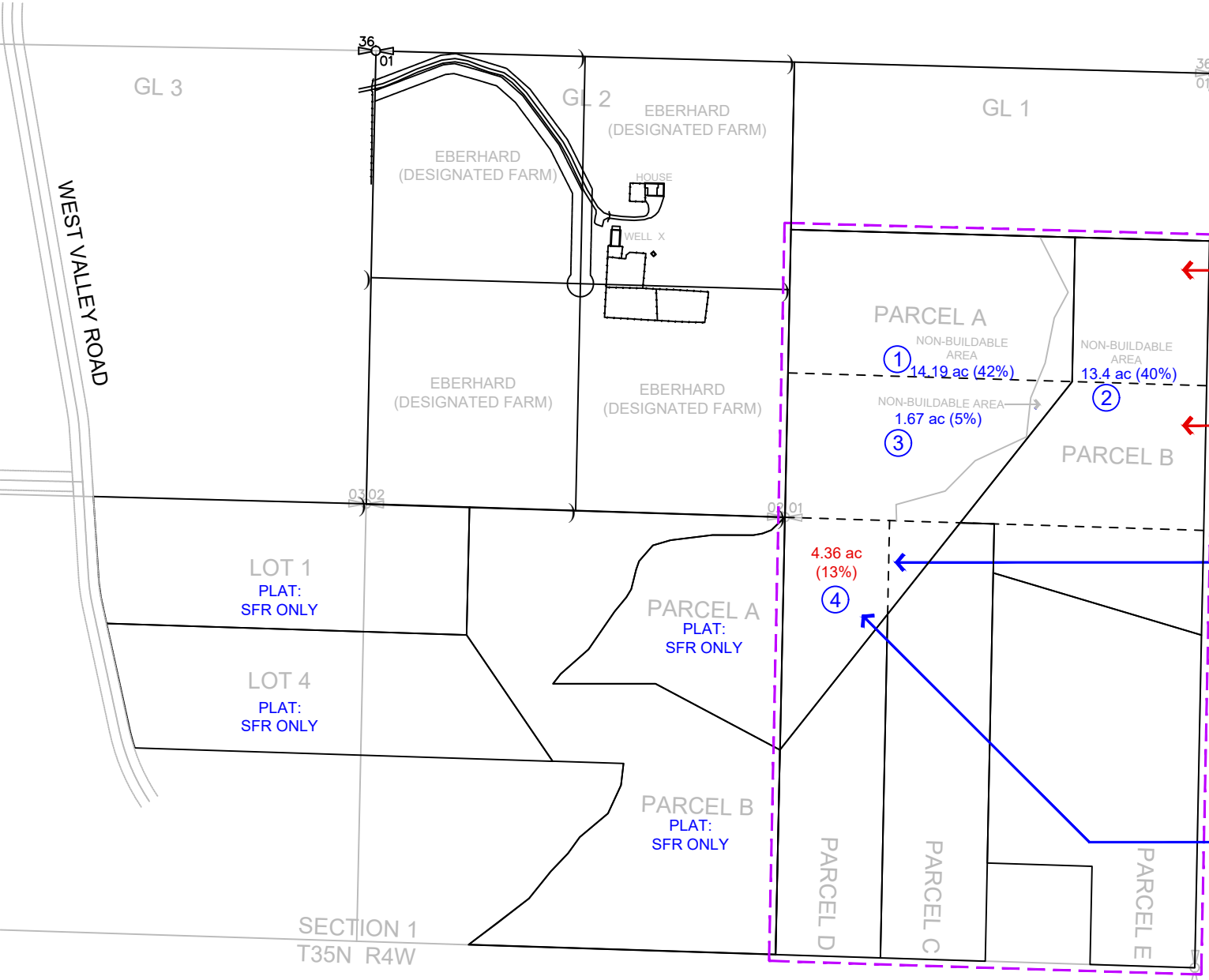
BOUNDARIES of PLATTED LOTS MOVED

PLAT USE RESTRICTION UNCHANGED by BOUNDARY LINE MODIFICATION
[U.D.C. §18.70.030.1.c]

VACATED MINING NOT MAPPED and
ILLEGAL MINING NOT MAPPED

APR 2017

BOUNDARY LINE MODIFICATION



← USE NOT SPECIFIED; ONLY VESTED USE IS SINGLE FAMILY RESIDENTIAL [U.D.C. §18.70.020.C]

← DEVELOPMENT STANDARDS NOT MET [U.D.C. §18.70.060]

$(2) + (3) = 45\%$ (60% REQ'D)

"BUILDABLE" or "NON-BUILDABLE" NOT INDICATED for AREA ④

IF ④ NON-BUILDABLE:

$(2) + (3) + (4) = 58\%$ (60% REQ'D)

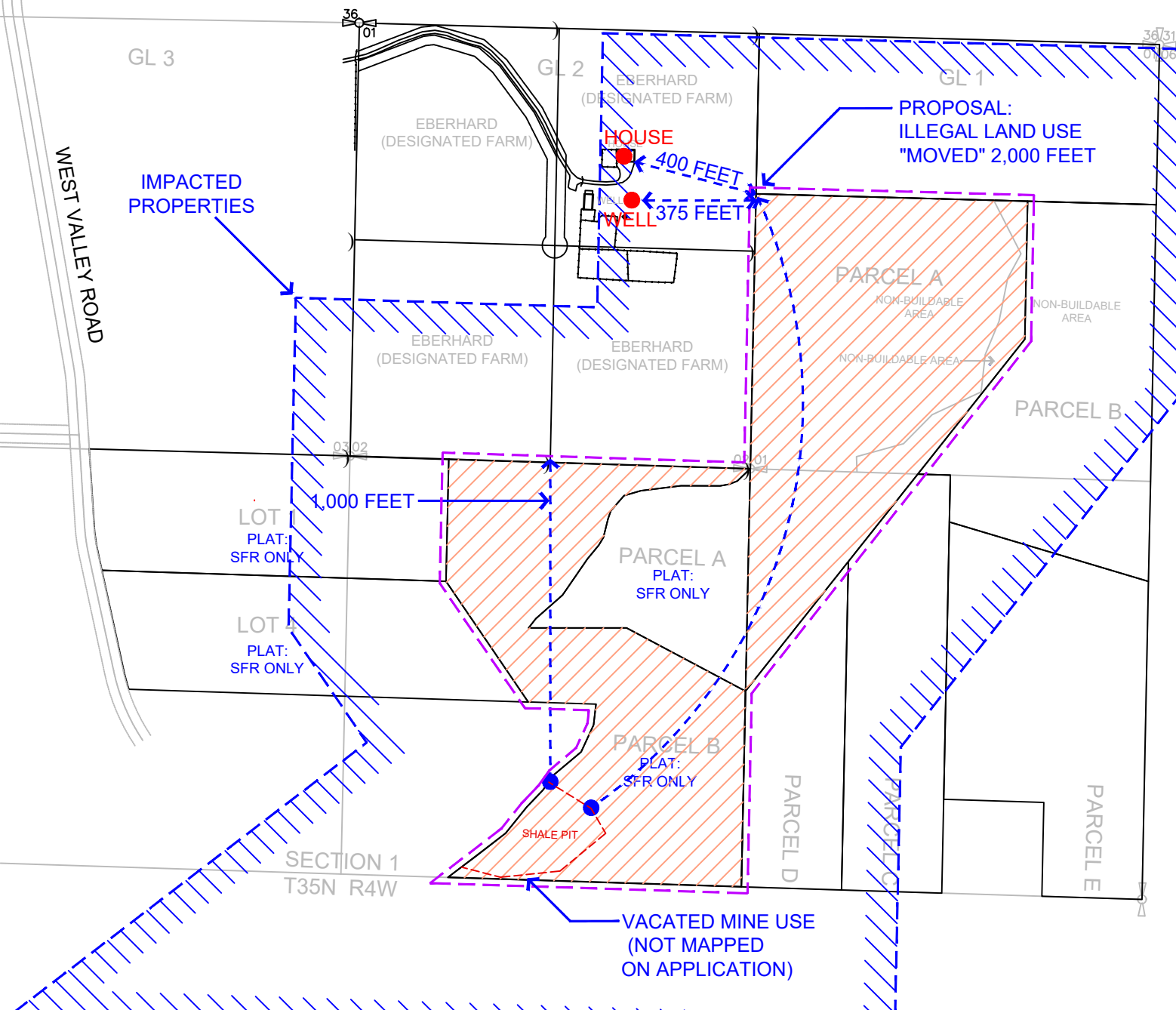
EXCLUDING ④:

$(2) + (3) = 52\%$ (60% REQ'D)

← LOCATION of ILLEGAL MINE No. 2

2018

APPLICATION for MINING OVERLAY DESIGNATION



MINING OVERLAY DOES NOT ALLOW MINING ON LAND DESIGNATED RFF:

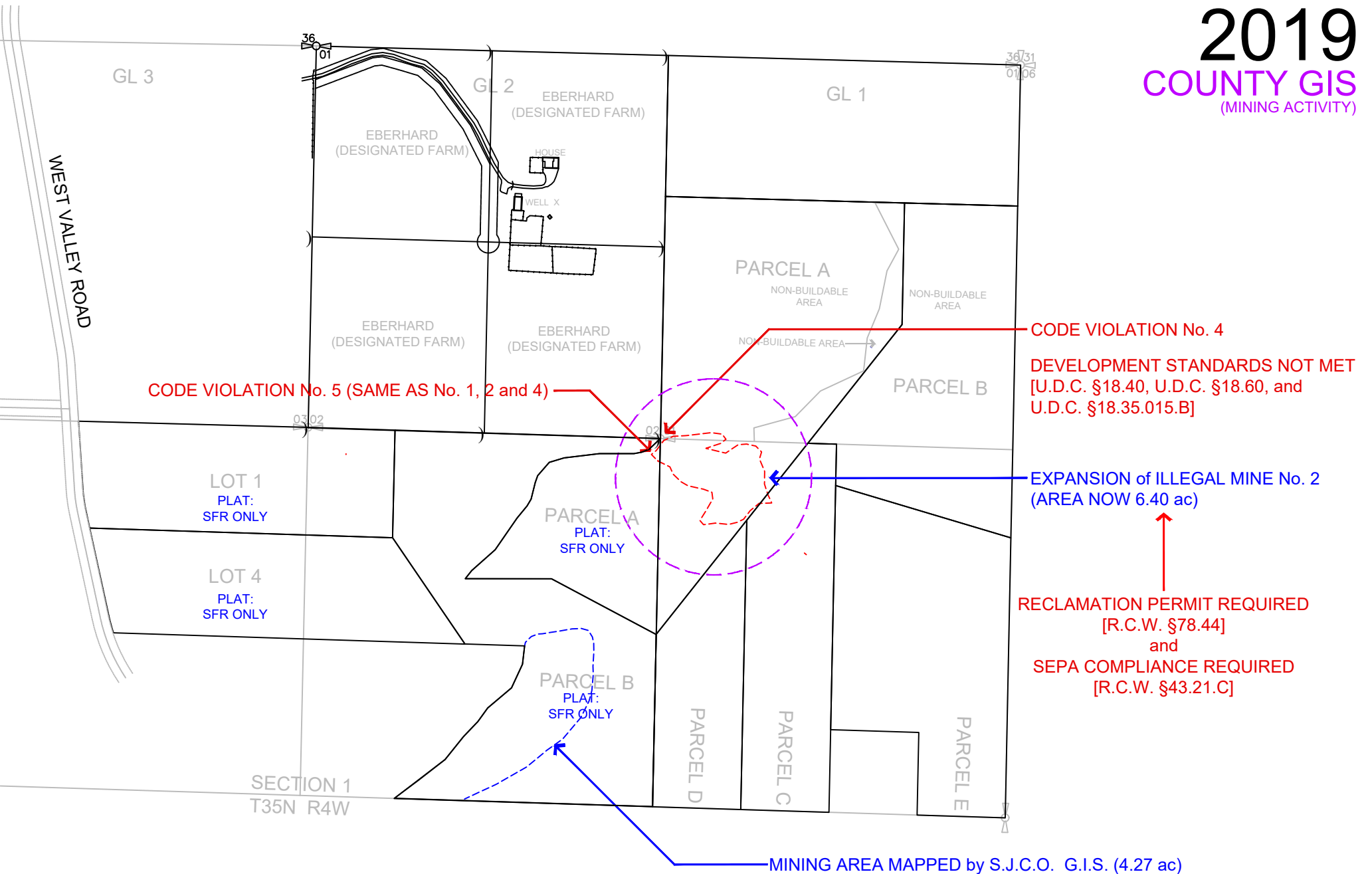
U.D.C. §18.35.015.B:
"Allowable and prohibited uses within mineral resource lands overlay districts are specified in Tables 18.30.030 and 18.30.040 for the underlying designation."

U.D.C. TABLE 18.30.040 (CLASSIFICATION RFF):

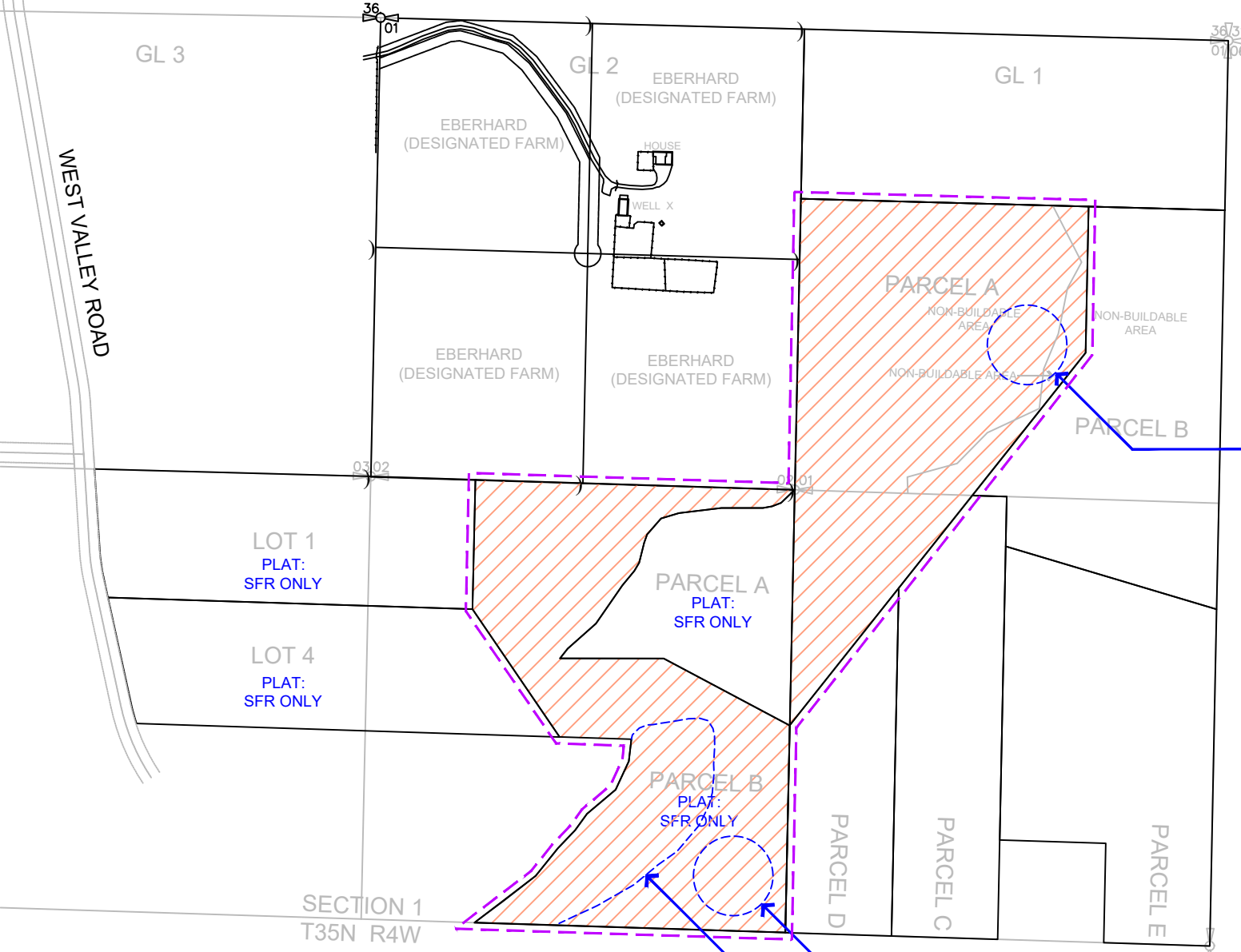
"Mining and mineral extraction activities"
IS NOT PERMITTED (N)

"Resource processing accessory to extraction operations"
IS NOT PERMITTED (N)

FOOTNOTE 3: "Overlay districts provide policies and regulations in addition to those of the underlying land use designations" (EMPHASIS ADDED and SIC)



2021 FOREST LAND DESIGNATION



DESIGNATION of 1 ac "HOMESITE"

UNDEFINED IN
COUNTY CODE

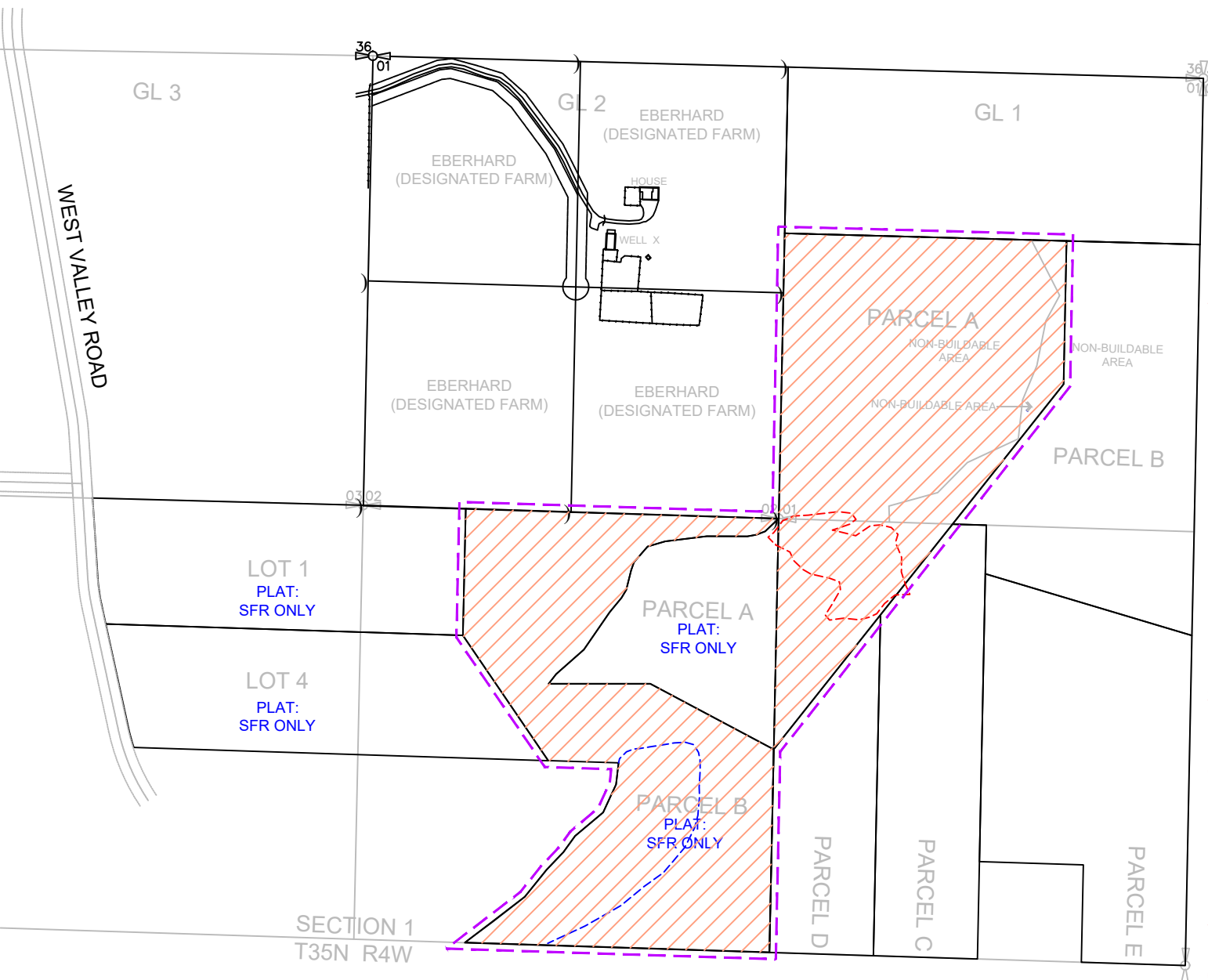
MERRIAM-WEBSTER:
"a location of or
suitable for a home"

DESIGNATION of 1 ac "HOMESITE"

ON DESIGNATION MAP NOTED as being 4.19 ac

2022

REVIEW of MRLO APPLICATION



1. ALL MINING USES ILLEGAL and CLAIMED "HISTORIC USE" CANNOT BE CONSIDERED
2. PROPOSAL DEFICIENCIES:
 - a. ADDRESS HOW "BENEFITS OUTWEIGH ADVERSE IMPACTS"
 - b. MUST LEGALLY JUSTIFY VACATING PLAT CONDITIONS
 - c. MUST LEGALLY JUSTIFY "MOVING" USES VIA BOUNDARY CHANGES
 - d. DOCUMENT HOW DEVELOPMENT STANDARDS MET (CLEARING and GRADING, STORM WATER DRAINAGE, EROSION, ETC.)
 - e. DOCUMENT AQUIFER (WELL) PROTECTION
 - f. DOCUMENT S.E.P.A. COMPLIANCE
3. U.D.C. TEXT AMENDMENT REQUIRED (NECESSARY TO ALLOW MINING IN RFF DESIGNATED LANDS)
4. CREATE LEGAL LOTS
 - a. "SUBDIVISION ALTERATION" REQUIRED for RIDGE VIEW PLAT BOUNDARY CHANGES
 - b. MEET DEVELOPMENT STANDARDS
5. RESOLVE FOREST DESIGNATION (IF ABANDONMENT PROPOSED, REPAY TAXPAYERS)
6. SUBMIT COMPLETE APPLICATION (REQUIRED REPORTS, MAPS, ETC.)
7. OBTAIN RECLAMATION PERMIT