

# Karl Eberhard

Elma Ranch  
2628 West Valley Road, San Juan Island

October 1, 2022

David Williams, Director  
Department of Community Development  
San Juan County, WA  
135 Rhone Street  
Friday Harbor, WA 98250

Re: WVH MRLO Application Amendment  
Carlson Letter of September 26, 2022

Dear Mr. Williams,

Mr. Carlson has copied us on his letter of September 26, 2022, addressed to you, seeking to amend the MRLO Application for West Valley Holdings (copy attached). The Eberhards and Kellers support this amendment as it comports with our handshake agreement for a proposed path forward that we all believe addresses the needs and desires of the Carlsons, the Eberhards and Kellers, and the County.

In his letter, which he shared with us in advance, Mr. Carlson does an excellent job of presenting the spirit and basics of our handshake agreement. This letter is also shared with the Carlsons in advance of being sent. We have all agreed to formalize our agreement before October 14, 2022.

Like the Carlsons, as stated in his letter, we are relying on the County Development Code provisions to address certain portions of our concerns by a fair and impartial process.

In our handshake agreement, we discussed that if properly done, the Conditional Use Permit process would address our concerns as it relates to physical and operational factors. We discussed that "properly done" means that the Carlsons would be providing a lot of application materials that address grading, storm water, buffers, environmental impacts, reclamation, etc. For clarity for all, we are looking at the requirements of SJCC 18.40.350 which includes SJCC 18.60.060C and 18.60.070 by reference.

October 1, 2022  
David Williams  
WVH MRLO Application Amendment

Page 2

An important element of the site design would be a commitment to "no activity" below the 280-foot contour. We agreed that by mutual agreement we may modify this to a "regular line" instead of the contour line. We may also, outside of the CUP, formalize that commitment as an easement or covenant.

The role of the County is critical to foster the continued goodwill and neighborly solution that Mr. Carlson outlined in his letter. The Carlsons, the Eberhards, and the Kellers desire a fair and impartial CUP process. In addition to the commitment for a complete application per SJCC 18.80.100, the desire is for the proposal to be fully and thoroughly reviewed by the County per SJCC 18.80.090 and SJCC 18.80.050. Without this, the physical and operational issues will not be properly addressed and the effort we have all made to come to terms will have been wasted effort.

To be clear, we are specifically not in pursuit of causing excruciating difficulty in getting the Carlson Enterprises mine to a clearly legal status protected from unreasonable complaints in the future. But we are also not accepting of an abbreviated review process. Our mutual understanding is that for both current and future operations, normal development matters will be addressed, designed, evaluated, and adjusted as appropriate to achieve the Carlsons goals but also to achieve our goal of protecting our property from avoidable or mitigatable impacts of sanctioned mining next door. Notably, and to their credit, the Carlsons have committed to neither proposing nor accepting any lesser review.

Thank you in advance for your commitment, the County's commitment, to being a partner in this solution.

Sincerely,



Karl Eberhard

September 26, 2022

David Williams, Planning Director

San Juan County Community Development and Planning

135 Rhone St, P.O. Box 947

Friday Harbor WA 98250

RE: 18-0012/MRLO West Valley Holdings- Carlson Resources.

Dear David,

I am writing you today to let you know that we wish to amend our MRLO application by withdrawing TPN 450111003 (20.24 acres) from the MRLO application process.

In lieu of pursuing the MRLO for this parcel, we plan to work through obtaining a Conditional Use Permit (CUP) and work with our adjacent neighbors to come up with an operating plan with the intention of ameliorating the concerns our neighbors have with the current and historic mining activities. Most notable, our neighbors are averse to having to be required to have the MRLO disclosure acknowledgement run "with their land" related to any future land use permitting they may have in the future.

So far we've had productive and cordial meetings with these neighbors. We think at this time that we can work together. We feel that by working together through the CUP process could be a better option for the County, the neighbors and hopefully us as the owners of the mining operation we seek to protect.

We wish to continue the approval process for TPN 450113005 but with an amended map per a future boundary line modification written about below.

West Valley Holdings, owned by Mike and Julia Carlson are in the process of selling a portion of TPN 450113005 to Mitchell and Sarah Carlson (TPN 450113003). We will do this sale as a Boundary Line Modification (BLM) since the two properties share boundary lines. The BLM will benefit Mitchell and Sarah because their well is located on TPN 450113005 and it will benefit the neighbors who would otherwise share some of their property boundaries with the MRLO that likely will be approved on TPN 450113005. The BLM will eliminate the disclosure requirements on some of our neighbor's property as well. West Valley Holdings has never had plans to mine the portion of they wish to sell to Mitchell and Sarah anyway.

We are relying on the County land use provisions for our ability to pursue our overall goal of operating an essential aspect of our business while being the best neighbors we can be. We trust this plan is workable and that CDPD will help us achieve our goals.

Please concur that the process I've outline in this letter is an acceptable means to achieve our stated goals. If there are problems with what we'd like to do we would like to know that information as soon as possible please.

Sincerely,



Michael W. Carlson, co-owner of West Valley Holdings L.L.C. and Carlson Resources L.L.C.

Map 1. Proposed MRLO on TPNs 450113005000 and 450111003000.

