

## Sophia Cassam

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**From:** Michelle Sosin <miche2531@gmail.com>  
**Sent:** Friday, November 25, 2022 3:11 PM  
**To:** Comp Plan Update  
**Subject:** Comment Letter for Application #19-0003 / SJCC Hearing Nov 29  
**Attachments:** SJCC Response Letter Nov 2022.pdf

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To San Juan County Staff,  
Please find our comment letter for the San Juan County Council Public Hearing on Nov 29th, 2022.  
We include a response letter dated Nov 20, 2022 for County Council Members. I will also send two previously submitted letters for Planning Commission Meetings that were held in July 2021 and Aug 2022, so I can send them in PDF format.  
Please include all three letters in the materials for the County Council.

Thanks,  
Michelle Sosin and Lanie McMullin  
78 Wildwood Lane,  
Lopez Island, WA. 98261  
206-484-9812  
206-650-0907

November 20, 2022

San Juan County Council  
55 2nd St. N.  
Friday Harbor, WA. 98250

RE:  
Proposed Comprehensive Map Change  
Application #19-0003  
Applicants Robert and Vivian Burt Family Trust  
Public Hearing Date November, 29, 2022

To San Juan County Council Members,

We appreciate the opportunity to comment on the proposed map change, sought by the Robert and Vivian Burt Family Trust, in Application #19-0003.

In addition to this letter opposing the Application, we additionally submit our two previous letters for your consideration, submitted for both of the previous Planning Commission Hearings, in which the application was denied.

The Applicants continue to seek a zoning change as a 'correction' to the existing zoning map, insisting that the density boundary change be granted to them, even as the County's own language in the Analysis of SJCC 18.90.030 (F) (1) (b) states " Though the density boundary is not required to follow property lines, the density boundary is not clearly defined."

In this new appeal to the San Juan County Council, the Applicants have submitted a new facet to their request, which is a partial copy of a San Juan County Court Order dated March 8, 1920, establishing an East / West split of the Bloor property for the purposes of inheritance. The document is not complete, nor does it verify who or when additional language was written in.

This document clearly states that the stream bed is the dividing feature between the east and west portions. It says absolutely nothing about zoning or density on this property or contiguous properties. It only serves to establish a division between east and west properties to be granted to different owners.

The applicants argue that when this division was established, that it was implied that the property be granted similar zoning as surrounding properties. To our knowledge the 'Skid Road Community' situated west of the applicants property was not officially established in 1920 and this document does not imply any inclusion, special privileges or guarantee of zoning to match any adjoining tax parcels.

In the Analysis Table 18. A (Page 65), we respectfully offer dissenting opinions;

SJCC 18.90.030 (F)(1) (a) -

- \* The current zoning is very clear.
- \* It protects the ravine and critical areas from development nearby.
- \* 1 DU/5 AC on the western portion of the tax parcel is permissible.
- \* It prohibits the property from being developed into two parcels in the future.

SJCC.18.90.030 (F)(1) (b)-

- \* It is not required by SJCC code to have density boundaries follow property lines.

- \* The current zoning has existed for many years without being considered an error.
- \* The property owners have not sought to 'correct' this since the boundaries of the property were established 102 years ago.
- \* A simple survey of the existing zoning boundaries within the Applicant's property could easily establish a clear definition of areas of 1DU/5 AC and 1DU/20 AC.

SJCC 18.90.030 (F)(1)(c) -

- \* The current zoning on the Applicants property is not illegal.
- \* The current RFF density zoning of this property already meets Policy 2.3.C.10.b.1.ii, as the parcel is already 5 or more acres in size and does not need to be changed.

SJCC 18.90.030 (F)(1)(d) -

- \* Staff has stated that 'The subject parcel is contiguous with an area designated for one dwelling per five acres', but leaves out that the same parcel is also contiguous with properties designated 1 DU/10 acres and 1DU/20 acres.
- \* It has not been established by a legitimate survey that 'The majority of the subject parcel is already designated for one dwelling unit per five acres'. It appears to be split evenly.

SJCC 18.90.030 (F)(1)(e) -

- \* Please see our two previously submitted letters in opposition dated July 14, 2021 and Aug. 18, 2022
- \* Again, Staff has assumed that 'no adverse conditions are expected from adjusting the density boundary as proposed, due to 'the majority' of the subject parcel is already designated for one dwelling unit per five acres'. This does not adequately address the potential for adverse impacts, nor really relevant to the issue.
- \* Their assumption does not address the adverse impacts that granting the map change will allow in the future, as it will double the developable land near the ravine, stream and critical areas that are near shoreline.
- \* It does not acknowledge the future possibility of other adjacent properties seeking to change density zoning and the additional pressure to suburbanize properties surrounding this watershed.

We appreciate the County Council's consideration of our opposition and we hope that your conclusion will be to deny the Applicant's request.

Thank you very much,  
Michelle Sosin and Lanie McMullin  
78 Wildwood Lane  
Lopez Island, WA. 98261  
206-484-9812  
206-650-0907

July 14, 2021

To: Adam Zack  
Department of Community Development  
135 Rhone Street  
PO Box 947  
San Juan County, WA. 98250

RE: San Juan County Comprehensive Plan Update  
Reference: Request #19-0003

Dear Adam and Staff,  
Thank you for the opportunity to comment on the Comp Plan Request #19-0003, requesting a land use designation change.

We spoke with Marianne Karuza this morning to discuss the intent behind their request. As the Application states and she reports, they are trying to clean up the discrepancy of two zonings, for the future, though they have no plans to develop the property currently. In short, they are reserving their right to create two parcels in the future.

ISSUE-Density Zoning 'Correction':

This parcel has been in agricultural use for many years. The split zoning of this tax parcel may seem like a simple correction of a "demonstrable error", but the 1 DU/20 acre land use designation is appropriate for the agricultural nature of this parcel. The 1DU/20 acre zoning has additionally served to protect the riparian zone, water shed and creek that is the eastern property line and it has served to prohibit more density near critical and sensitive areas.

The Staff recommendation to approve this request (Table 18.A Analysis of SJCC 18.90.030 (F), page 65 of June 4th meeting) suggests that approval of this amendment serves to;

(F)(1)(a) -clarify density

Response- Changing the zoning will double the developable area on this parcel for future years.

(F)(1)(b) -Warrants a change due to error,

Response- 1 DU/ 20 acres is appropriate for agricultural purposes and is not an error

(F)(1)(c) - Would not increase the maximum density,

Response- Changing the zoning will double the developable area on this parcel for future years.

(F)(1)(d) - Would not create an 'enclave' of property owners enjoying greater privilege,

Response- If the request is granted, additional agricultural property in the vicinity may in the future, also seek to enjoy a similar zoning change of 1 DU/ 5 acres. As this is the underlying rationale for seeking this request is to match contiguous zoning to the west.

(F)(1)(e) - No adverse impacts are expected from adjusting the density boundary,

Response- Future adverse impacts are addressed below.

Additionally, the Staff recommendation does not include corrections to the split density zoning on the any other tax parcels in the vicinity, or does it address the southern fragment of 1DU/5 acres east of the creek/ravine (Map 18)

The recommendation for approval appears to be preferential to this specific request and not part of a comprehensive process to amend or adjust all zoning aberrations.

ISSUE-Adverse Impacts:

1) Water Inundation

The application claims in #5 that” This re-designation amendment will not result in any detriment to property owners in the vicinity”.

Response- In the past few years we have experienced a tremendous increase in surface water run-off and ground water intrusion during winter months. Our property sits at the base of this watershed and is adversely impacted by the effects of increased rainfall, increased surface water run-off and groundwater inundation. We are adversely impacted by any tree removal or land development upland. In our case, upland slopes include property to the north, to the northwest and west. The road surfaces of Skid Road and Wildwood Lane send an enormous water collection directly downhill and onto our property. Skid Road currently has only 1 water management culvert along its length, Wildwood has only a small swale to direct water to the east. This flow is deposited directly up hill of our property on both our north and west property lines.

Any future development of property on upland areas will exacerbate this issue.

We are very concerned about future water inundation because we have already experienced flooding of our septic infrastructure and a close call with surface water nearing the front door of our residence in December 2020.

Again, we appreciate the opportunity to comment and hope that Staff will not view this request as a simple, straightforward corrective matter, but one that will set the stage for future development and its related adverse impacts to surrounding properties.

Thank you,  
Michelle Sosin and Lanie McMullin  
78 & 62 Wildwood Lane  
Lopez Island, WA. 98261  
206-484-9812

August 17, 2022

To: Sophia Cassam  
Department of Community Development  
135 Rhone Street  
PO Box 947  
San Juan County, WA. 98250

RE: San Juan County Comprehensive Plan Update - Map Changes  
**Reference Request - #19-0003**

Dear San Juan County Planning Commissioners and Sophia Cassam,

Thank you once again, for the opportunity to comment on the proposed land use designation change requested by the Burt Family Trust #19-0003.

This application is mischaracterized as a simple 'correction' of a past split zoning error made by the County.

We do not believe this to be the case. The current zoning is not a mistake, but has served to protect the riparian zone, water shed and creek that is the eastern property line of the Burt property. It has served to protect from more density near critical and sensitive areas that connect to the shoreline of Davis Bay. The current zoning should not be changed.

We believe the Burt Family has the future intent to subdivide this parcel to create two developable lots and can only do so if the area now designated at 1 DU/20 acres is down zoned to 1 DU/5 acres. If left as currently zoned there is only acreage for 1 DU on their tax parcel, but not 2.

The impact of this request, should it be approved by the Planning Commission and by the County would be to double the potential for development.

By the same argument that is made by the applicants, the entire parcel could be zoned 1 DU/10 or 20 acres, as the majority of the properties lying northeast and east of this site are zoned 1 DU/20 acres and 1 DU/10 acres. This change in zoning would eliminate any inconsistencies in zoning on one tax parcel and be kinder to the critical areas and rural nature of the area.

No doubt the San Juan County maps do have some inconsistencies, but a 'one size fits all' change does not serve the environmental features of this particular property. Nor would it address the other zoning inconsistencies in the near vicinity that remain, or in future that may request higher density zoning as 'corrections'. This down zone would set a precedent for future increased densities in rural areas.

We do not want to lose the rural, farming and open areas of Lopez Island and do not support this request for a change in density.

Please also refer to our letter of July 14, 2021, submitted to Adam Zack for the Planning Commission meeting of that month, July 2021. We attach that letter here and ask that it be included as part of our response for this Public Hearing on Aug 19th, 2022. Our responses to specific SJCC 18.90.030 (F) are submitted to you again.

Thank you for your consideration,

Michelle Sosin & Lanie McMullin  
78 & 62 Wildwood Lane  
Lopez Island, WA. 98261