

Erika Shook

From: Joe Brogan <joe.brogan@foster.com>
Sent: Monday, April 30, 2018 3:31 PM
To: Erika Shook
Subject: RE: Runstad SSDP Application

RE: Supplementation of Record- Runstad SSDP Application

Erika,

This e-mail highlights additional evidence the applicant would like to include in the record for the SSDP application. I will provide a narrative explanation of the subject matter and conclusions; however, I will formally supplement and support this information by filing with you technical memoranda from our consultants prior to the hearing. Our expert Habitat Biologist is delayed due to assignment on a ship off Alaska this week. His memorandum will be filed early next week. Our geotechnical engineer's memorandum is expected to be completed and filed with the County this week. In addition, a revised survey showing Steep Slope data has been completed and will be provided with the geotech's memo.

The two memoranda noted above address the presence of Geologic Hazard Areas, Wetlands, Streams, and the Coastal Geologic Buffer that applies at the Project site. They support the Applicant's position that under 18.35.130(E)(3)(e) (applicable Critical Area regs in the Shoreline) that relocation of the existing gravel driveway, including moving it upslope or "further from the shoreline" is infeasible and contrary to San Juan County Code sections governing regulated Geologic Hazard Areas, FWHCA's, and Wetlands. Construction of a replacement new driveway was not part of the existing application and is subject to the standards noted below.

The supplemental memoranda will document a Type NS5 stream located in the vicinity of the access driveway, generally running N-S and associated with two nearby wetlands. The standards for roads and driveways (Water Quality Buffers and Tree Protection Zone) are noted in 18.35.130(E). Any relocation of the existing access road upslope would be located within the water quality buffer and Tree Protection zone for this Type NS stream. The supplemental memorandum will locate these features and demonstrate that there is, in fact, a practicable alternative to avoiding impacts of building a new road through these buffers, i.e., allowing the existing road to remain on the flat, undisturbed grade. See 18.35.130(E)(1). It also follows that maintaining the access driveway in its current location is also supported by subsection (E)(3). That section provides that when *practicable, driveways shall be located on existing road grades and previously disturbed areas*.

Similar constraints apply in wetlands and their buffers under 18.35.100(F)(1-2).

The second memorandum referred to above will demonstrate that, separate and distinct from stream or wetland issues, relocating the driveway west or upslope from its current location would also be inconsistent with the Type II Geologic Hazard regulations. Section 18.35.065 requires that structures and *improvements shall be sited to minimize cut and fill and to retain as much of the topographic character of the slope as possible*. 18.35.065(B)(4). Also, subsection (B)(4) requires that "*structures and improvements shall be located to avoid the most hazard prone portion of the proposed development area...*" Relocating the access driveway to the west or upslope would be directly contrary to these, and other applicable sections of the Code. Again, these conclusions will be supported by data, maps and analysis by our expert geotechnical engineer.

Please let me know if you have any questions about this information.

Thanks, Joe Brogan

Counsel for Jon Runstad

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From: Erika Shook [mailto:erikas@sanjuanco.com]

Sent: Monday, April 30, 2018 1:06 PM

To: Joe Brogan

Cc: Lynda Guernsey; Lee McEnery; Randall Gaylord

Subject: PSJXMP- 15-0028 Administrative Decision

Hi Joe,

Here is the administrative decision for the shoreline exemption. Hard copies of the exhibits will go out in the mail late this week with the staff report for the SDP. The exhibit list and exhibits are posted here:

<http://sanjuanco.com/1400/Whaleback-LLC---Bulkhead>

We have noticed for an appeal of this decision for May 23, 2018. If you would like to appeal, the appeal needs to be submitted to this office with the appeal fee of \$600 by 4:30 p.m. 21 calendar days from the date of the decision. Appeal procedures are found

here: <http://www.codepublishing.com/WA/SanJuanCounty/#!/SanJuanCounty18/SanJuanCounty1880.html#18.80.140>

Please have the property manager on the property update the notice sign posted on the site with the hearing information (attached) and send a picture and affidavit that the sign was updated. The sign needs to be updated by May 9th.

Let me know if you have any questions.

Erika Shook, Director - Direct Line (360) 370-7571

SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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