

MAY 18 2018

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May 18, 2018

Ms. Erica Shook
AICP, Director
San Juan County Department of Community Development
135 Rhone Street
PO Box 947
Friday Harbor , WA 98250

RE: Permit PSJ000-12-0009 – Record Supplementation

Dear Erica:

This cover letter identifies additional documents that my client, Harold J. Runstad, would like included in the record for the above-referenced permit proceeding. You may recall that I notified you of my intention to supplement the record in this regard in my April 30, 2018 e-mail (Exhibit 32).

This supplementation includes the following documents:

- 1) *Consideration for Rerouting of Existing Driveway, Runstad Residence, Blakely Island*, May 16, 2018, Hart Crowser;
- 2) *Runstad Wetland and Stream Reconnaissance*, April 30, 2018, Hart Crowser w/attached wetland ratings forms (Attachments Aa and Bb);
- 3) Declaration of Grant Gelb;
- 4) Declaration of Jon Runstad; and
- 5) Copies of select pages of San Juan County Code, Chapter 18.20 (2012) (Application vested in 2012).

Memoranda Numbers 1 and 2 above address the presence of Geologic Hazard Areas, Wetlands, and Streams 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) 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.

The April 30, 2018 memorandum documents 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 NS5 stream. The *Runstad Wetland*

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and Stream Reconnaissance report locates these features and demonstrates 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, previously disturbed 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 May 16, 2018 Hart Crowser memo demonstrates 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 are supported directly by expert testimony contained in the May 16, 2018 memorandum.

Please let me know if you have any questions regarding these documents.

Sincerely,

FOSTER PEPPER PLLC



Joseph A. Brogan
Counsel for Applicant

Enclosures