

## Adam Zack

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**From:** Erika Shook  
**Sent:** Tuesday, October 17, 2017 6:14 PM  
**To:** Adam Zack; Linda Ann Kuller  
**Subject:** FW: CP Update - Eastsound UGA Boundaries  
**Attachments:** 04-16-02.Testimony.BOCC copy.pdf.pdf

### Public comment on land use

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**From:** Fred Klein [mailto:fklein@orcasonline.com]  
**Sent:** Tuesday, October 17, 2017 5:38 PM  
**To:** Erika Shook <erikas@sanjuanco.com>  
**Subject:** CP Update - Eastsound UGA Boundaries

Fred R. Klein  
POB 1089  
Eastsound, WA 98245

October 14, 2017

Ms. Erika Shook, Director  
San Juan County Department of Community Development  
Friday Harbor, WA 98250

Re: SJC Comprehensive Plan Update  
Boundaries of Eastsound UGA  
TP# 271223 009000

Erika,

This is a follow up to my email and letter dated October 1 wherein I attempted to buttress my claim that the above-referenced parcel fits the GMA definition of land "characterized by urban growth", was served by urban-level services (namely sewer), and belonged within the Eastsound UGA before other lands not served by sewer were included therein. I did so by citing portions of one of the FDOs issued by the Western Washington Growth Management Hearings Board in cases filed about fifteen years ago.

Today I would like to further buttress that claim by bringing to your attention certain exhibits prepared by EDAW, SJC's planning consultant, which was hired to assist in the establishment of the final UGA boundaries after the October, 2000 "interim boundaries" were deemed by the WWGMHB to be non-compliant with the GMA. The scope of EDAW's study and analysis was limited to ONLY those lands which were included within those "interim boundaries" so their work did NOT reach the question as to whether or not certain lands outside of the UGA should have been included with it.

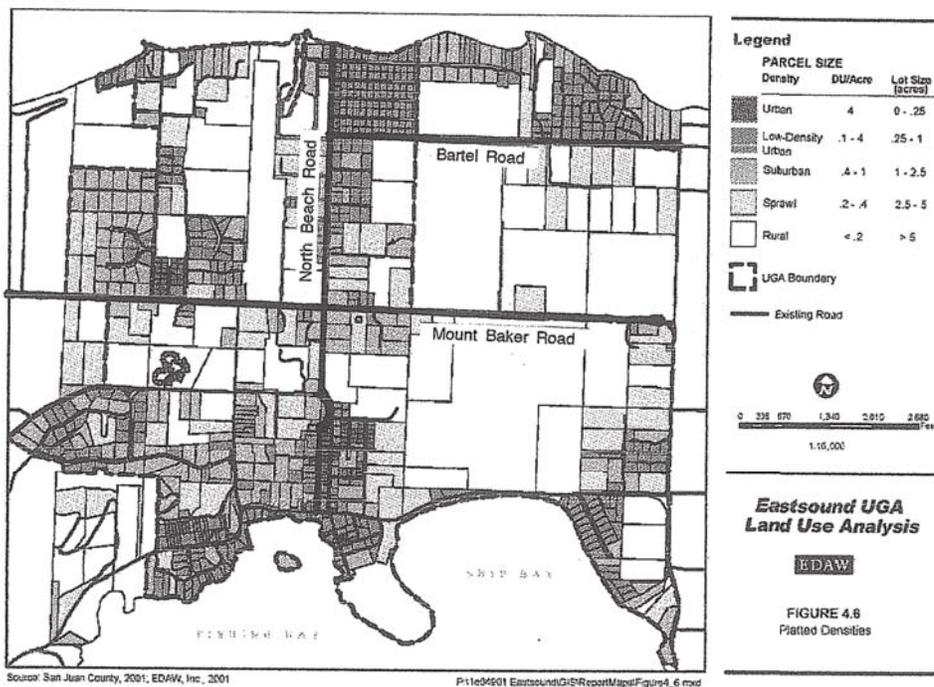
Nonetheless, EDAW's analysis included the preparation of several exhibits describing the entire Eastsound Subarea in terms of: Platted Densities (Fig. 4.6), and Existing Eastsound Land Use (Fig. 1.2). Indeed, EDAW's exhibits suggest that the portion of the North Shore, served by sewer, platted and developed at "low density urban levels" to the east and north of my 30 acre parcel (which, though undeveloped, the WWGMHB has deemed to be "characterized by urban growth" due to its adjacency to the small-lot subdivision known as Giffen's N. Beach Addition) belongs within the UGA.

As for the EDAW exhibit, Assumed Future Land Use (Fig. 4.5), EDAW offers no explanation for the gross inconsistency between this exhibit and Figures 1.2 and 4.6

I bring these EDAW exhibits to your attention along with my commentary which was originally written as part of my testimony before the SJC Board of County Commissioners in 2002...four pages are attached hereto which I trust you will open, read, and ponder their implications.

Respectfully,  
Fred

Our consultant's report does include a map entitled, "Platted Densities", (Figure 4.6) which shows platted densities of the entire Eastsound Subarea based on San Juan County data...including areas outside of the proposed UGA. This map shows what are described as "Low-Density Urban" parcels north of Bartel Road in the NE quadrant. It is this area that is also served by sewer.



With the existing pattern of "Low-Density Urban" parcels and development, sewer and water mains, a network of public and private roads, capacity for future urban development, gentle topography and absence of environmental constraints, the area north of Bartel Road must be included within the first and highest ranking category of lands which the GMA states should be within an urban growth area.

This urbanizing parcel pattern is confirmed in Figure 1.2, "Existing Eastsound Land Use", which shows widespread residential development as well as scattered commercial uses in this area. Again, this is a map of the entire Eastsound subarea using San Juan County data.

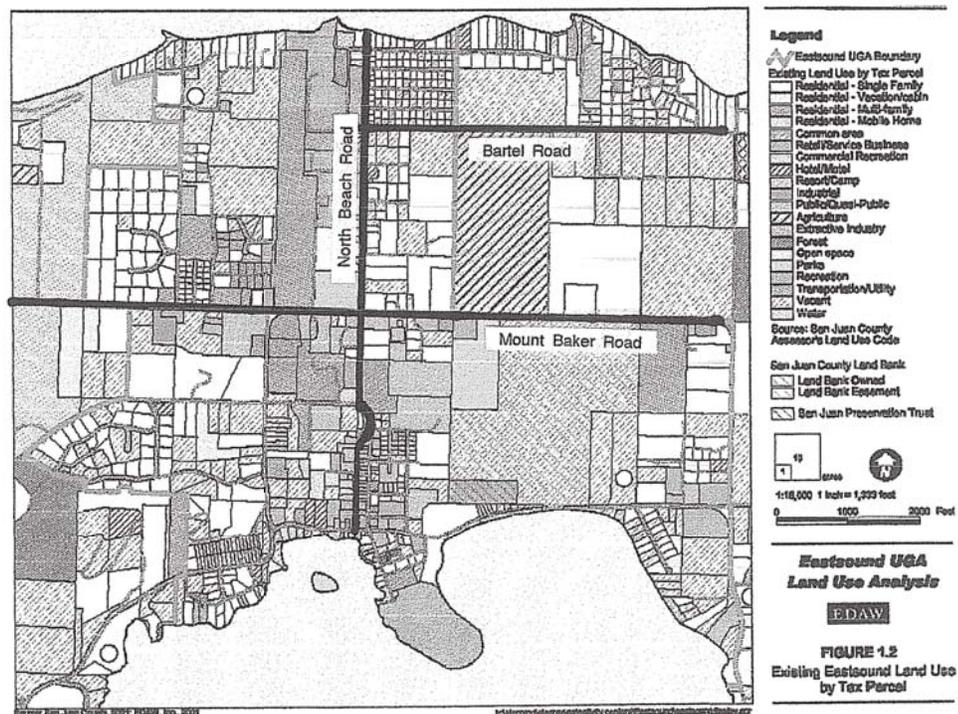
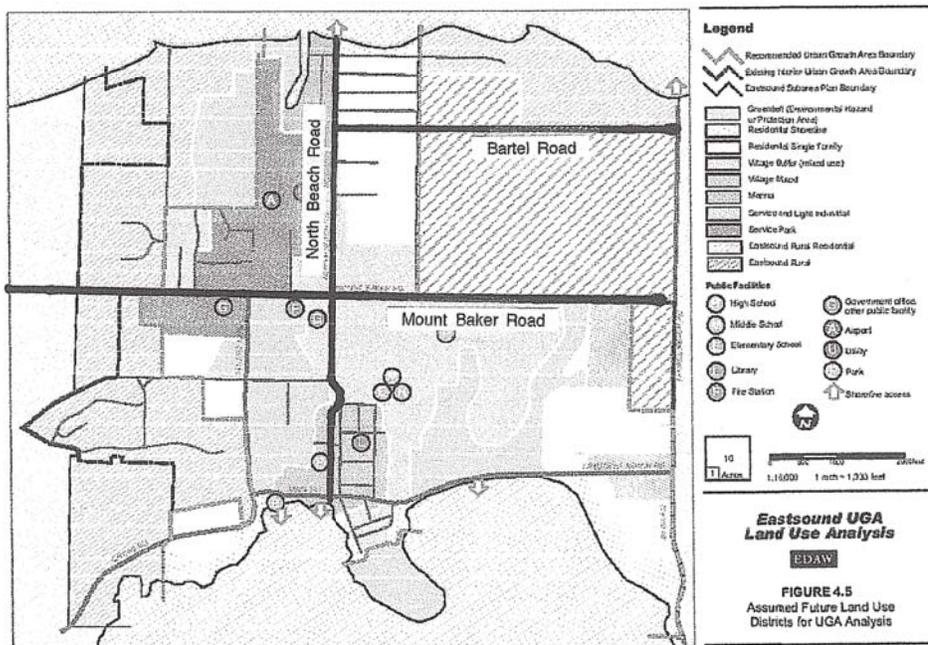


Figure 1.2 highlights, north of Bartel Road in the NE quadrant, the conspicuous presence of a single vacant 30 acre parcel in this otherwise urbanizing area, an area most of which lies outside of the Interim Boundaries of the UGA. This area, relative to much of the area within the Interim Boundaries of the UGA, is both platted and developed at higher densities...and...it is served by sewer.

I would also like to bring to this Board's attention the fact that this 30 acre parcel has frontage on the public r.o.w. of Bartel Road; access to the property is not dependent upon the portion of Bartel which is a private easement road. The map also shows that three other county roads extend to the western boundary of this property.

If one views our consultants' map entitled "Assumed Future Land Use", (Figure 4.5) alongside Figures 4.6 and 1.2, it is immediately apparent that the benign visual representation of the area north of Bartel Road designated as "Eastsound Rural" and "Eastsound Rural Residential" is totally inconsistent with the urbanizing character depicted by Figures 4.6 and 1.2.



These maps show that the originally proposed "Eastsound Rural Residential" designation north of Bartel Road, is inconsistent with the actual platting, development, and urban services including sewer which exist today. To have overlaid this area in October 2000...developed in an urbanizing pattern with existing half acre lots consistent with previous zoning and served by sewer...with a rural density limitation of 1 du/5 acres was clearly erroneous and creates an obvious inconsistency between the plan and what currently exists. Of course, the rural density designation is of no consequence and completely irrelevant to the properties already platted and developed in a "Low-Density Urban" pattern.

Today, you have the opportunity to correct past errors and include these properties within the UGA.

Since the consultants' analysis was limited to the area within the Interim Boundaries of the UGA, the only specific mention of the "NE quadrant" is that it:

"consists of a mix of large estates and previously platted residential parcels with limited development potential, (and) is outside the UGA."

(EDAW Memo., Section 1.4, pg. 6)

This statement has three significant flaws:

First, it merely repeats a sentence of the County's previous Compliance Hearing Brief before the Western Board (lines 7-9, page 27) ; this not a conclusion based on independent analysis.

Second, it fails to make a distinction between the clear defining line of Bartel Road; north of Bartel being developed in "Low-Density Urban" patterns and served with sewer; and, south of Bartel Road being the "mix of large estates" within an area where a rural pattern of 5 acre and greater parcels has been established. (Reference EDAW, Figures 1.2, and 4.6)

Third, the assertion that there is "limited development potential" is simply incorrect in that it ignores an undeveloped 30 acre parcel which is served by sewer and abutted by "Low-Density Urban" development (per EDAW, Figure 4.6).

The Interim Boundaries of the Eastsound UGA were flawed by their exclusion of certain urbanizing areas. The GMHB has already ruled that the Interim Boundaries were not established in accordance with the GMA.

GMHB decisions, and detailed analysis by expert GMA lawyers, have convinced me that an Eastsound UGA which excludes areas currently served by sewer which can be economically and efficiently developed at urban levels, and then reaches out to include vast areas not currently served by sewer, will fail to comply with the GMA. The Planning Commission has recognised these flaws and now recommends to you inclusion of additional property in the NE quadrant. Except for the illegal road requirement already discussed, I urge you to accept the Planning Commission's recommendation.

Please note that creating a non-municipal Urban Growth Area out of previously rural lands is subject to a "high level of scrutiny" by the Growth Management Hearings Board.

Under the Growth Management Act, land use decisions must be in accordance with the Act and be based on objective principles, standards, and policies...and...they must be applied in a consistent, balanced, and fair manner. The record is clear that the Interim Boundaries of the Eastsound UGA were not so determined. To adopt them today as Final Boundaries flies in the face of the very GMHB ruling which found them to be non-compliant with the Act in the first place.

The pending adoption of an Airport Overlay District and belated recognition of environmental constraints in some areas requires reduced levels of development within those Interim Boundaries.