

To: Christine Minney, San Juan County Council Member, District 1

From: Keith Schreiber, Property Owner, Eastsound, Orcas

Regarding: San Juan County Planning Commission Docket Request 23-0003 (Southwell)

I'm writing to strongly urge you to stand for sound and reasonable land use in our county by overruling the egregious decision made by the San Juan County Planning Commission at their August 18, 2023 meeting, through your NO vote when this issue comes before the Council.

The Planning Commission, a non-elected appointed board, has decided contrary to the expert, reasoned, and thorough recommendation of the County DCD staff. The requested amendment is seriously flawed and should not be approved as it stands in clear violation of the San Juan County Code and would likely result in creating serious negative impact throughout the county.

Specific issues with this request that would support a NO vote include:

Inconsistent application of the County Code and Growth Management Act

This request does not meet the criteria for site-specific redesignations in SJCC 18.90.030. While the applicant has based this request on a "Changed Condition" which is one of five conditions in San Juan County Code 18.90.030(F)(1), This section clearly requires ALL the listed criteria to be met prior to approval of an amendment changing the underlying land use designation. The only "change" is that the applicant seeks to divide their parcel because they desire to build a second home and are attempting to do so through a court-ordered division thus avoiding the typical subdivision process that would be subject to County review.

The requested amendment is a perfect example of "spot zoning."

Approval of this amendment would directly benefit a single piece of property and would be solely in the interest of the owner. The proposed amendment would not support the whole or greater community. It would quadruple the allowable density of this single parcel over that of the surrounding parcels, an obvious and extreme example of spot zoning that the Washington Supreme Court has determined to be illegal.

Weakens SJCC Code enforcement and creates potential for significant legal risk to the County.

If this amendment is passed it would create a precedent to circumvent the SJCC Development Code as other landowners seek the same benefit that a change in allowable density would provide. Property owners seeking to subdivide to the higher density that may initially be rejected by DCD could pursue legal action as they would be denied the benefits provided to others under this amendment.

Approval of this amendment would be in violation of SEPA requirements.

This application was determined to be Not Significant (DNS) under SEPA. I believe that the DNS was incorrectly determined. The application only looked at the single property and did not fully include the subsequent impact of increased density from adjacent and similar zoned properties that would seek approval under the amendment. Should it be approved, this subdivision change becomes precedent and will affect the entire county. The impact on water, sewers, transportation, etc. would be great. This is clearly not unsubstantial as the DNS determination would indicate.

To ensure clear, equally enforced land use through the County, I urge you to VOTE NO on approving Docket Request 23-0003 at your next decision meeting.

Thank you for your consideration.

Keith Schreiber
73 Sunset Avenue
Eastsound, Orcas Island, WA 98245

To: Cindy Wolf, San Juan County Council Member, District 2

From: Keith Schreiber, Property Owner, Eastsound, Orcas

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To: Jane Fuller, San Juan County Council Member, District 3

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