density to her area. She pointed out that as a community, they had had a history of outstanding attempts at preservation of the land and natural resources, and they are therefore concerned that the applicant had not revealed the total proposal as required by SEPA. Mrs. Hayes stated the applicant's proposal in the application was for 20 acres, but from the transcripts of the records, there is proof that the applicant plans to build 38 acres and he has not revealed his total proposal, which is in direct conflict with the State law. She reported that the applicant's proposal was also a threat to the community's water resources, and urged denial of the preliminary plat suggesting that the land be developed into 5 acre timberland to be more in compliance with the existing land use in the area according to the Comprehensive Plan. Mrs. Hayes placed the following items into the record:

1. Four pages plus the cover sheet of the non-compliance with the Comprehensive Plan

2. Two pages on SEPA, one transcript of Mr. Danard's conversation on a 38-acre piece at the Planning Commission meeting December 9, 1980; one letter from Janet Rhodes, DOE Environmental Review Section; one letter from Mark Schuler, Fish Biologist, Department of Fisheries; one agenda from Planning Commission meeting December 9, 1980 for 20 acres; one final declaration of non-significance dated 12/1/80; one final declaration of non-significance dated 7/3/80; application for preliminary Silver Lake Ranchettes dated 9/18/80 Planning Department 8 pages; Environmental Checklist submitted 9/17/80; 4 pages environmental assessment, worksheet attachment; one letter Department of Game with recommendation on declaration of non-significance from Fred Maybe.

3. The area as a wildlife habitat dependent on the streams and ponds; 6 pages of wild habitat study done by Tony De La Tore; Department of Fisheries letter by Don Johnson; Department of Fisheries letter, Mark Schuler; Game Department letter, Fred Maybe.

4. Previous efforts to preserve the area; letter DOE 21 March 1978 with address list and map; two page response from DOE; Harlow Hayes letter to DOE June 14, 1978; Ebeys Landing Open Space Foundation brochure; Whidbey Island Conservation District meeting January 3, 1979; Soil and Water Conservation Plan with maps.

5. Watershed. Letter, Martin Boon, U.S. Soil Conservation 12 October 1980; Letter, Frank Easter, U.S. Department of Agriculture 1/15/81; H. Hayes group watershed inventory - 10 pages; letter from USGS, Bruce Foxworthy 12/8/80 and attached map.

6. Is there a need for this housing - four pages.

7. Cover page; PI article June 11, 1980, 5 pages - court case Egen vs. Tiberan; real estate ad article "Urban Areas Gobble Up Farm Land"; letters from Kathline Rose, Harriette Hayes, a community letter 1/29/81 to Commissioners. They also ask to put the letter to Syd Glover 1/29/80 on violations of SEPA to be included in the record and all maps presented - these six sections - and materials and Planning Department records pertinent to this proposal.

Neil Danard, Danard Custom Homes, stated that if he had done the project the way he possibly should have, he would have filed a short plat avoiding what he feels to be harassment from Mrs. Hayes. As to the previous hearings before the Planning Commission, Mr. Danard stated it was very apparent that what Mrs. Hayes came up with out of the PI, Fish & Wildlife, National Forest Service, etc., had absolutely nothing to do with the 20 acre parcel of land under consideration. While Mrs. Hayes would like to picture the 20 acres as being full of wildlife and a swampy area for fish and flora, Mr. Danard stated that the property had been totally devastated by a logging operation seven years ago and this is not a forested piece of ground nor a watershed area. He felt he had worked hard in trying to do the right and proper thing in Island County by going for a long plat on a piece of property which could have easily been short platted. Ken Pickard, chairman, Ebey's Landing Open Space Foundation, reported that in 1978, Mr. and Mrs. Hayes, Mr. and Mrs. Lewis, and Mr. and Mrs. Rose, who live approximately three-quarters of a mile North of the proposed subdivision, conveyed development rights off their land to the Foundation, essentially executing conservation easements which grant to the Foundation the rights to develop that property. By agreement, these three neighboring land owners owning approximately 25 acres each, agreed to limit the density of development on their property. To do that, Mr. Pickard drafted the conservation easement deeds which provide they turn over to the Foundation any rights they had to develop that property to a density greater

than one house per ten acres. The rights that are conveyed to the Foundation are the rights for high density development to one house per ten acres, and also conveying the right to preserve and protect the natural water bodies and wildlife habitats. Mr. Pickard pointed out that there was a stream going across the property which runs the majority of the year and is fed by the area which is proposed for subdivision. The easements are recorded in Volume 390 of the Auditor's Records, and Mr. Pickard reserves the right to place into the record copies of those easements when copies are made. The Foundation also has the right to protect the water resources and habitat, and Mr. Pickard put the County on notice that these people had taken it upon themselves to preserve their portion of Whidbey Island to limit the density voluntarily, which reinforces the statements made by Mrs. Hayes about the types of densities that are in the immediate area and the compliance with the Comprehensive Plan. Mr. Danard responded to Mr. Pickard's statement by asking percentage wise how many owners had done that however; only three people. He pointed out that the 20 acres as far as proposed density, would have two 2½ acre tracts, one 3.7 tract, and three 3.8 acre tracts, and reminded that the Comprehensive Plan is not a zoning ordinance. When he purchased the property, Mr. Danard stated he checked the zoning for the property, which is 2½ acres parcels under existing zoning. That has not been changed, and Mr. Danard asked why it was then so critical that it gets to be such a unique thing, especially since there has been hundreds of 2½ acre tracts developed in that general area. He did not feel he was doing anything that would damage the property, and had even resorted to creating a greenbelt/buffer zone easement. Mr. Danard pointed out that it had not been proven that the property is part of a water tributary; when Silver Lake was put across there, it created a dam and that is the only reason why it is even wet in that area. There is no culvert under the road, and it is a very marginally damp area with no existing water in there right now. Bob Scully, resident within the area living about one mile from the proposed development, asked that the Board consider the 64% non-percable land in Island County when considering the minimum of any development, making sure that the minimum is not minimized to the point that it will not perc for a resident for 2½ acres. For developments with non-percable soil, Mr. Scully felt that the Board should consider increasing the size of the lots to accommodate the soil which will not perc. In this case, Mr. Scully noted that the developer had come within the law of the Comprehensive Plan of having a minimum of 2½ acres but felt that if any of the property does not perc, it should be considered for increasing the size of those lots. Commissioner Kemp stated that he had spent a number of hours on the property and adjacent property, and welcomed the other Commissioners to make an on-site visit. The Board concurred, and the date of 10 February 1981 was scheduled for the Board to make its on-site inspection, and the matter of Preliminary Plat Application Number P1480 for Silver Lake Ranchettes continued to 17 February 1981 at 3:00 p.m.

PRELIMINARY PLAT APPLICATION NUMBER P1080, WAYNES RIDGE ESTATES, DIVISION NO.1, CAMANO ISLAND

The matter of Preliminary Plat Application Number P1080 for Waynes Ridge Estates, Division No. 1 came on before the Board at 2:30 p.m. as scheduled. Mr. Glover reported that the application consisted of 15 lots on 40 acres, by the Garrison Company, Leonard and Boudinot the engineers for the project. The proposed area is located in the East Half of Section 25, Township 32 North, Range 2 East, W.M., Camano Island, East and North of Roberts Lane and West and North of Cross Island Road. The matter was heard by the Planning Commission on 9 December 1980, recommending approval of the Preliminary Plat, subject to the following conditions:

Island County Engineering Department

1. Roadways

a. The platted section of Roberts Lane shall be upgraded in conformance with the County's Platting Standard which includes 2" of asphalt surfacing;