tion, which states that short platting and subdivision are not grounds for declaration of conversion.

Mr. Roehl stressed the importance related to the question of standing by Appellants inasmuch as if the requirements are being made to accommodate Appellants those requirements should be based on avoiding some specific damage and should not be based on the aesthetic tastes of the neighbors. He cited comments from his letter concerning access conditions, and advising the Applicants request preliminary short plat approval for 4 lots as originally proposed, reconfigured to accommodate the appropriate conditions from Health, Engineering and Planning Departments. He stated that the access permit had been granted by the Engineering Department, and access located as instructed by someone in that Department. Mr. Roehl feels that the question of "demonstrated demand" as noted by Mrs. Beck was a moot question.

Mr. Roehl then addressed some conditions as proposed by Staff outlined in Mr. Madsen's letter read earlier for the record, noting it to be Applicants' desire:

1. Access - to work out an access approved by the County Engineer, and an opportunity to find a solution to deal with the access situation; if access is moved to the North, do not wish to be bound to moving the property line boundaries

2. Landscape plan - question greenbelt for Lot #1; if within reason and a natural vegetated buffer Applicants could live with some size of a greenbelt, but greenbelts should be a mutual matter between neighbors -- each side should provide half

3. no objection to removing slash -- the majority of piles on site resulted from road construction and not necessarily from the logging; some is left over from logging

4. Water pollution control - already been addressed by the Health Department and Applicants concur in Health Department response as to enforcement of the local ordinances

5. Building envelopes/easements/covenants - if building envelopes are established on the face of the map, it will not be necessary to file paper covenants and easements in addition to that

6. Resubmittal requirement - applicants do not see why they should have to resubmit to start over for preliminary approval. Preliminary approval has already been granted -- short plats are routinely amended between preliminary and final approval, with conditions and standards applied before final approval.

In rebuttal, Mrs. Beck pointed out that she had yet to have an opportunity to read Mr. Roehl's letter submitted this date on behalf of the Applicants, and specifically commented to Mr. Roehl's contentions:

1. Appellants' standing. There is no question that the Appellants have standing, reference definition under the Short Plat Ordinance, "....person appealing a decision of the Administrator who shows he/she may suffer specific injury...."; the Appellants have so shown and listed specific injuries.

2. Under current Interim Zoning Ordinance, Agricultural uses are not permitted in residential zones after 1966, and the cases she cited were begun or expanded after 1966 -- hence, residential zones are not in the public interest nor valid today in this area.

3. The fact that the existing Interim residential zones were not "tackled this go-round" in the Plan/Zoning Strategy does not indicate that the current interim residential zones in any way will be retained as permanent residential zones in the future.

4. In Mr. Roehl's comments stating that case after case had shown the Comprehensive Plan as a guide is correct, however, those were cases of zone changes and preliminary/final long plat subdivision approvals, dealing with the Planning Enabling Act - state and local long plat laws, which state that the Planning Commission and Planning agency shall make recommendations to assure compliance with the Comprehensive Plan; in several cases, the Court has ruled that those recommendations are purely advisory. However, Court cases say also that if there had been a local ordinance indicating "thou shalt comply with the Comprehensive Plan" then they would have had to. In this case, there is an ordinance which says "shall comply with the Comprehensive Plan".

5. Demand. There is 67% of land subdivided on South Whidbey and is not developed.

6. There is no commitment the County has made up to this point, and Applicant cannot reasonably expect that preliminary approval until after the appeal has been decided.

Mr. Roehl again referenced the definition contained within the Legilsative Intent of the Short Plat Ordinance for "Aggrieved Party" indicating that first, specific injury must be shown by appellants (dollars and cents) and secondly, the interest claimed must be those the ordinance is designed to protect. Mr. Roehl feels that is the definition to be applied, and did not believe that had been shown by the Appellants, with no tracing back to any specific damages. Mr. Roehl asked that the Board uphold preliminary short plat approval.

Len Madsen reflected on how the County uses the Comprehensive Plan i.e., as a guide setting forth some general policies to use in guiding development throughout the rural and urban areas of the County, believing the Plan to be a good strong tool providing guidance for people to use. Mr. Madsen acknowledged working with the Applicants early on in the project for conformity with the Comprehensive Plan, and in fact, had rejected the proposal originally based on inconsistency with the County's Comprehensive Plan. The Applicant introduced modifications to the project; staff reviewed those modifications and made some suggested changes to the project which they felt would fit in with the surrounding community. Mr. Madsen pointed out that the Comprehensive Plan does state in the designation for Rural areas that some areas may be able to accommodate up to one unit per acre (III-19) while other areas should be preserved in their natural state and staff felt that the project fit best with the planning criteria rather than the agricultural production, Class 4 soils not being even marginally suited for agricultural production. In review of the project, the Planning Staff expressed concern about the rural nature of the area and tried to look towards some design features which could be incorporated to help it fit in (some are cited in terms of the specific policies of the Comprehensive Plan). Staff recommendations were to try to make this a planned development by suggesting introduction of buffer strips to screen the property. There was a meandering road suggested for this property, which follows the policy of 3-b on page II-23, and page II-24 suggested that Planned unit residential development design should be given preference for residential subdivision, item sub-3 indicates that scenic and open space should be provided within planned developments; item (d) page II-24 says that wide lot fronts and deep setbacks should be encouraged to retain the open rural character of low density areas, especially where planned residential solutions are not employed.

Mr. Madsen submitted that the design elements which the staff tried to work out with the Applicant were appropriate and consistent with the Comprehensive Plan, reflected in his recommendation submitted to the Board.

Ms. Beck advised that Mr. Madsen's statement that the Comprehensive Plan allows densities to go up to one lot per acre in rural areas (III-19) comes after "....variations in rural area lot sizes are dependent upon land characteristics...."; the area in question deals with rural lot sizes and not rural densities, and therefore this situation deals with a violation of the rural densities.

Don Holmes responded to Ms. Beck's statement regarding the DSHS as being the only agency which can approve a well site for public water system, indicating that WAC 248-54-025 - General Administration (1):

> "The department and the health officer for each local health jurisdiction shall have a joint plan of operation listing the responsibilities of each agency for administering these regulations. The plan shall provide for a minimum necessary level of water system supervision. This plan shall be submitted to the local board of health for adoption. The department shall, upon request, review and report on the adequacy of water supply supervision to both the state and local boards of health. The plans shall be approved and updated as necessary. Wherever in these regulations the term 'department' is used, the term 'health officer' may be substituted, according to the terms of this plan of operation.".

Mr. Holmes advised that there is such an agreement between DSHS and the local health department designating the Island County Health Department as the responsible party for the approval of well sites for Class 2, 3 and 4 water systems.

Ms. Beck contended, however, that the reference made by Mr. Holmes was that dealing with well site approval and not variations from the State law.