Mr. Bodin are acting as Mr. Fakkema's agent; there is no relationship or connection, other than Mr. Fakkema sold Mr. Bodin and Mr. Hurley a piece of property -- proper and legal in doing so. To insinuate that Mr. Fakkema is violating the law and evading the subdivision regulations by the use of Mr. Hurley and Mr. Bodin is a matter that in a Court of law would be laughed out of Court. He offered, if the Board so requested, to produce his income tax statement and financial relationships he would so do.

Regarding his brother, Charles Fakkema, he concurred that in fact he had sold him ten acres of property, as per agreement several years' ago. This is a bonafide sale, and Charles Fakkema is not acting as his agent. Charles Fakkema owns the property and has already made some improvements on the property. Robert Fakkema has received remuneration and it is a clear sale. Therefore, it is his contention that the position of the County regarding circumvention of subdivision regulations is in Mr. Fakkema's opinion, improper, and advised that the Board take advantage of obtaining a Prosecuting Attorney's opinion.

Mr. Fakkema stated that the question before the Board is not the County's rejection of Charles Fakkema's short plat, but rather the appeal for the Bodin and Fakkema short plats; he concurs however, that they are interconnected. He pointed out that the rejection of the Charles Fakkema short plat had now been appealed and would be heard by the Hearing Examiner on 24 January 1985, referencing letter from Andrew Olsen to the Island County Planning Department which references today's hearing with the idea that in hearing the appeal for the rejection desires to use data, minutes, and information submitted to the Board today for the Hearing Examiner's hearing. Therefore, Mr. Fakkema requested that the Board have their report and minutes drawn up with that idea in mind. The rejection by the Short Plat Administrator of the short plat is felt to be improper in denying someone's "day in court".

Land Use Conflicts. In rebuttal to Mr. Harbour's staff report, page 2 on the issue of "Land Use Conflicts", Mr. Fakkema stressed his opinion that these are not residential lots but rather are rural lots and comply with the rural zoning code -- 2½ acre tracts. Density is controlled by zone, and it is his opinion that from a land use standpoint, the short plats comply zoning. No land use conflicts are being submitted that did not exist prior to short plat submittal, and in fact, have submitted properties which comply with zoning around a gravel pit -- the same land use situation which has always existed.

The question with regard to "....to prepare a hydrogeolgical report ....." in Mr. Fakkema's opinion has nothing to do with the threat of gravel pits on surrounding residential short plat water systems -- there is no connection. The water system to serve the short plats abutts the gravel pit; there is no impact of gravel mining on these areas, not threat, and in fact, the reduction of 110 to 70 acres from the gravel pit serves to protect the well sites.

Inconsistency with Comprehensive Plan Policy. Mr. Fakkema concurs with the first statement made under this section in Mr. Harbour's staff report, pointing out that in this case, the short plats under consideration are not "residential subdivision" but rather, the two short plats in fact comply with rural zoning at 2½ acres. He believes that the purpose of the greenbelt was to comply with that. He stated that the Comprehensive Plan addresses the protection of mineral resources, but that is not the question in the case at hand.

The gravel pit, prior to conveyance to the present owner, required a covenant on the surrounding property, which Mr. Fakkema believes adequately protect the gravel pit. The Planning Policy noted by Mr. Harbour is directed at mining and not directed at penalizing adjoining land.

Mr. Fakkema advised the Board that at the time the original CUP was considered, there had been no discussion about penalizing adjoining property -- no input from the Planning Department or others that the surrounding property owners of the 110 acres should be limited as to what they could do with their property. The surrounding owners around the present gravel pit request the same.

He questioned why ten tracts would be acceptable to the Planning Department while sixteen tracts would not be acceptable. His position is that the acceptability and the density is controlled by zoning, and that they do comply with the zoning.

S.E.P.A. COMPLIANCE. Mr. Fakkema explained that he originally had owned 110 acres; he is a 1/3 owner of the gravel pit, (70 acres in the middle) and sold Mr. Bodin, Mr. Hurley and Charles Fakkema the remaining 2/3rds. He did some of the original planning and had envisioned there being 16 tracts around the perimeter of the property. He agrees there is an overall project, but not one project, and the Boulder Hill Gravel Pit entity has nothing to do with the surrounding property.

The gravel pit complied with S.E.P.A., and a complete environmental impact statement was done. The action now before the Board is not enlarging the gravel pit but rather making it smaller. All environmental impacts which were applicable to the gravel pit were addressed within the original EIS at the time of original hearing. The surrounding property is and always has been rural; an effective CUP does not change the zoning.

The original gravel pit lease was granted to Marine Asphalt Company who did not lease any of the surrounding property. Planning at that time was limited to the interior area.

Conflict with C.U.P. 75-09. He agrees that CUP 75-09 required a 100' buffer around the perimeter of the gravel pit, which was done. When the early short plat was submitted along Vanderwell Road, there were many discussions with the Short Plat Administrator (Syd Glover) refining that, with the conclusion that there must be a 100' buffer zone around the gravel pit. That was established. They decided that rather than a 110 acre gravel pit to have a 70 acre pit instead, and voluntarily gave up the surrounding property.

In summary, Mr. Fakkema requested that the issue be resolved -- that the short plats be approved or that the Board direct the Short Plat Administrator to approve the short plats immediately following resolution of the Boulder Pit Gravel pit problem, and that that problem be scheduled for hearing. Should the Board feel that it cannot grant this, the least desired by Mr. Fakkema is to have the conditions defined as spelled out within Mr. Bodin's letter to Mr. Fakkema. If the short plats cannot be approved now, it is Mr. Fakkema's suggestion that the Board define what has been accomplished to date, requesting that the specific reasons as referred to in the Staff Report be addressed. Mr. Fakkema and those he represent categorically reject all of the reasons for disapproval of the short plats.

PUBLIC INPUT

Alice Maddox, property owner to the East of the proposes subdivision, referenced past correspondence with the County regarding their belief that the proposed subdivision into 16 lots is not compatible with a gravel pit, especially for use for future generations. A further concern is why the 100' buffer is proposed to come off the proposed subdivision. She posed the question that if the conditional use permit on the gravel pit is renewed for the smaller size, what is to guarantee enforcement of the regulations since enforcement to date has not been done. On behalf of Mr. and Mrs. Irvin Hett, Mrs. Maddox submitted, and read for the record, a letter from the Hett's, entered as Exhibit #I for the record this date:

> "In 1975 when Mr. Fakkema asked for a conditional use permit for a 110 acre gravel pit adjoining the Vanderwell Road and it was issued with some provisions for the protection of the adjacent property owners, we those owners felt it was handled fairly. Now we have reason to question what is being changed. One of the concerns in 1975 brought out by Maxine Geisel was children having to complete with large trucks for the use of the roadways, neither children or trucks have changed in those few years. We were to receive secured entrances to this area to avoid the pitfalls that usually accompany such an operation --WE DID NOT. Several large piles of garbage will attest to that. We were to receive a 100 foot buffer zone on the sides adjoining the Vanderwell road, we did but now find that it was sold to a Mr. Hurley on one section and a Mr. Bodine on antoher section. These sales were made in January 1983, yet we find that a short plat on the ten acres purchased by Mr. Hurley was started back in 1980 when the property was owned by Mr. Fakkema -- how can this possibly be with the rules that were in effect then? There have been several meetings at the county to discuss these events and yet the final approval for the Hurley tract was given in August of 1984 even in the face of all the dissention concerning it's approval. WHY???