Project site is zoned Residential (R); property to the north and south is R; property to the east across Sills Road is Rural Residential (RR); shoreline designation is Rural. The Hearing Examiner recommended approval subject to the following conditions:

1. An Access Permit is required prior to occupancy of the retreat.* The existing approach shall be improved to create a 20-foot flatout with a slope of approximately two percent as required through the conditions of approval for the Access Permit.

2. The water system must be approved by the Island County Health Department prior to occupancy of the retreat.*

3. Food service plans must be approved by the Island County Health Department prior to occupancy of the retreat.*

4. A Grading Permit is required prior to site preparation for the second residence. The Grading Permit shall be conditioned as specified in the Island County Engineering Department memorandum dated May 2, 1990.

5. A Building Permit is required prior to construction of the second residence.

6. Applicant shall comply with the standards for industrial uses: One-site (noise source) sound levels shall not exceed the levels established by WAC 173-60-040, the Environmental Designations for Noise Abatement (EDNA).

   Emissions of smoke shall comply with the regulations of the Northwest Air Pollution Control Authority.

   Emissions of fugitive dust, dirt, fly ash, or other airborne solids shall comply with the requirements of the Northwest Air Pollution Control Authority and all Washington State and Federal standards as exist or as may be amended.

   Ground vibration inherently and/or recurrently generated from use and/or equipment, other than vehicles, shall not be perceptible without instruments at any point beyond any zone district boundary in which such use is located.

   Activities which may create offensive glare, heat, electromagnetic and other radiation shall be conducted in an enclosed building.

   The emission of obnoxious odors of any kind beyond the lot boundaries is prohibited. Particular industries may be required to present comprehensive statements of measures to be taken for elimination of obnoxious odors for Planning Department staff review before the required building permits are granted.

   Toxic and noxious gases shall not be permitted in quantities in excess of current standards as established by the Northwest Air Pollution Control Authority.

   Emission of liquid wastes shall require an industrial waste discharge permit issued by the Washington State Department of Ecology or the Federal Environmental Protection Agency.

   Procedures for the collection, control, and disposal of any solid wastes peculiar to the industrial operation shall be approved by the Island County Health and Public Works Departments prior to the issuance of any permits and shall meet all standards of the State Environmental Protection Agency.

   Water supply and waste disposal including sewage shall meet applicable federal, state and county standards. Provided that, no dangerous or hazardous wastes may be discharged into surface or groundwater.

   To the extent feasible, all utilities shall be located underground.

7. Minimum setbacks for the second residence shall be:

   a) 65 feet from the top of the bluff;
   b) eight feet from the top of the cut area; and
   c) ten feet from the north property boundary.

8. Maximum height of the second residence shall be 35 feet.

9. The requirement for submittal of a Final Site Plan under Chapter 16.15 ICC is waived.

John Stanton, neighbor on Sills road, felt the proposal to be an exception to that normally done, and not compatible with the rural residential neighborhood, creating institutional use which would fundamentally change the character, and that the question of compatibility had not been addressed by the Hearing Examiner, noting that restrictions requested by the neighbors had been denied. He addressed concerns about the use being transferred, and suggested limiting to the purposes the Elliotts described. Concerns about changing the character of the neighborhood has nothing to do with the number of residents, but an institution next door.

Francis Conrad, resident to the south of the proposal, speaking on behalf of himself and other neighbors, agreed with Mr. Stanton, and added his opinion that the Hearing Examiner seemed one-sided and biased in favor of Applicant. Other concerns include: what happens if the property changes owners in the future; adequacy of parking and control of that parking; enormous increase in traffic in and out of the road. He discussed some discrepancies with regard to the engineering requirement for sight line from exit of the site to the street. He noted that a bull dozer came in and removed growth which had blocked the sight line and 500' sight line now complies, but this is growth which will return again.

Ms. Lee noted that the parcel zoned R; use as proposed not an exception to what is normally allowed, an institutional use which can be approved in any zone subject to meeting the Code requirements. The character of the neighborhood was definitely considered during the review process and a major concern throughout the process; proposal clearly meet Code requirements. Should another use be considered for the property other than the Elliotts' specific proposal, it would have to go through an entire new approval process. Any remaining issues regarding sight distance adequacy have been worked out to the comfort of the Planning Department and the Engineering Department.

Ms. Humble addressed the placement of the second residence would be in the estimated 2 acre upland portion, and due to bluff setbacks from the cut and adjacent property, left room only for a very small 1 bedroom house. Should a long plat be proposed for the property on the 4.66 acres, 7 dwelling units would be the base density.

Dave Fitzhugh, Island County Engineering Department, confirmed requirement for access permit that Applicant execute a maintenance agreement to mow and maintain on an annual or as-needed basis during the growing season that portion of the right of way affecting the sight distance; and should that not be done, the County will do so and charge the cost back to the Applicant.

Commissioner Koetje moved that the Board approve SPR #36/89 for Rick and Penny Elliott as recommended by the Hearing Examiner. Motion was seconded by Commissioner Caldwell.

Under discussion, Commissioner Caldwell responded to some of the statements which questioned the objectivity of the Hearing Examiner. He noted that Mr. Bobbink operates as professional as he can; institutional uses are allowed in any zone subject to meeting certain compatibility criteria, and both staff and the Hearing Examiner be-