Keith Higman, Island County Health Department, Environmental Health Specialist, addressed a question from Commissioner McDowell concerning water. A condition for preliminary approval of the project was a commitment from the purveyor to provide water service for the project. Following preliminary approval, the water system works with the State Department of Health to develop a system with adequate quality and quantity to meet the needs of the project including issues such as fire flow, salt water intrusion if that is a concern, storage, distribution, any number of things which can limit the ultimate development of the project.

In response to a question from the Chair regarding the drainfields, Siri Klovstad, Island County Health Department, Environmental Health Specialist, indicated there are two drainfields, one a State approved system and the other that would serve the hotel. There is an off-site drainfield up the road to serve the other uses; it is not state approved system and it will come to the Island County Health Department for approval. She confirmed in terms of the off-site and on-site systems, soil analysis has been done that would indicate those soils would support those systems. As far as the allegation that the on-site system might be in fill, she stated that she had asked Mel Thom, Environmental Health Specialist [who worked for Island County at the Camano Annex], about that and was advised the soil the drainfield is going into is not fill at all.

In response to Chairman Shelton's question about the size of the motel, an audience member [believed to be David Platter] stated that the motel is small, 12-15 units. Debra Little stated what was approved was a motel 5500 sq. ft. Maximum; 16 parking spaces required maximum. She clarified that Mr. Neue-Lawson was concerned about the off-site drainfield. Mr. Lewis stated that Mr. Neue-Lawson mentioned both, that his property adjoins the off-site drainfield.

Responding to another question from Commissioner Shaughnessy, Mr. Higman stated that as a condition of review of the project the Applicant was asked to provide a hydrogeologic assessment. One of the interests in doing so was to determine if there was a potential for impacting drinking water supplies in existing wells, future wells, future potential wells in the surrounding area. That information was submitted to the Department and reviewed by the Hydrogeologist and determined that the proposed systems both on site and off site would not detrimentally impact existing points of withdrawal. As far as how many gallons of flow per day that was based on Mr. Higman did not review the project and could not comment on that. He did say that the drainfield designs are rated according to anticipated flows. The systems as well as the area of soil necessary to install the systems is related to flows and there are limitations as to the ability of those soils to accept flow; therefore looked at gallons of loading per day.

Ms. Little clarified that there is a system for supply of water but it requires going through system design, and the system today is not ready. She commented with respect to the drainfields, the off site drainfield received preliminary approval of a site plan, i.e. the use of an off site drainfield can go at this location, but that has nothing to do with the actual engineered design. One of the conditions with the off-site drainfield states that specifications for an off-site commercial drainfield must be designed and submitted to the Island County Health Department for review and approval and that the following criteria must be included in the design: pre-treatment of all high strength waste; coordination of drainfield design with drainage plan if applicable; a Washington State professional engineer must design the transport lines; easements for off-site drainfields and transport lines must be approved, marked with permanent monuments; a sewage disposal system permit for the proposed off-site commercial system must be issued. The Hearing Examiner's decision included some 20 conditions of approval and one was conformance with Island County Public Works - Engineering Division memos which included the point of waiting for conditions from WDOT and that those must be implemented.

With regard to the issue that people do not want this project, Commissioner McDowell was aware that Oak Harbor just went through a situation with Walmart and the very first argument was that people did not want it. His understanding is that Walmart went through the whole thing and ended up in court, and found that what counts is what the zoning is and factual issues.

Ms. Little advised that [land] uses in Island County are reviewed based on site plan approval and criteria for review contained in Chapter 16.15 of the ICC; conformance with that criteria and zoning criteria is required. Island County has been accepting up through 4/10/96 site plan review for commercial uses in existing non residential zones and processing them according to the site plan review criteria.

Inasmuch as the Appellant gave as one of the reasons of appeal that people do not want the project, Commissioner McDowell asked in terms of the Code what the Appellant would suggest in trying to balance that request against the applicant's zoning. Mr. Lewis replied that the reason people did not want the project was that it did not meet requirements of GMA.

For the record, Ms. Little stated that the Application was accepted as complete for review on February 12, 1996, prior to the GMA Hearings Board invalidation order of April 10, 1996.

With regard to Appellant issues about inadequate fire flow, Don Robinett explained that the Public Works Department made a statement that fire flow is required pursuant to 13.03A, and depending on each use on site those requirements will be applied. With respect to a statement about no off-site contamination being required, this issue came up in public hearing and what Public Works was specifically addressing was off site contamination from gas spills. There is no requirement in Land Development Standards for planning for catastrophic spills; in the event of a catastrophic spill it is a multi-departmental response but there is no planning requirement for a catastrophic spill.

Robert Lambertson stated that he was there when perc holes were dug and attested there was no trash in the soil. Water supply and drainfields are sufficient. He believes there has been a great deal of misinformation about the project, but that the Hearing Examiner heard all of the facts and made the proper decision.

Mr. Lewis, along with Roger Nelson , 606 N. Sunrise Blvd., Camano Island, member of C.A.R.E., displayed the aerial to show at Terry's Corner what they believe would occur in the event of a catastrophic spill - that any fluid whatsoever, oil, gas, effluent, would go down to Sunrise and in the area which is a sanctuary, sensitive wetland.

Mr. Nelson, speaking on behalf of himself as a taxpayer, property owner, concerned citizen and broker with local real estate company, pointed out that whatever is spilled would end up in Port Susan Bay. To not provide any water quality standards he sees as a total disservice to him as a property owner in that area. He suggested the need to focus on what is being appealed and what Mr. Robinett's response was for the catastrophic spill. The DNS that was issued in subparagraph C, paragraph 3 of section 3, recognizes and states the potential for significant adverse environmental impacts. He did not see where these impacts are addressed, however.

With regard to zoning, specifically Mr. McDowell's comments that the bottom line is zoning, he reminded that the current Comp Plan states that in no case may a site plan be granted approval if it disrupts the character of surrounding permitted uses. According to the aerial, the surrounding permitted uses are rural and agricultural, not cookie-cutter commercial use.

Replying to Commissioner Shaughnessy, Ms. Little confirmed that a representative from Drainage District #5 attended the Hearing Examiner's hearing and provided a letter which is part of the record. [Don Robinett supplied additional copy of that letter for the Commissioners today - letter dated August 21, 1997 from Jay Leque, Drainage District #5 to David Platter and Robert Lambetson]

Robert Lambertson, 1434 S. Crestview Drive, Camano Island, stated that when he offered a purchase and sale agreement on the properties, one of the conditions of buying it in the preliminary title search was a mitigation contract with Drainage District #5. That has never been contested and in fact they agreed with Drainage District #5 to meet the conditions of the mitigation contract.

Ms. Little and Ms. Jensen displayed the approved plan to the Board and audience to show the projects that are a part of the preliminary site plan and explain what needs to be done. Proposed are 20 lots, most open-ended as to whether they are office or retail, but several lots actually locate a particular use there. About halfway through the application review, the U. S. Postal Service requested a post office in the project at that location; also proposed is a motel, restaurant, and a gas station [specific location of each was pointed out on the Plan]. Applicant is now bound to those sites. Preliminary site plan approval locates the uses in certain locations and provides a list of uses that will be allowed and an upper limit on the

building size; further, preliminary provided a list of conditions the development has to meet. Ms. Little termed this plan as the "preliminary to-be-built Plan" with the developer obligated to provide a loop road, design and install a water system, septic system, drainage, access points and improvements, perimeter landscaping and greenbelts and all common parking area, then survey every lot with monuments put in the ground, and then bring it in for final approval before anything is allowed to be built on the site.

Answering a question from Commissioner McDowell about how staff deals with the issue of in-compatibility when reviewing a proposal for compatibility with surrounding neighborhoods, Ms. Jensen commented that the Site Plan Review deals with that issue, and the requirement is to provide a harmonious transition to adjacent properties and land use. Staff also looks at the zoning to see if it fits in with the character of the surrounding neighborhood, and also look at the zoning. She did not know that any non-residential use would be similar to RR zoning.