

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
MAY 22, 2007 – SPECIAL SESSION**

The Board of Island County Commissioners met in Special Session Tuesday, May 22, 2007 beginning at 3:00 p.m. at the Camano Multipurpose Center, 141 N.E. Camano Drive, Camano Island, Washington. Mike Shelton, Chairman, Wm. L. McDowell, Member, and John Dean, Member were present.

Staff Present: Bill Oakes, Public Works Director
Sandy Sandritter
Sue Engstrom
Joyce Kasperson

Public Present: Gary Platt, Executive Director, Business/Operations, Stanwood-Camano School District No. 401
Jean Shumate
Lori Campbell
Jeff Holbeck
Jennifer Olson
Raymond Muelle

[Attendance sheet on file with the Clerk of the Board]

Press: None

**HEARING HELD: IN THE MATTER OF THE PETITION OF THE STANWOOD-CAMANO
SCHOOL DISTRICT FOR THE VACATION OF AN UNNAMED COUNTY ROAD RIGHT-OF-
WAY, CAMANO ISLAND**

As scheduled and advertised a Public Hearing was held at 3:00 p.m. to consider a petition of the Stanwood-Camano School District to vacate an unnamed County road right-of-way on Camano Island, Resolution No. C-51-07/R-20-07, Section 35, Township 32 North, Range 2 East.

Bill Oakes, Public Works Director, drew attention to a map that reflects two sections of the roadway. The section highlighted in yellow is the existing section of unnamed road along the property owned by the Stanwood Camano School District. The District also owns property directly to the southwest that abuts West Camano Road. In exchange for the right-of-way, the District would dedicate 30 feet along West Camano Drive. Additionally, the County would receive compensation to the road fund for the difference in the square footage of the two right-of-ways at a fee of \$14,439.36 less a \$500 deposit, together with a quitclaim deed setting forth conditions toward the Final Order of Vacation.

Commissioner Dean said he had a conversation with the Stanwood-Camano School District and both he and the District questioned the addition of two bulleted items on page two of the Final Order of Vacation:

- Future development shall incorporate both parcels owned by the petitioner.
- Any new access proposed over and across either parcel shall not encumber adjacent parcels with road setback requirements.

He asked the meaning of “Future development shall incorporate both parcels owned by the petitioner,” and also wanted to know if the second bulleted item relates more to the planning process and not reasonably related to an order of vacation?

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Mr. Oakes commented that both additions to the Final Order of Vacation are related to planning issues and were reviewed with Carol Croft in the Planning and Community Development Department beforehand. She advised that any development on the parcels would require the use of both parcels.

In answer to the first question, Mr. Oakes explained that the setback requirements from West Camano Drive and the back lot setback would leave little or no building envelope on the parcel closest to West Camano Drive.

In answer to the second question, Mr. Oakes said that the condition relates to the placement of the proposed right-of-way in any new development on the two parcels. The condition requires that the future development of the parcels not encumber neighboring parcels with setbacks from the future road development. The practical implication is that any new road for the development must be at least the setback distance away from any exterior property line.

Commissioner McDowell said if the roadway is already 60 feet, why are we asking for an additional 30 feet instead of a cash amount? Mr. Oakes replied, future planning. West Camano Drive is a major arterial so someday may be a larger road.

Gary Platt, Executive Director of Business and Operations with the Stanwood-Camano School District relayed his thanks to everyone who worked toward the completion of the vacation order. He voiced his concern about the two conditions added to the vacation order because, in his opinion, they do not seem related to the order but instead relate to future development of the property. He said it seems there are specific County ordinances that relate to the vacation of a right-of-way and specific County ordinances that relate to the subdivision of property and developing parcels. He feels since the two are unrelated, that this would not be the proper venue to placing such conditions.

Mr. Platt continued by saying the School District has a parcel that is landlocked and would still be landlocked if the School District had not purchased it five years ago. The parcel does contain the right-of-way as shown on the map presented by Mr. Oakes, and the School District is happy to dedicate part of the other parcel in an effort to address the need for a future County easement or right-of-way. The School District is also willing to pay for the balance of the property it is asking the County to give up since it adds value to the School District's property. However, he said, the School District continues to believe that conditions placed on the vacation order relating to development should be done at the planning stage and not at the vacation of a right-of-way. The School District is prepared to provide a quitclaim deed, approved and signed by the Stanwood-Camano School District Board of Directors, and the payment is ready to transmit to the County. On behalf of the School District, Mr. Platt respectfully requests that the two conditions be removed from the vacation order.

Commissioner McDowell was curious if Mr. Platt had made this issue known to the Planning Department prior to today's hearing.

Mr. Platt said he received the vacation order by e-mail on May 11 but because he was in bargaining all day, did not see it until the following Monday. In the meantime, he said, the School District's attorney was in contact with the County and was told that the Planning Department is recommending the conditions, that the conditions were placed on the vacation order in accordance with the Growth Management Act. Again, that seems to Mr. Platt to be more related to the development of the property and not the vacation of a right-of-way.

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Chairman Shelton asked Mr. Oakes to clarify again the meaning of the first bulleted condition, "Future development shall incorporate both parcels owned by the petitioner."

Mr. Oakes explained that the setbacks create a building envelope too small to develop the lot so the Planning Department's concern is that both parcels be included in any future development. He explained that the reasons for the conditions are typical of Island County's practice. When there is a future concern the County prefers to let people know as soon as possible. He agreed there is no proposed development at this time; however, the conditions were placed on the Final Order of Vacation for the purpose of advance notification.

Jeff Holbeck, the developer, said he is okay with the two conditions and will go through with the sale regardless.

Commissioner McDowell voiced his concern that if the School District and developer have issues with the conditions placed on the vacation order, then maybe the hearing should be continued to allow further staffing from County departments prior to approving the vacation order with the noted conditions.

Commissioner Dean agreed, and asked Mr. Platt if this is new information to him.

Mr. Platt explained that he would prefer not getting into the details of a pending transaction subject to feasibility, but offered that the feasibility extension included feasibility for the right-of-way vacation and feasibility for the financing. There was an attempt to remove the feasibility for the right-of-way vacation but the buyer was not in agreement. Mr. Platt said that the School District would rather have the vacation order approved now and accept it in its current form than have the Public Hearing continued to another time.

By unanimous motion the Board approved Resolution C-51-07/R-20-07, the Final Order of Vacation for an Unnamed County Road Right-of-Way on Camano Island, Washington, located in Section 35, Township 32 North, Range 2 East in Island County, Washington.

Upon conclusion of the Public Hearing at 3:15 p.m., the Board recessed until the next Public Hearing scheduled and advertised for today at 3:30 p.m. at the same location.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**

Mike Shelton, Chairman

ATTEST:

Wm. L. McDowell, Member

Elaine Marlow
Clerk of the Board

John Dean, Member