APPLICATION: The applicants have requested approval of a Plat Alteration to allow a road to be placed on lot 10 of the Plat El Camano which will access external parcels.

DECISION: The Plat Alteration is approved subject to the conditions set forth in the staff report.

SUMMARY OF APPLICATION AND DECISION

APPLICATION: The applicants have requested approval of a Plat Alteration to allow a road to be placed on lot 10 of the Plat El Camano which will access external parcels.

DECISION: The Plat Alteration is approved subject to the conditions set forth in the staff report.

FINDINGS OF FACT

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted herein and evidence presented at the public hearing on June 27, 2008.

I.

PRELIMINARY INFORMATION

Applicant: Karilyn Troxell

Property Location: Located to the north of West Camano Drive on El Camano Street, in the SW ¼ of Section 4, Township, 30 North, Range 3 East, W.M. Assessor’s Parcel #S6545-00-00010-0.

Applicable Ordinances, Statutes and Regulations: Chapter 17.03, Zoning Ordinance; Chapter 17.02, Critical Areas, Chapter 16.06, Land Divisions and Dedications; Chapter 16.19, Land Use Review Process, and Chapter 16.14C, County Environmental Policy. Requirements of ICC Titles 8, 11, and 13 are addressed by Island County Health and Engineering in separate correspondence.

SEPA: A Determination of Non-Significance was issued on May 12, 2008 pursuant to WAC 197-11-355 and ICC 16.19.150.D.

Publication of Hearing: June 17, 2008
Mailing of Notice of Hearing to Applicant: May 23, 2008
Sign Posted: March 7, 2008

Mailing of Staff Report: June 17, 2008

Date of Application: March 2, 2008

Hearing Date: June 27, 2008

Exhibit Log:
1. Staff Report
2. Group of background materials for previous BLA on subject lot 10
3. Memorandum from Carole Croft to Bill Poss, Engineering & Connie Farence; Environmental Health, dated 1/25/06
4. Email from Carole Croft to Connie Farence, dated 2/1/06
5. Site Registration, dated 1/4/07
6. Application for Access to County Road Right of Way, rcv’d 11/18/91 & 1/4/07
7. Application for Access to County Road Right of Way, rcv’d 9/9/99 & 1/4/07 with attached plot plan map
9. Parcel Summary Report with attached legal description etc.
10. Quit Claim Deed, rcv’d 1/4/07
11. Legal Description of proposed parcel
12. Boundary line adjustment map
13. Vicinity Map
14. Portion of an address map
15. Plat Alteration list of lot owners and addresses
16. Account Apr Summary Snapshot
17. Account Apr Summary Snapshot
18. Permit Snapshot
19. Permits screen-print
20. Parcel Data Sheet
21. Quarter Section Map
22. Island County Assessors Office PCAnalysis, dated 1/9/07
23. Letter from Monica Felici to Richard Ross, dated 1/12/07
24. Pre-Application letter from Andrew Hicks to Richard D. Ross, dated 1/25/07
25. Letter from Aneta Hupfauer to Caroline Troxell, dated 1/25/07
26. Letter from Bill Poss to Andrew Hicks, dated 1/25/07
27. Email from Andrew Hicks to Doug Ross, dated 1/31/07
28. Plat Alteration Material Submitted, rcv’d 2/26/07
29. Land Development Permit Application, rcv’d 2/26/07
30. Application for Long Plat Alteration, rcv’d 2/26/07
31. Application for Long Plat Preliminary, rcv’d 2/26/07
32. Environmental Checklist, rcv’d 2/26/07
33. Troxell Plat Alteration Drainage Narrative, rcv’d 2/26/07
34. Easement & BLA recorded documents, rcv’d 2/26/07
35. Copy of required Amendment of Easement, rcv’d 2/26/07 (not signed)
36. Vicinity Map, rcv’d 2/26/07
37. Assessor’s Quarter Section Map, rcv’d 2/26/07
38. Signatures of majority of landowners, rcv’d 2/26/07
39. Existing Site Registration, rcv’d 2/26/07
40. Existing Applications for Access to County Road Right of Way, rcv’d 2/26/07
41. Existing Well Site Approval, rcv’d 2/26/07
42. Revised Site Registrations for Lots A, B, C and D, rcv’d 2/26/07
43. Bargain & Sale Deed, rcv’d 2/22/07
44. Quit Claim Deed – lot 10, with attached Legal Description, rcv’d 2/26/07
45. Quit Claim Deed – lot 17, with attached Legal Description, rcv’d 2/26/07
46. Plat Alteration Map, rcv’d 2/26/07
47. Legal Description of Proposed Parcels, rcv’d 2/26/07
48. Statutory Warranty Deed, dated 11/26/03, rcv’d 2/26/07
49. List of things needing done
50. Request for Comment dated 3/2/07
51. Notice of complete application letter from Monica Felici to Richard Ross, dated 3/2/07
52. Affidavit of Mailing to owners within 300 feet, dated 3/9/07
53. Affidavit of Mailing Public Notice, dated 3/9/07
54. Affidavit of Posting the Public Notice Sign, dated 3/9/07
55. Affidavit of Publication, rcv’d 3/12/07
56. Letter from Aneta Hupfauer to Andrew Hicks, dated 3/13/07
57. Notice of Application with SEPA, dated 3/13/07
58. Undeliverable mail from mailing of SEPA notice, rcv’d 3/14/07
59. Declaration of Covenant, rcv’d 3/23/08
60. Bylaws of El Camano Community Club; Article , dated 1/03, rcv’d 3/23/07
61. Amendment to Bylaws of El Camano Community Club; Article XV, dated 1/03, rcv’d 3/23/07
62. Amendment to Bylaws of El Camano Community Club; Article VI, dated 1/03, rcv’d 3/23/07
63. Articles of Incorporation of El Camano Community Club, INC., rcvd 3/23/07
64. Letter from Carol Benson to Ms. Darlene VanErp, date 6/6/03, rcv’d 3/23/07
65. Letter from William & Darlene VanErp to Andrew Hicks, rcv’d 3/23/07
66. Comment letter from Bill Poss to Andrew Hicks, dated 3/29/07
67. Email from Andrew Hicks to Carole Croft, dated 4/12/07 with attached letter from Andrew Hicks to Richard Ross
68. Email from Carole Croft to Andrew Hicks, dated 4/13/07
69. Letter from Andrew Hicks to Richard Ross, dated 4/12/07
70. Email from Doug Ross to Andrew Hicks, dated 4/24/07
71. Email from Andrew Hicks to Doug Ross, dated 4/25/07
72. Email from Andrew Hicks to Doug Ross, dated 4/25/07 with attached easements
73. Email from Bill Poss to Doug Ross, dated 4/27/07
74. Email from Andrew Hicks to Doug Ross, dated 5/29/07
75. Email from Andrew Hicks to Jeff Tate, dated 6/8/07
76. Email from Andrew Hicks to Jeff Tate, dated 6/14/07
77. Email from Jeff Tate to Andrew Hicks, dated 6/14/07
78. Email from Andrew Hicks to Carole Croft, dated 6/21/07
79. Email from Andrew Hicks to Doug Ross, dated 7/10/07
80. Email from Carole Croft to Karilyn Troxell, dated 7/25/07 with attached
   a. Letter from Jeff Tate
   b. Letter from Carole Croft
   c. Letter from Karilyn Troxell to Carole Croft, dated 7/10/07
   d. Letter from Jeff Tate to Larry Kwarsick, dated 7/20/04
   e. Letter from Debra Little to Karilyn Troxell, dated 6/3/02
81. Letter from Marilyn Blackburn to Carole Croft, rcv’d 7/26/07
82. Letter from Monica Felici to Marilyn Blackburn, dated 7/27/07
83. Request for Comment, dated 11/12/07
84. Email from Andrew Hicks to Jeff Tate, dated 12/18/07
85. Email from Karilyn Troxell to Andrew Hicks, dated 12/27/07
86. Email from Andrew Hicks to Jeff Tate, dated 1/2/08
87. Email from Andrew Hicks to Jeff Tate, dated 3/7/08
88. Email from Andrew Hicks to Jeff Tate, dated 3/17/08
89. Email from Andrew Hicks to Jeff Tate, dated 3/24/08
90. Email from Karilyn Troxell to Andrew Hicks, dated 3/25/08
91. Original signatures from lots 11, 18, 19, 22, & 23 rcv’d 3/28/08
92. Email from Jeff Tate to Doug Ross, dated 3/28/08
93. Email from Karilyn Troxell to Andrew Hicks, dated 3/31/08
94. Current use of The Plat of El Camano, rcv’d 3/31/08
95. Email from Karilyn Troxell to Andrew Hicks, dated 4/8/08
96. Email from Karilyn Troxell to Andrew Hicks, dated 4/9/08 with attached plat alteration, easement legal description and easement exhibit
97. Letter from Aneta Hupfauer to Andrew Hicks, dated 4/10/08
98. Comment letter from Bill Poss to Andrew Hicks, dated 4/10/08
99. Email from Andrew Hicks to Karilyn Troxell, dated 4/11/08
100. Email from Karilyn Troxell to Andrew Hicks, dated 4/17/08 with attached small Plat Alteration for Lot 10 of The Plat of El Camano
101. Email from Bill Poss to Karilyn Troxell, dated 4/21/08
102. Email from Andrew Hicks to Karilyn Troxell, dated 4/21/08
103. Email from Karilyn Troxell to Andrew Hicks, dated 4/30/08
104. Email from Karilyn Troxell to Andrew Hicks, dated 5/1/08
105. Email from Karilyn Troxell to Andrew Hicks, dated 5/5/08
106. Email from Andrew Hicks to Jeff Tate, dated 5/5/08
107. Email from Karilyn Troxell to Andrew Hicks, dated 5/6/08
108. Email from Andrew Hicks to Jeff Tate, dated 5/9/08
109. Email from Bill Poss to Doug Ross, dated 5/10/08
110. Final SEPA Threshold Determination, dated 5/12/08
111. Email from Andrew Hicks to Karilyn Troxell, dated 5/13/08
112. Letter from Bill Poss to Andrew Hicks, dated 5/20/08
113. Letter from Aneta Hupfauer to Andrew Hicks, dated 5/21/08
II.

Island County Planning & Community Development has recommended approval of the Plat Alteration request in a staff report, Exhibit # 1 in the Hearing Examiner file. There was no public testimony at the hearing. The Findings of Fact set forth in the staff report are supported by the record as whole and are hereby adopted by the Hearing Examiner as Findings of Fact herein. A copy of the staff report is attached hereto.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following:
CONCLUSIONS OF LAW

I.

All County agencies with jurisdiction have recommended approval no County or State agency objected. The proposed Plat Alteration is consistent with the criteria for approval listed in ICC 17.02, ICC 17.03, and ICC 16.06 subject to the conditions of approval recommended by staff.

The Hearing Examiner hereby adopts the conclusions reached by staff on pages eight and nine of the staff report. The Hearing Examiner should approve the requested Plat Alteration subject to the conditions recommended by staff.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following:

DECISION

The Island County Hearing Examiner hereby approves Plat Alteration PLA 069/07, altering the Plat of El Camano to allow a road to be placed on lot 10 of the Plat to access up to ten extra parcels. This Plat Alteration is approved subject to the conditions set forth in the staff report, a copy of which has been attached hereto.

Entered this 14th day of July, 2008, pursuant to authority granted under the laws of the State of Washington and Island County.

________________________________
MICHAEL BOBBINK
Island County Hearing Examiner

APPEAL PROCESS:

PLA

This decision of the Hearing Examiner shall be a final and conclusive decision unless within fourteen (14) days following the mailing of such decision a written statement of appeal is filed with the Island County Board of Commissioners by the applicant, a Department of the County, or Party of Record, who is also an Aggrieved Person. Said statement shall set forth any alleged errors and/or the basis for appeal and shall be accompanied by a fee pursuant to the fee schedule adopted by the Board; provided that such appeal fee shall not be charged to a department of the County or to other than the first appellant ICC 16.13.100.b; ICC 16.19.190
ISLAND COUNTY COMMUNITY DEVELOPMENT DIVISION

STAFF REPORT

Plat Alteration
Proposal, Findings, Analysis, Conclusions and Recommendations

SUMMARY

Application No: PLA 069/07
Applicant: Karilyn Troxell
Contact Agent: Richard Ross
Assessor’s Parcel Number: S6545-00-00010-0

Abbreviated Application Description: Proposal is for a Plat Alteration to allow a road to be placed on Lot 10 of the Plat of El Camano which will access more than one (1) external parcel.

Recommendation: Approve the requested Plat Alteration with conditions.

Property Owner: Karilyn Troxell, 3804 Berry Blvd., Camano Island, WA 98292.

Property Location: Located to the north of West Camano Drive on El Camano Street, in the SW 1/4 of Section 4, Township, 30 North, Range 3 East, W.M. Assessor’s Parcel # S6545-00-00010-0.

Applicable Island County Ordinances: Chapter 17.03, Zoning Ordinance; Chapter 17.02, Critical Areas, Chapter 16.06, Land Divisions and Dedications; Chapter 16.19, Land Use Review Process, and Chapter 16.14C, County Environmental Policy. Requirements of ICC Titles 8, 11, and 13 are addressed by Island County Health and Engineering in separate correspondence.

SEPA: A Determination of Non-Significance was issued on May 12, 2008 pursuant to WAC 197-11-355 and ICC 16.19.150.D.

Procedural Requirements:
Decision Type: Type III
Pre-Application Conference Date: January 25, 2007
Notice of Complete Application: March 2, 2007
Notice of Application:
Sign Posted: March 7, 2007
Stanwood/Camano News: March 13, 2007
Mailed Notice: March 9, 2007
Public Comment Period: March 13 to 27, 2007
Notice of Hearing in Stanwood/Camano News: June 17, 2008

Hearing Date: June 27, 2008

Island County Community Development Division
Proposal: An alteration to the Plat of El Camano Division No. 1 that would allow a road to be placed through Lot 10. The road would serve multiple parcels, the majority of which exist outside of the Plat of El Camano.

Findings

1. Project and Parcel History. A pre-application conference (PRE 900/07) was held with the applicant on January 25, 2007. Subsequently, the applicant submitted a plat alteration application for the project on February 26, 2007. A Notice of Complete Application was sent to the applicant on March 2, 2007.

   • April 20, 1970 – The Plat of El Camano Division No. 1 (53 lot long plat) was recorded in the records of Island County in Volume 11 of Plats, at page 22, under AFN 229936. Lot 10 did not include an access easement to parcels to the west.

   • September 27, 1982 – Reservation of easement for ingress and egress over Lot 10 of El Camano, as reserved in deed recorded as Auditor’s File No. 400921.

   • July 8, 1996 – Grant of ingress, egress, and utility easement over Lot 10 and the adjoining parcel to the west, to several parties. This easement was recorded under Auditor’s File No. 96011884 and effectively enlarged existing easement.

   • January 1998 – Dennis and Karilyn Troxell purchased Lot 10 together with the aforementioned easement.

   • December 28, 1999 – Planning and Community Development received a letter from Fred F. Poyner, Cascade Surveying and Engineering, Inc., requesting a written determination on whether a Plat Alteration was required to put a road across Lot 10 to serve a potential three (3) lot short plat.

   • March 6, 2000 – The Director issued a determination that declared a Plat Alteration was necessary to allow a road to cross Lot 10 in order to provide access for parcels outside of the Plat of El Camano.

   • March 15, 2000 – The landowner submitted a written appeal of the aforementioned determination.
• **June 15, 2000** – The Hearing Examiner upheld the Director’s determination through APP 064/00.

• **February 8, 2001** – Pre-Application conference was held to discuss proposal of building a road across Lot 10 to access a 17 acre parcel to the west.

• **January 7, 2002** – Debra Little sent an e-mail to Karilyn Troxell which explained that a Boundary Line Adjustment may be performed to enlarge Lot 10. The e-mail also explained that a Plat Alteration is not required to create an easement across Lot 10 as long as the easement does not serve more than one (1) external parcel.

• **May 30, 2002** – Boundary Line Adjustment (BLA 119/02) was approved, which enlarged Lot 10 to 2.03 acres. The BLA took acreage from the 17 acre parcel to the west to enlarge Lot 10 and Lot 17 of the Plat of El Camano as well as another lot outside of the Plat of El Camano. All of the lots were under the same ownership.

• **August 25, 2005** – A Clearing and Grading Permit (CGP 255/05) was approved to clear timber on four parcels to prepare for future building sites. Lot 10 and Lot 17 of the Plat of El Camano were included in the CGP application.

2. **Site Description.**
   a. **Location.** Located to the north of West Camano Drive on El Camano Street, in the SW 1/4 of Section 4, Township, 30 North, Range 3 East, W.M. Assessor’s Parcel S6545-00-00010-0.

   b. **Access.** The parcel has access onto El Camano Road through access permit APC-99-0236.

   c. **Size and Condition.** The parcel is rectangular in shape and roughly the same size and shape of neighboring parcels in the Plat of El Camano, Div. No. 1. The parcel is approximately 70 feet along El Camano Road and approximately 115 feet along adjoining parcels.

   Site is flat and consists of an approximate twenty (20) foot gravel road that runs east-west through the property, with approximately fifteen (15) feet on either side of the road. The side area contains grass and newly planted trees. Directly to the north of the property is a single-family residence.

   d. **Surrounding Development.** All surrounding parcels are zoned Rural. Parcels to the north, south, and east are of the Plat of El Camano and contain single family residences. Parcels to the west are zoned Rural, as well.

   e. **Natural Features.** No endangered plants or animals were found or are known to exist on the subject site. According to the USDA Soil Survey for Island County - 1958, the predominant soil type found on this parcel is Indianola loamy sand (Ib) with 5 to 15% slopes. The FEMA flood zone designation is X-Areas of Minimal Flooding.

   f. **Noise Zone.** The parcel is not within an AICUZ noise zone.

   g. **Archaeological Sites.** According to the maps provided by the State Office of Archaeology and Historic Preservation, the project is not located on an archaeological site.
h. **Historic Sites.** The project is not within the boundaries of a historic district.

3. **Land Use Controls**
   a. **Chapter 17.03 Island County Code.**
      i) **Section 17.03.060, Rural Zone.** The subject site and all surrounding parcels to the north, south, east and west are zoned Rural (R) and subject to the regulations listed in ICC 17.03.060.
      
      i) **ICC Section 17.03.180. Land Use Standards.**
         **Subsection 17.03.180.S, Site Coverage and Setbacks**
         (1) **Setbacks.** The front yard, street rear yard, and street side yard setbacks shall be based upon the classification/function of the abutting Public or Private Road(s) and access easements as follows:
            (a) Side and Rear Yard for existing lots in the Rural Zone are five (5) feet.
            (b) Setbacks for private access easements serving no more than one (1) external lot are zero (0) feet.

            | Road Classification                          | Setback                  |
            |---------------------------------------------|--------------------------|
            | Local access, including private access easements serving more than a single External Lot | R, RA, and RF Zones (Existing Lot) |
            |                                             | Front (El Camano Rd & proposed access road) | Side | Rear |
            |                                             | 20 ft. | 5 ft.  | 5 ft. |
            (c) All setbacks are measured from the property line or edge of right-of-way, whichever is greater.
            (d) Private utility easement setbacks are zero (0) feet.

4. **Shoreline Designation.** Not applicable to this parcel.

5. **SEPA.** A Determination of Non-Significance was issued on May 12, 2008 pursuant to WAC 197-11-355 and ICC 16.19.150.D.

6. **Agency Comments.**
   a. **Island County Health Department.** The Health Department has no objection to site plan approval as stated in a memorandum from Aneta Hupfauer dated May 21, 2008 (Exhibit A).
   b. **Island County Engineering Division.** Public Works has no objection to site plan approval as stated in memorandums from Bill Poss dated May 20, 2008 (Exhibit B) and June 13, 2008 (Exhibit C).
7. Public Comments. One public comment was received during the 14-day timeframe regarding this Plat Alteration application for an access easement. The commenting party opposes this proposal, citing the following concerns:

a. Hazards associated with additional vehicle traffic, such as noise, dust, and endangerment to children and animals.

b. Wear and tear on El Camano Road caused by large trucks constructing the private road.

c. Maintenance and upgrades to the El Camano drainage system to handle additional run-off from the proposed new road.

Analysis

1. This Plat Alteration is required in order to remedy a situation that already exists within the Plat of El Camano, specifically Lot 10. On July 8, 1996 an access easement was established across Lot 10 to serve access to two (2) lots west of the Plat of El Camano (AFN 96011884). This easement is believed to have enlarged another access easement that was created in 1982. Through an appeal (APP 064/00) the Hearing Examiner upheld the Director’s determination that a Plat Alteration was required before Lot 10 in the Plat of El Camano Division No. 1 could legally be used as an access road for properties outside of the plat. As such Lot 10 is not currently in compliance with the approved Plat of El Camano or the Island County Zoning Code. In an effort to right the situation and to allow for a legal access easement to serve additional parcels outside of the Plat of El Camano, the applicant submitted this Plat Alteration application.

In his decision of APP 064/00 the Hearing Examiner points out as part of the Conclusions of Law:

…The functional change caused by turning a platted lot into a private access road has the potential to have significant and unwanted impacts on other lot owners within the subdivision. A change of this type with potential adverse impacts on other property owners within the subdivision requires a plat alteration pursuant to RCW 58.17.215, as incorporated in ICC 16.06.170.

The obvious concerns that are raised with a request to provide an access road through a plat revolve around traffic impacts to the community. It is a basic concept that the more parcels that are served by a road, the heavier the traffic will be on that road, and roads leading to it. Here, we have a new road that is located halfway into a plat. Therefore, the increased traffic impacts will be most pronounced for the portion of the plat up until Lot 10 where the proposed access road is to be located. However, the increased traffic flow will affect the entire plat.

2. As required by 16.06 ICC for Plat Alterations, a majority of affected property owners have signed a document that they do not oppose approval of this Plat Alteration. This agreement in no way indicates that the parties that have signed do not have any concerns about the proposal. It merely establishes that the signed parties do not oppose the concept of the Plat Alteration. Additionally, there is a substantial minority of property owners within the Plat of El Camano that did not sign the document. For these reasons, Planning and Community Development must ensure that the impacts imposed by the Plat Alteration are reasonable and
are not overly detrimental to the plat as a whole. In considering all of the development goals of the applicant, staff has determined that a limitation on the number of lots to be served by the proposed road can be placed on this alteration without denying the applicant reasonable use of Lot 10. Pursuant to RCW 58.17.110, prior to approval of a subdivision, the county must determine that:

RCW 58.17.110(1)(a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

Section 16.06.110.E ICC gives the approving authority of subdivisions the authority to place appropriate conditions on any subdivision to ensure that the development is consistent with RCW 58.17.110, applicable ordinances of the County, and to carry out the recommendations of the reviewing departments.

3. In determining a reasonable condition for this Plat Alteration that would protect the general welfare of the Plat of El Camano, staff asked the applicant to provide a list of parcels that were intended to be served by the proposed access road. The applicant responded with a list of parcels that included which parcels would immediately be served by the proposed road and those parcels that may be served by the road in the future (Exhibit “D”). The list included eleven (11) parcel numbers.

In an effort to limit the traffic impacts on the Plat of El Camano, while not prohibiting the applicant to realize stated development goals, staff considered various conditions to Plat Alteration approval. It was determined that limiting the road to serving specific parcels by parcel number would be too cumbersome to keep track of (i.e. parcels could receive new numbers through BLA’s, short plats, etc.). Since the ultimate goal was to keep the parcels to be served by the proposed road to a reasonable number, staff concluded that the limitation on parcels to be served should simply be a number. Of the eleven (11) parcels that the applicant provided in the list, only one has the potential to be subdivided into two (2) lots. This was determined by considering that all of the lots included in the applicant’s list are zoned Rural and pursuant to ICC 17.03.060, parcels in the Rural zone have a Base Density of one (1) dwelling unit per five (5) acres. Only one of the listed parcels was ten (10) acres or more (R33004-108-0660). Therefore, staff believes that the proposed road should be limited to serving no more than twelve (12) lots.

4. One of the parcels included in the applicants list of parcels that will be served by the proposed road is another parcel within the Plat of El Camano (Lot 17 – S6545-00-00017-0). Allowing the proposed road to serve this parcel raises a couple of concerns. The primary concern is that Lot 17 could potentially access onto El Camano Street. This situation could result in a loop being created by the proposed road accessing onto El Camano Street at Lot 10 and crossing onto Lot 17 where it could access onto El Camano Street again. The secondary concern is that if the road were to go through Lot 17, then effectively Lot 17 would need to be approved for a road that serves more than one (1) external parcel as well. The impacts of having the road cross Lot 17 were not originally proposed as part of this application and were
therefore not considered during the review process. However, staff is not opposed to allowing Lot 17 to be served access by the proposed road. With the adoption of specific conditions that limit Lot 17 to having one (1) access point, staff believes that the road may legally serve access to Lot 17 without the need of another Plat Alteration. The proposed road may extend to the property boundary of Lot 17 where a driveway could then connect to the road.

5. A less obvious concern of having an access road cut through a platted lot to serve outside parcels is the development restrictions that may affect adjacent parcels. In this case, an access road serving more than one (1) external parcel would have a twenty (20) foot setback associated with it. It would not be fair to place a more stringent setback requirement on adjacent parcels within the Plat of El Camano simply because one landowner wishes to put a road on his/her property. Therefore, staff has determined that the only fair way to allow an access road across Lot 10 is to stipulate that any access easement may not be closer than fifteen (15) feet to any property within the plat. Since properties within the plat are already subject to a five (5) foot setback requirement for side and rear yards, this condition would not allow the imposition of any additional setback.

6. Staff considered several different formats for the recording of this Plat Alteration. Originally, it was proposed that this alteration process would effectively create the desired access easement across Lot 10. Additionally, the most recent map submitted (Exhibit “E”) has an inset illustration of the properties, outside of the Plat of El Camano, that are to be served by the proposed access easement.

The purpose of this Plat Alteration is simply to allow Lot 10 to be used as an access road that will have the ability to serve more than one (1) external parcel. Therefore, it is not necessary for this alteration to establish an access easement across Lot 10. By not having this process create the actual access easement, the applicant is afforded more flexibility. Furthermore, the access easement will likely include a legal description that covers property outside of the Plat of El Camano. Since this alteration is only for the Plat of El Camano, the Plat Alteration should not create an easement over parcels that exist outside of the boundaries of the plat. For these reasons the best format for the Plat Alteration is to simply allow the placement of an access road/easement across Lot 10 and to provide specific conditions that must be met. The final map should only include the current extent of the Plat of El Camano and should not show any road or access easement across Lot 10.

Conclusions

1. The staff of Island County Health, Engineering, and Community Development evaluated the proposed Plat Alteration for compliance with Titles 11, 8, 13, and 17 and with Chapters 16.06, 16.14C, and 16.19 of the Island County Code according to the Type III Decision Process. Other county and/or state agencies were consulted as appropriate. The proposal evaluated was limited to altering the Plat of El Camano Division No. 1 to allow Lot 10 to be used as an access road to serve multiple external parcels. No other uses or alterations were evaluated for consistency with Island County Codes, plans or policies.

2. The proposed Plat Alteration will be consistent with the criteria for approval listed in ICC 17.02 (Critical Areas), ICC 17.03 (Zoning), and ICC 16.06 (Planning and Subdivisions) if the
3. Pursuant to ICC 16.06.110 the approving authority shall have the authority to place on any Subdivision granted preliminary approval, appropriate conditions to ensure that the development is consistent with RCW 58.17.110, applicable ordinances of the County, and to carry out the recommendations of the reviewing departments as applicable.

4. Compliance with the comments and requirements of the Engineering Division of Public Works, as stated in the attached memorandums from Bill Poss dated May 20, 2008 (Exhibit B) and June 13, 2008 (Exhibit C) should be made conditions of approval.

5. Compliance with the comments and requirements of the Health Department, as stated in the attached memorandum from Aneta Hupfauer dated May 21, 2008 (Exhibit A) should be made conditions of approval.

6. Approval of this Plat Alteration will not result in the creation of any easement across Lot 10 of the Plat of El Camano Division No. 1. Instead, approval of this Plat Alteration will allow the placement of an access road across Lot 10 to serve multiple parcels.

7. Pursuant to the Hearing Examiner’s decision of APP 064/00, currently Planning and Community Development does not recognize any ingress and/or egress easements across Lot 10 of the Plat of El Camano Division No. 1 as being valid for approved access.

**Recommendation**

Based on the foregoing Findings, Analysis and Conclusions, Planning and Community Development recommends that Plat Alteration application number 069/07 PLA, submitted by Karilyn Troxell on Parcel S6545-00-00010-0, be approved with the following conditions:

1. Only the properties within the Plat of El Camano Division No. 1 shall be shown on the final Plat Alteration map.

2. The title of the final alteration map shall read:
   
   *Plat Alteration for Lot 10 of the Plat of El Camano*

3. The following statement shall appear on the face of the final map to be recorded for Plat Alteration PLA 069/07 under the heading “Alteration Purpose”:

   *The purpose of this alteration is to allow for the placement of an access road across Lot 10 that is approved to serve more than one (1) external parcel. This alteration does not establish or create any access easement.*

4. The following statement shall appear on the face of the final map to be recorded for Plat Alteration PLA 069/07 under the heading “Alteration Notes”:

   *A.F.N. 400921, originally recorded in 1982 and modified in July 1996 A.F.N. 96011884, described a sixty (60) foot access easement over Lot 10 in the Plat of El Camano to benefit unplatted parcels to the west. The easement was not approved by the Plat Alteration process set forth in RCW 58.17.215 and ICC 16.06.170.*
On March 6, 2000 the Director of Public Works issued a determination that a Plat Alteration is required to create a road through a platted lot when the road is intended to serve multiple parcels. The Director’s determination was upheld by the Island County Hearing Examiner through appeal APP 064/00. The Hearing Examiner’s decision on APP 064/00 was not appealed.

This Plat Alteration does not acknowledge the existing sixty (60) foot easement as approved access.

5. The following restriction shall appear on the face of the final map to be recorded for Plat Alteration PLA 069/07 under the heading “Alteration Restrictions”:

   Lot 10 is approved to have one (1) access road placed on it to serve more than one (1) external parcel.

6. The following restriction shall appear on the face of the final map to be recorded for Plat Alteration PLA 069/07 under the heading “Alteration Restrictions”:

   An access road placed across Lot 10 may not serve more than twelve (12) parcels, including Lot 10, unless another Plat Alteration to the Plat of El Camano is approved to do as such.

7. The following restriction shall appear on the face of the final map to be recorded for Plat Alteration PLA 069/07 under the heading “Alteration Restrictions”:

   Any access road that is placed across Lot 10 may not cross onto any other lot within the Plat of El Camano. This restriction does not preclude other lots within the Plat of El Camano from being served access by the road.

8. The following restriction shall appear on the face of the final map to be recorded for Plat Alteration PLA 069/07 under the heading “Alteration Restrictions”:

   Any parcel within the Plat of El Camano that is served access by a road that crosses Lot 10 shall not be approved for an additional access directly onto El Camano Street. Any parcel within the Plat of El Camano that already has an approved permit to access directly onto El Camano Street shall not be allowed to receive access from any road that crosses Lot 10 unless all other access permits are made invalid.

9. The following restriction shall appear on the face of the final map to be recorded for Plat Alteration PLA 069/07 under the heading “Alteration Restrictions”:

   An access easement and/or road placed on Lot 10 shall be at least fifteen (15) feet from the property boundaries of any other lot within the Plat of El Camano, except for Lot 17.

10. Lot 10 of the Plat of El Camano may still be used as a buildable lot. Any single family residence or other structure placed on Lot 10 must meet the setback requirements pursuant to ICC 17.03.180.S from any road that crosses through Lot 10.

11. Prior to final Plat Alteration approval the Lot 10 access onto El Camano Street shall be improved and maintained as per conditions of the approved access permit (APC99-0236).

12. Prior to final Plat Alteration approval the private roadway within Lot 10 of the Plat of El Camano shall be improved to a 22 foot width, with 6 inches of gravel base. Additionally,
for the portion of the road across Lot 10, from El Camano Street to the western extent of adjacent Lots 9 and 11, the roadway shall be surfaced with asphalt paving. Adequate ditching and runoff controls established to prevent road surface runoff from impacting adjacent parcels and the El Camano Street drainage ditch system.

13. Prior to final plat alteration approval a private roadway street name (consistent with County Code regarding street naming) and stop sign (consistent with the Manual for Uniform Traffic Control Devices) shall be privately installed at the entrance of Lot 10 onto El Camano Street.

14. Prior to final plat alteration approval a private road maintenance agreement for a private road through Lot 10 of the plat of El Camano, in general conformance with the ICC 11.03 Appendix A, must be submitted to the Public Works Department for approval and subsequently recorded with the Island County Auditor’s Office and the AFN indicated on the face of the revised plat map.

15. Island County Public Works will require drainage review prior to final plat approval. Public Works shall inspect the improved roadway as described above and confirm drainage controls are adequate to manage roadway runoff.

16. Prior to final plat alteration approval a Registered Land Surveyor must survey the Lot 10 perimeter. The survey shall be in compliance with County policy on plat staking and monumentation. All survey stakes/markers/monuments shall be clearly marked or flagged in the field, with vegetation cleared appropriately, to facilitate field inspection and verification.

17. The following statement shall appear on the face of the final map to be recorded for Plat Alteration PLA 069/07 under the heading “Alteration Notes”:

Island County has no responsibility to improve or maintain private roads contained within or private roads providing access to the property described in this development.

18. The following statement shall appear on the face of the final map to be recorded for Plat Alteration PLA 069/07 under the heading “Alteration Notes”.

The private roadway within Lot 10 of the Plat of El Camano is a private roadway subject to a private road maintenance agreement recorded under AFN __________.

19. The following shall appear on the face of the final map to be recorded for Plat Alteration PLA 069/07 under the heading “Alteration Restrictions”

Direct vehicular access from Lot 10 to El Camano Street is restricted to the approved location shown hereon.

20. The following shall appear on the face of the final map to be recorded for Plat Alteration PLA 069/07 under the heading “Alteration Restrictions”:

No blocking, diverting, or other alteration of existing, natural, or approved man-made drainage ways is permitted without the prior approval of the Island County Engineering Department.

21. The following restriction shall appear on the face of the final map to be recorded for Plat Alteration PLA 069/07 under the heading “Alteration Restrictions”:

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If Lot 10 will be served by the El Camano water system a hydrant within 500 hose lay feet from the building corners will be required prior to building permit issuance.

22. The following items must appear on the face of the final Plat Alteration map:
   a. The legal description of the land contained within the subdivision (Plat of El Camano Division No. 1).
   b. The boundary lines of the altered plat and of the lots within it showing the full extent of the revised plat parcels(s) as modified through BLA 119/02 and any other applicable applications.
   c. The set survey corners for each corner of each lot within the revised plat.
   d. Steep slopes, wetlands, tributary streams, drainage ways along with the associated buffers.
   e. Access location and permit number.
   f. The status of all adjacent properties (e.g., Unplatted, etc.).
   g. Identification of the private road on Lot 10 as “private” on the face of the plat.
   h. The location of all existing wells and their associated 100’ pollution control radii.

Enc: Memorandum from Health, dated May 21, 2008 (Exhibit A)
     Memorandum from Public Works, dated May 20, 2008 (Exhibit B)
     Memorandum (addendum) from Public Works, dated June 13, 2008 (Exhibit C)
     Applicant’s list of parcels to be served by proposed access road (Exhibit D)
     Preliminary Plat Alteration Map (Exhibit E)

cc: Applicant
    Contact Agent
    Michael Bobbink, Hearing Examiner
    Health and Engineering Department
    Party of Record
    File PLA 069/07