

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
SPECIAL SESSION - October 23, 2003

The Board of Island County Commissioners met in Special Session on Thursday, October 23, 2003, beginning at 3:00 p.m. at the Island County Camano Community Center, 141 N. East Camano Drive, Camano Island, WA. Wm. L. McDowell, Chairman, William J. Byrd, Member, and Mike Shelton, Member, were present. Dick Snyder, County Engineer and four members of the public were also present.

An attendance sheet was circulated and placed on file with the Clerk of the Board. The Special Session was called for the purpose of conducting a public hearing on Resolution C-92-03/R-34-03 – Proposed Vacation - Petitioners Dean & Dianne Pachosa, portion of County Road known as Shoreline Drive, Plat of Tyee Beach, Div. #2, Sec. 11, Twp 30N, R 3E.

RESOLUTION #C-92-03/R-34-03 – PROPOSED VACATION BY -
PETITIONERS DEAN AND DIANNE PACHOSA, PORTION
OF COUNTY ROAD KNOWN AS SHORELINE DRIVE

Public Hearing opened for the purpose of considering Resolution #C-92-03-03/R-34-03, vacation as petitioned by Dean & Dianne Pachosa for a portion of County Road known as Shoreline Drive in the Plat of Tyee Beach, Div. #2, Sec. 11, Twp 30N, R 3E. The original vacation request by the Pachosas was denied August 19, 2003.

Dick Snyder, County Engineer, reported the original proposed vacation request was to vacate right of way on the seaward side to within two feet of the existing asphalt, but there was no quit claim provision for gaining right of way on the hill side of the right of way. A new proposal was submitted requesting the right of way be shifted on the south end to make the right of way fit the asbuilt road condition. The survey indicates there is enough room on the south end that is flat and stable for the right of way, away from the hill. The exchange of property would require the Pachosas to quit claim property to the county. The overall proposal by the Pachosas was to gain some building setback distance for a proposed residence.

Commissioner Byrd asked how much of the right of way was on the road and how much was toward the hill, and had some concern about following Public Works policy that right of way was on a flat surface. Mr. Snyder pointed out on the south end, the proposal provided approximately three feet of right of way on the seaward side, ten feet of road (asphalt surface), with three feet of additional right of way on the hill side with additional feet between the right of way and the hill. On the north end there was about six feet of right of way on the seaward side and no additional right of way on the hill side. He clarified that after the survey, on the north end, there was three feet of right of way on the hill side, but they did not plan to use any additional right of way on the hill side. The total right of way was sixteen feet.

Dean Pachosa, Petitioner, 9012 NE 145th Pl., Kenmore, pointed to a picture indicating the current asbuilt right of way. His original goal was to establish a sixteen foot right of way where the asbuilt road was, but now understood why the original proposal to go closer to the hill on the north end was not a benefit to the road and the county. The new proposal rotates the right of way so the asbuilt road would be within the right of way. He clarified there would be one foot of extra right of way on the hill side and five feet on the seaward side.

Ed Herring, 3085 Shoreline Drive, noted on a picture there were not five or six feet of flat surface between the hill and the right of way on the south end. Mr. Pachosa again clarified that one foot of right of way was proposed on the hill side, ten foot asbuilt road, and five feet of right of way was proposed on the seaward side the whole length of the proposed right of way. Mr. Snyder conceded the county's drawing was slightly in error because he had understood there would be three feet of right of way on the hill side.

Mr. Herring was also concerned that the property immediately to the south of Mr. Pachosa's property did not have any right of way since a shed was located two feet off of the asphalt and it would have to be moved to continue the proposed right of way south. He had no problem with the current proposal except the right of way would end at Mr.

Pachosa's property line. He was in favor of having sixteen feet of right of way that was level and useable for the length of the road.

Commissioner Shelton clarified the right of way gained on lot #24 would place the paved surface of the road in the right of way. He further clarified this public hearing was not to resolve all the issues on the road, but was to consider Mr. Pachosa's proposal.

Mr. Snyder explained Evergreen Engineering was surveying the narrow part of Shoreline Drive for the county where house and sheds were close to the right of way. It would be desirable to have three feet of right of way on each side of the road, but that would not work since the road had been there for years. He confirmed the paved road would be within the right of way with Mr. Pachosa's current proposal. He noted there were at least three additional parcels to the south where the road was not built within the right of way.

Ainsley Peterson, 3007 Shoreline Drive, was concerned about maintaining an access to his property. He noted that on July 1st from the bottom of the road to the end of Shoreline Drive there were 20 cars parked along the road. On July 4th there were 175 cars parked, which made it almost impossible to drive through there and there were still 8 unoccupied cabins. He had to call for an aide car two weeks ago at 10 p.m., and nine trucks came and they blocked the road because there was no room to get off the road. Another concern was that many of the shed doors along the road open into the right of way, which was a hazard for drivers as well as the people.

In the process of building his house Mr. Pachosa discovered the problem that the road did not match the survey and he has worked with Cascade Surveying and Evergreen Surveying to solve the issues. It was determined that the right of way on his property and the next three properties south of him dips back into the hill side. His goal originally was to get the right of way where the road was located. The current proposal is to have a sixteen foot right of way with nothing built into it and to keep it all flat. There is currently three feet right of way on the hill side, and he had proposed a one foot right of way on the hill side, ten foot asphalt road, and a five foot right of way on the seaward side, for a total of a sixteen foot right of way. This will give him the proper right of way just like everyone else has on the beach.

Bill James, 3159 Shoreline Dr., expressed concern about establishing the sixteen foot right of way along the whole road. He indicated there were telephone poles in the right of way; a corner where Shoreline Dr. split with less than sixteen feet right of way; and sheds located along the road that may need to be moved. He wanted to be notified when future public hearings would be held concerning right of way on Shoreline Dr. He was also concerned about part of the right of way not being properly vacated on the beach side.

Mr. Snyder indicated the house immediately south of the Pachosa property was built partly in the legal right of way and had been there for years. Mr. Byrd asked if this proposal would compensate for that and remove it out of the right of way. Mr. Snyder explained this easement would have to be moved southward by the property owner petitioning for the relocation.

Chairman McDowell explained the first step was to get a correct survey for the entire area to tie in all the issues such as the sheds, road, property lines, and power poles. The county's goal is to come up with a solution that would best fit the area, while meeting the county policy of: maintaining sixteen feet of useable right of way; keeping the road pavement inside of the sixteen feet; assuring the sixteen feet was on flat ground; and not in the hillside.

Mr. Herring noted the house south of the Pachosa property had five feet of shrubbery between the house and road, which takes up the right of way there. People need to be aware that they can't put their shrubs and rock gardens in the right of way.

Mr. Pachosa stated if his same proposal was extended to the property to the south, then the house would be out of the

right of way, but the rocks would have to be removed.

No others indicated a desire to speak either for or against the proposed vacation and the Chairman closed public testimony on the issue.

Commissioner Shelton commented that this action seemed to be a reasonable solution. Developing a policy for the right of way has been a good step, which included sixteen feet of useable right of way. Following along with accurate surveys was another good step.

He encouraged the community to stand up, and let it be known that encroaching into the right of way was not acceptable to them, and hoped to have the community's help and cooperation in future public hearings.

Commissioner Byrd had no objection to the proposal and mentioned the new Public Works policy for right of way vacations was going in the right direction.

Chairman McDowell outlined the three choices: 1) do nothing which leaves the paved road outside of the right of way; 2) condemn property to expand the right of way; 3) move the right of way to maintain the 16 feet of right of way which also puts the pavement within the right of way. He was in favor of the 3rd option to move the right of way. He felt the county getting the surveys was a starting point to solve the problems in that area so a solution could be designed.

Mr. Snyder noted the approval of the vacation mandated that the petitioners would have to quit claim the required property to the county to move the easement lines.

The Board by unanimous motion approved Resolution #C-92-03/R34-03 in the Matter of the Petition of Dean and Dianne Pachosa, et al for the Vacation of County Road Right-of-Way known as Shoreline Drive, situated in the Plat of Tyee Beach, Division No. 2, located in Section 11, Township 30N, Range 3E, W.M. ***[Resolution placed on file with the Clerk of the Board]***

There being no further business to come before the Board at this time, the meeting adjourned at 3:35 p.m. The Board will meet next in Regular Session October 27, 2003 beginning at 11:30 a.m.

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

Wm. L. McDowell, Chairman

William J. Byrd, Member

Mike Shelton, Member

ATTEST:

Elaine Marlow, Clerk of the Board