

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING SPECIAL SESSION FEBRUARY 24, 2004

The Board of Island County Commissioners met in Special Session on Tuesday, February 24, 2004, beginning at 1:30 p.m. at the Island County Camano Multipurpose Center, 141 N. East Camano Drive, Camano Island, WA. William J. Byrd, Chairman, Wm. L. McDowell, Member, and Mike Shelton, Member, were present. County Staff attending were: Bill Oakes, Public Works Director, Gwenn Maxfield, Assistant Public Works Director, and Dick Snyder, Island County Engineer. The press was represented with Kelly Ruhoff, Stanwood/Camano News. An attendance sheet was circulated and placed on file with the Clerk of the Board.

The purpose of the special session was:

- 1) 1:30 p.m. Cavalero Hills property owners – discussion of regional drainage system
- 2) 3:00 p.m. Public Hearing: Resolution #C-125-03/R-43-03, in the matter of a petition to vacate a portion of County road right-of-way known as East Camano Drive, Camano Island, by petitioners Crosswind Landings, Inc., et.al, located in Sec. 18, Twp 31N., R 3E.

CAVALERO HILLS PROPERTY OWNERS – DISCUSSION OF REGIONAL DRAINAGE SYSTEM

The purpose of the 1:30 p.m. session was to facilitate a discussion between Crosswinds Landings, Inc., property owners of the proposed Cavalero Hills development, and the Board regarding how to handle the proposed development's storm water drainage. Three members of the public were present for this discussion.

Mr. Oakes commented that the Crosswinds' development lies to the west of East Camano Drive where a County drainage project was proposed to improve the downstream system from a culvert on East Camano Drive out to a County park. Representatives for Crosswinds wanted to discuss a drainage agreement with the county, which would help to facilitate the drainage system for the subdivision.

Greg Cane, Fakkema & Kingma Inc., representing Crosswinds, explained that project proponents were interested in coming to agreement with the County in regard to handling the storm water drainage in the floodwater basin. He pointed to a map, and indicated that Cavalero Hills would contribute approximately 16% of the storm water runoff to the basin. Options have been reviewed with Public Works staff in the last four months and felt a detention pond would not be the best solution for an overall drainage system for the downstream properties. Recent cost analysis by staff of the overall anticipated basin improvements was \$540,000; 16 to 16 ½ % would be approximately \$88,000, and felt that could be a fair mitigation to the storm water impact.

Jay Lien, representing Steve Flynn, President of Crosswind Landings, Inc., stated they were prepared to pay \$115,000 for downstream improvements, approximately 21% of the \$540,000. Mr. Lien indicated desire to start the project this June, and was of the understanding the County would give approval this year.

Mr. Cane noted that the range of cost for constructing two alternative ponds was \$100,000 for one or \$154,000 for the other pond for construction only. Public Works estimated cost of \$184,000 included engineering and permitting or \$172,000 for construction only. There would be no additional lots available if the ponds are not built.

Mr. Oakes clarified their previous proposal was to participate in the regional drainage system and not build a pond. Ms. Maxfield stated that they were willing to pay 75% of the cost of building onsite storm water detention ponds.

Commissioner McDowell concluded there were a range of costs for ponds without benefit to the public;

so since they would not benefit downstream properties, the county was more interested in them participating in the regional drainage system. Since the price ranged from \$88,000 to \$138,000 for their part of the improvements, the \$115,000 seemed reasonable to Commissioner McDowell. He was concerned how Thunder Ridge (TR Camano) storm water drainage would impact Cavalero Hills and did not want the county to affect the negotiations between them to place the temporary drainage pipes.

Mr. Lien assured the Board the system was designed to accept the downstream water from Thunder Ridge and direct it through the proposed plat down to East Camano Drive. They spent several thousand dollars on engineering and attorneys

drawing up agreements, etc. TR Camano has not signed any agreements yet, but have placed their pipes and a catch basin ready to connect to the Cavalero Hills system.

Commissioner McDowell questioned if they were prepared to accept the extra water from Thunder Ridge after TR Camano reversed the flow of the water on the uphill side of the development. Ms. Maxfield further explained the storm water drainage had been piped going west and the county had asked TR Camano to reverse the flow to the east and join it with the rest of storm water.

Chairman Byrd stated that Mr. Platter did not accept Crosswind Landings bid for the temporary drainage system because he thought the bid was higher than what he thought it would cost.

Mr. Cane thought it a timing issue; if permanent pipes are installed in the ground, then upstream drainage could be handled without any impact. They drew plans and asked for bids for placement of the temporary pipes to assure a quality installation in case there were unexpected delays before the permanent pipes were installed. They plan to reuse the 12-inch pipe when the permanent system was installed and TR Camano would receive a rebate when the temporary pipe is removed.

Mr. Lien indicated they had been working on their project for 3 ½ years and their goal would be to get the permanent system installed right away so the temporary system would not have to be installed at all.

Mr. Cray emphasized they prefer to sign an agreement to participate in the regional drainage plan.

Mr. Oakes explained the Commissioners could accept the conditions and contribution amount, and Public Works would negotiate a drainage agreement. Public Works agrees with Crosswind Landings proposal to participate in the regional drainage system and felt the dollar amount proposed was a fair amount.

The Board, by unanimous motion, accepted on a conceptual basis Cavalero Hills (Crosswind Landings, Inc.) proposal to build the drainage system necessary to solve this drainage basin's immediate problem and accept as a contribution from the developer of the plat of Cavalero Hills \$115,000.

**HEARING HELD: RESOLUTION #C-125-03/R-43-03, - VACATION OF A PORTION OF EAST CAMANO DRIVE
- PETITIONERS CROSSWIND LANDINGS, INC., et al;**

A Public Hearing opened at 3:00 p.m. for the purpose of considering Resolution #C-125-03/R-43-03 in the matter of a petition for the vacation of a portion of a County road known as East Camano Drive located in Section 18, Township 31N, Range 3E, W.M., Island County, Washington as petitioned by Crosswind Landings, Inc., et. al. Approximately five members of the public were present at the time of hearing.

Dick Snyder reported that on April 4, 2002, a petition was filed with the County by Crosswind Landings Inc., owners of said parcel, to vacate a portion of old right of way on East Camano Drive. On September 11, 2003, the County Engineer, after extensive work with a survey consultant, filed a report with the Board and scheduled a public hearing on January 22, 2004, postponed to February 24, 2004, to consider the vacation of a portion of East Camano Drive. On August 12, 1913, a road was established by

quit claim deed by Dominic and Katie Cavalero to Island County. A portion of the right way lies south of the plat of Thunder Ridge, Division 1, and in Government Lot 1 and 2 in Section 18, Township 31 North, Range 3 East. The Quit Claim Deed was in error and did not coincide with the actual right of way, and fortunate the applicant brought the discrepancy to Island County's attention. He reported in favor of the vacation of a portion of the right of way (40 feet that was never perfected) as shown in yellow on the map, in exchange for 10 feet along the actual road right of way, shown in orange on the map. However, the vacation cannot be accepted until the county received the executed quit claim deed from the applicant.

Robert Cray, Fakkema & Kingma Inc., consultants for Crosswind Landings, Inc., confirmed that the 40 foot right of way quit-claimed to the County in 1913 was well outside the existing East Camano Drive right of way, and in error. This condition existed from the north line of Government Lot 3 and continues south through Camano Country Club Estates and actually impacts other properties in the same manner as it impacts the proponent's properties, and impacts some properties in Thunder Ridge as well. The quit claim deed covered all of Section 19, all the way through Section 30 to the south (approximately 3 miles). Discrepancies were discovered when they developed Cavalero Estates, but did not have a project on a proponent's property until now. Mr. Cray believed it in the best interest of the public to get it corrected.

He noted that two others, Evergreen Surveyors from Stanwood, and Jerry Brodus, a land surveyor and attorney, reviewed this and came to the same conclusion.

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

Commissioner McDowell concluded it was obvious when two right of ways were parallel that one would be in error and since the County would gain an extra 10 feet of right of way, he was in favor of approval to correct a mistake.

Commissioner Shelton noted the Public Works Department should address the remaining portion of the discovered error and take corrective action to vacate the incorrect right of way in the future.

The Board by unanimous motion approved the Final Order of Vacation as proposed, subject to obtaining the necessary 10 foot wide right of way adjacent to the existing East Camano Drive right of way by an executed quit claim deed.

[Final Order of Vacation to be signed by the Board and recorded once condition has been satisfied]

There being no further business to come before the Board at this time, the meeting adjourned at 3:15 p.m. The Board will meet next in Regular Session March 1, 2004 beginning at 9:30 a.m.

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

William J. Byrd, Chairman

Wm. L. McDowell, Member

Mike Shelton, Member

ATTEST: _____
Elaine Marlow, Clerk of the Board