

**BOARD OF COUNTY COMMISSIONERS, MINUTES OF MEETING  
SPECIAL SESSION, DECEMBER 15, 2005**

The Board of Island County Commissioners met in Special Session on December 15, 2005, beginning at 2:00 p.m. held at the Camano Multipurpose Center located at 141 N.E. Camano Drive, Camano Island, WA. Mike Shelton, Chairman, Wm. L. McDowell, Member, and William J. Byrd, Member, were present. Dick Snyder, Island County Engineer and Kelly Ruhoff, Stanwood/Camano News attended. An attendance sheet was circulated and copy placed on file with the Clerk of the Board.

The purpose of the special session was to conduct three public hearings as follows:

2:00 P.M. Resolution #C-128-05/R-49-05 In the Matter of the Petition of Gretchen Otness, et. al. for the vacation of a portion of County road right of way known as Ocean Drive

2:05 P.M. Resolution #C-133-05/R-51/05 In the Matter of the Petition of Eugene Black and Susan Hatchel et. al. for the vacation of a triangular shaped piece of land in Block 1, Plat of Long Beach abutting Iverson Road all being located in Section 5, Township 31N, Range 3E

2:10 P.M. Resolution #C-134-05/R-52-05 In the Matter of the Petition of Mike Hayes, Camwood Construction, et. al. for the vacation of a portion of County road right-of-way known as Vine Street.

**HEARING HELD: RESOLUTION #C-128-05/R-49-05 - PETITION OF GRETCHEN OTNESS,  
ET AL, FOR THE VACATION OF A PORTION OF COUNTY ROAD RIGHT-OF-WAY  
DESIGNATED AS OCEAN DRIVE**

Chairman Shelton opened the Public Hearing as advertised and scheduled at 2:00 p.m. to consider Resolution #C-128-05/R49-05 in the Matter of the Petition of Gretchen Otness, et al, for the vacation of a portion of County road right-of-way designated as Ocean Drive located in the West half of the Southeast quarter of Section 27, Township 32 N., Range 3, E, W.M. Approximately 35 citizens attended.

Three letters were submitted into the record before the Public Hearing [*On file with the Clerk of the Board*]:

November 26, 2005 from Jack Miller, Juniper Lane, Camano Island – indicating his belief that the local community will be improved by the vacation.

December 1, 2005 from Richard Wm. Murray, property owner at 1244 Juniper Beach Road, supported the vacation

December 5, 2005 from Mr. and Mrs. Louis Rickman, Lots 7 & 8, Block 3 at Juniper Beach, Camano Island, strongly approved of the vacation.

Dick Snyder, Island County Engineer, explained that Gretchen Otness petitioned the County to vacate a portion of County road right-of-way on Ocean Drive where her existing home has been on County right-of-way since 1967. The Engineering report originally recommended a 644.45 square foot vacation, revised on December 14, 2005 to 495 net square foot vacation to allow the home to exist legally on private property. In exchange, Petitioner would be required to deed a small portion of property 5' x 17.94' x 19.01' back to the County as shown on the map (Exhibit A) as small hatched triangle.

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Gretchen Otness, 24229 Marine Drive, Stanwood, Petitioner, if the road vacation as requested was approved could they then rebuild their house on the existing footprint. She explained that the road vacation was necessary in order to obtain a building permit. They have enhanced the property but have not proposed to enlarge the house; their efforts have been supported by the community.

Chairman Shelton confirmed staff recommendation for approval of the vacation.

Ralph Ferguson, 878 Juniper Pointe Lane, Camano Island, supported the new revised vacation as proposed on the new map (Exhibit A). Granting the small triangle back to the County has taken care of his concern about the initial vacation encroaching into existing right-of-way to the south.

Howard Quigley, 1424 Ocean Drive, Camano Island, residing across the street from the proposed vacation, was in favor of granting the vacation so the house could be finished inasmuch as it had been half constructed for 3 to 4 years. He saw the action as beneficial to the community.

Randy Fehlhaber, 1450 Juniper Lane, Camano Island, noted that the property was purchased 2 ½ years ago and the Otness' had not been able to move ahead with the remodel nor received any tax relief. He supported the road vacation.

Bernice Leaf, 1470 E. Juniper Lane, Camano Island, favored the road vacation. Her daughter, Gretchen Otness, purchased the property 2 ½ years ago with the intention of retiring there, but held up from construction. She thought it would be a nice addition to the neighboring beach property.

Mr. Snyder clarified that the recommendation of approval of the vacation was contingent upon transferring the small triangle of land (shown on Exhibit A) by Quit Claim to the County and the County receiving a recorded survey on the proposed vacation, with proper title. He noted the normal easements, water rights, or waterlines remain with whoever has those rights now. He explained a road vacation was completed in 1967, but part of the house was still in the County right-of-way.

Chairman Shelton requested further explanation of the current vacation proposal.

Mr. Snyder explained that staff revised the current proposed vacation because it would have vacated more than necessary, and is the reason the small triangle piece would be deeded back to the County, maintaining the right-of-way at 20 feet instead of 15 feet. The total cost of the vacation would be \$6,580.01, minus a deposit of \$550.00 [*clarified at a later date to be \$500.00*] for a net cost of \$6,080.01. He indicated the value of the 495 square feet of land vacated would be about \$9,000, and reduced the value to \$3,000 plus the cost to process the vacation.

Mr. Otness expressed concern about the value placed on the proposed vacation and the lack of communication from the Public Works Department and was not sure about his willingness to pay the costs proposed.

Chairman Shelton suggested the Board continue the hearing on the vacation in order for Public Works to come up with a solution.

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The Board by unanimous motion continued the Public Hearing to consider Resolution #C-128-05 /R49-05 in the Matter of the Petition of Gretchen Otness, et al for the vacation of a portion of County road right of way know as Ocean Drive to December 20, 2005 at 11:00 a.m. Courthouse Annex, Commissioners Hearing Room, Coupeville, Wa., with video conferencing provided to the Camano annex.

**HEARING HELD: RESOLUTION #C-133-05/R-51/05 - PETITION OF EUGENE BLACK AND SUSAN HATCHEL ET. AL - VACATION OF A TRIANGULAR SHAPED PIECE OF LAND IN BLOCK 1, PLAT OF LONG BEACH ABUTTING IVERSON ROAD**

Chairman Shelton opened the Public Hearing scheduled for 2:05 p.m. at approximately 2:30 p.m., on Resolution #C-133-05/R-51/05 in the Matter of the Petition of Eugene Black and Susan Hatchel et al. for the vacation of a triangular shaped piece of land in Block 1, Plat of Long Bach abutting Iverson Road all being located in Section 5, Township 31 N, Range 3E, Camano Island. Approximately 25 people were in attendance.

Mr. Snyder explained the petition filed by Eugene Black and Susan Hatchel, et al and other parties who own lots in Block 1 in the plat of Long Beach. The County right of way included an alley way to the water plus a large triangle between Block 1 and 2. The request for vacation of the triangle is to straighten out their lot lines so the houses do not encroach on the neighboring property.

Grace Lark, 131 Iverson Road, Camano Island, was not in support of the vacation since the County took care of the drainage ditch on that property when there was a drainage problem and the County would not continue if the vacation were approved.

Eugene Black, 201 Iverson Road, Camano Island, explained when the plat was created Walt Simonson selected Lot 1, the highest point, and there was never a drainage problem on that parcel. He noted there were parcels that were subject to runoff in the area, but not this property. Neighbors on all sides are in favor of the vacation.

Gary Funk, 220 Long Beach Drive, Camano Island, was concerned about the added value of the vacated property and whether the County would receive any compensation from the vacated property and also asked if the boundary line adjustments hinged on this vacation. He was against the vacation.

Chairman Shelton clarified that the property owner of the vacated land would not have to compensate the County, but the property would go back on the tax rolls. The boundary line adjustments did hinge on this vacation and would correct the houses and shed encroaching on neighboring property.

Mr. Snyder understood the involved parties would have to do boundary line adjustments and split the costs accordingly; it would increase the value of their property, and increase their property taxes. The value of the vacation is approximately \$104,000 (waterfront property). The vacated property would go back to the property owner without cost since it is in a platted area and they would have to pay for administrative costs of processing the vacation, property taxes would include the assessed value of the vacated land.

Commissioner McDowell further clarified if the County Engineer was correct in his per square foot

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value, that amount would be added to the assessed value of the property. If there were boundary line adjustments, then the net square footage would be added to each property by the County Assessor.

Chairman Shelton verified that the access to the water would not be vacated, such vacation would be against State law.

Jacalyn O'Brien, 574 Moe Road, Camano Island, expressed concern about vacating the property. This is a very secretive public beach access. Mr. Simonson and other people in this area have kept this public beach access a secret since she had been there for the last 19 years. She noted the signing had been taken down and children had been run off of the property. When people park there, the neighboring property owners do not like it. She encouraged the Board to keep every bit of public waterfront access available. She noted the property needed to have signs posted so the public would know the waterfront property was available for their use. She was not in favor of the vacation.

Dave Hatchel, 197 Iverson Road, Camano Island, said that he had inherited the property and was not in favor of giving up any public access to the beach. The beach access is 20 feet wide and surrounded by private property on each side, and do not get much traffic. He was in favor of the vacation so he could actually park on his own land instead of County land and encouraged the approval of the vacation.

Senator Mary Margaret Haugen, 1268 Olsen Road, Camano Island, understood that the County could not vacate public beach access since State law was changed in 1950. Under the Shoreline Management Act, local governments are required to increase public access to the shoreline. People have a right to go there and will need parking. She understood the difficulties for property owners near public accesses because of people parking on private property; she receives complaints from the public that there are so few public accesses to the water on Camano. She was in favor of preserving parking for beach access for future generations.

Grant Lawrence, 221 S. Iverson Road, Camano Island, noted everything south of this access was private property and it is not a picnic area for the whole County. He pays a lot of taxes on his private property and was paying for a "no access beach". He stated 20 feet was not a very wide access and was almost worthless as far as public access goes. He agreed with the vacation so Dave Hatchel could park on his own property.

Jerry Smith, 207 Iverson Road, Camano Island, has lived there full time and welcomed visitors to Iverson Beach because it was a wonderful beach. The conservatory was added to the north end of the beach with parking for people to allow bird watching and access to the beach. The use of the beach in the last 8 years has increased, and there are two other accesses to the beach. He attested to the need of preserving beach access, but Iverson Beach may have more beach access than any other beaches around. He noted the two new houses in question were on their own property, the problem was the older buildings. His appeal was not to restrict public access, but did not want people taking advantage of their 500 feet of mud-flat ownership. There is a County map that lists this beach as public access so it is not a "hidden secret". He stated the issue was to make sure these four lots could be built upon, without hurting public access.

Eugene Black said that to his knowledge the County never posted a sign on the beach indicating public

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access points. The private signs "Iverson Beach" were put up by the land owners. With the addition of the nature preserve, substantial additional parking and additional beach access was created at the end of Iverson Road. Very few people have used this access in question.

Martin Sarver, lot 3, 205 Iverson Road, Camano Island, stated the purpose was to square the property boundaries and the proposal would not hinder beach access, and noted that encroachment issues were being worked out.

Kathy Hunt, 220 Long Beach Drive, Camano Island, was concerned that once the little piece used for parking is gone, it will be gone. Hunters park in the bird conservatory lot and wondered if that was a legal use.

Ms. Lark asked where the State Department of Ecology stood and the flood zone. She asked "Is this your way of getting rid of the property?"

Chairman Shelton felt this issue would not any DOE permit.

Senator Haugen pointed out the Nature Conservatory was established as a low intensity park. It was not intended for family use such as picnic tables, but for bird watching.

The Chairman reminded Senator Haugen that the County bought the property when it was a hunting area and the County clarified hunting would not be banned in the area after the County purchased the property.

Kerry Hedahl, 179 Durr Road, Camano Island, favored keeping all current beach access.

Commissioner McDowell confirmed the Board's understanding that the County would not eliminate road ends going to the water. The access would remain, but the vacation might eliminate some land that could be used as parking for beach access. As far as the question "Is flooding an issue and could a parking lot be built there" the Board's action would not require environmental review, but building a parking lot might require an environmental review. And "does public parking constitute access" he believed that if the parking area is considered access, then it cannot be vacated. If not, it raises other questions and suggested the public hearing be continued in order to obtain legal advice.

Commissioner Byrd discussed the drainage issue on the left-hand side of the road going north: there is a drainage ditch for drainage of that particular area. There is 30 +/- acre parcel leased from the County for farming; the drainage ditch ensures good drainage. He did not believe there was a flood zone in that location. There has been some concern about the dike, and was eroding at one time. This year, steps to the dike were installed up to the top of the dike-viewing platform and down to the beach and should stop some of the erosion and allows better viewing of the birds. He favored additional research and having asked the County's attorney to review some of the issues involved.

Commissioner McDowell asked that Mr. Snyder determine if the area in question is a low area subject to flooding.

Chairman Shelton thought it made some sense to vacate the property. A 79' x 40' parking area for a

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20' access to the water is probably an appropriate size for a parking area for the access. If a parking area were created that would entice multitudes of people to come there, then the County has the responsibility to the adjoining property owners to identify the access area and keep them on County property. He noted one thing people value in Island County is the ability to get to the water's edge.

Mr. Snyder pointed out that the beach was owned by the property owners for 600' deep from the bulkhead on either side of the 20' public access. There are three public accesses to the north and the major conservatory area about a one half mile to the north.

Commissioner McDowell did agree the County would take responsibility for creating a public nuisance, but never the less, wanted to make sure any decision on the part of the County was legally correct.

By unanimous motion, the Board continued the Public Hearing on Resolution #C-133-05/R-51-05 in the Matter of the Petition of Eugene Black and Susan Hatchel et al for the vacation of a triangular shaped piece of land in Block 1, Plat of Long Beach abutting Iverson Road to January 9, 2006 at 10:30 a.m., Commissioners Hearing Room, Island County Courthouse Annex, Coupeville, with video conferencing to the Camano Annex.

**HEARING HELD - RESOLUTION #C-134-05/R-52-05 - PETITION OF MIKE HAYES,  
CAMWOOD CONSTRUCTION, ET AL FOR THE VACATION OF A PORTION OF COUNTY  
ROAD RIGHT-OF-WAY KNOWN AS VINE STREET**

Chairman Shelton opened the third scheduled public hearing to consider Resolution #C-134-0-5/R-52-05 in the Matter of Proposed Vacation of a Portion of County Road Right-of-Way designated as Vine Street, located in the SW Quarter of the NE Quarter and the NW Quarter of the SE Quarter of Section 34, Township 32 North, Range 2 East, W.M.. He hearing began at 3:30 p.m., with approximately 10 people in attendance.

Mr. Snyder stated the County received the petition from Mr. Hayes to for vacation of a portion of Vine Street that has never been constructed, a portion 20 ft. wide by 120 ft. long of the non-constructed portion of Vine Street which functions as an alley. The County was opposed to the vacation because it has been determined to have a detrimental effect to planned storm drainage improvements and general property access within the plat. Only one property owner requested the vacation and state and county law requires that the majority of property owners abutting the right-of-way to petition the County.

Joe Golas, 196 Maple Street, Camano Island, stated that his contractor initiated the vacation and at the time, seemed like a good idea in order to build a carport. Since then, he realized there was a lot of water there and that water has to go some place, and was the only area for the water to drain. He was now against the vacation.

John Larson, 193 Tarragon Avenue, Camano Island, resides south of the proposed vacation, and spoke against the vacation. He thanked the County for putting in drainage because of the water that needs to drain.

Commissioner Byrd asked the County Engineer how the water drained and where it drained.

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Mr. Snyder thought the water went into a culvert system further south beyond Vine Street; the County keeping the right-of-way will help property owners with the drainage.

Mr. Golas explained it has been a natural drainage area and flows throughout the year. The water goes into a course area and accesses further down the slope. The County has done ditching and grading and cleared the brush and exposed the drainage area.

Mr. Larson mentioned a serious water issue in the back and asked whether more building would be allowed. He indicated flooding under part of his house that was getting worse. Some lots have been sold and he was concerned about plans to build because it thought it would make matters worse.

The Chairman stated that Mr. Larson's question was beyond the scope of this hearing.

By unanimous motion, the Board disapproved Resolution #C-134-05/R-52-05 in the Matter of the Petition of Mike Hayes, Camwood Construction, et al for the vacation of a portion of County road right-of-way known as Vine Street.

There being no further business to come before the Board of Commissioners at this time, the Chairman adjourned the meeting at 4:05 p.m, to meet in Special Session this evening at 6:00 p.m., Utsalady Elementary School Gym, 608 Arrowhead Road, Camano Island.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

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Mike Shelton, Chairman

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Wm. L. McDowell, Member

\_\_\_\_\_  
William J. Byrd, Member

ATTEST:

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Elaine Marlow  
Clerk of the Board