

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
SPECIAL SESSION - JULY 5, 2001**

The Board of Island County Commissioners met in Special Session on Camano Island, Thursday, July 5, 2001, at 2:00 p.m., Terry's Corner Fire Station located at 525 E. North Camano Drive, Camano Island. The purpose of the Special Session was to conduct a Public Hearing on Resolution #C-81-01/R-33-01, proposed Vacation of County Right-of-Way known as Hultman Road, located in Government Lot 1, Section 18, Township 32N, Range 3E, W.M., Camano Island, 0.45 acres, petitioned by Bruce Zelk, et. al. Chairman William F. Thorn, and Commissioners Wm. L. McDowell and Mike Shelton were present. Lew Legat, Island County Engineer, and approximately 14 citizens, were also present.

**HEARING HELD: ORDINANCE #C-81-01 (R-33-01) - PROPOSED VACATION  
OF COUNTY ROAD DESIGNATED AS HULTMAN ROAD**

At 2:00 p.m. as scheduled and advertised, Chairman Thorn opened a Public Hearing for the purpose of considering Ordinance #C-81-01 (R-33-01) in the matter of the proposed vacation of County Road designated as Hultman Road located in the N1/2 of the NE ¼ of Sec. 18, Twp. 32N, Rge 3E, W.M., Camano Island.

Mr. Legat opened by explaining that vacation of Hultman Road would terminate some of the County's interest in the roadway, such as road maintenance and improvements and the County would not receive the gas tax funds for Hultman Road. A 15 foot strip along Government Lot 1 (1,320 feet) was deeded to the County in 1930. County Assessor's map shows the length as 830 feet long, but the County maintains only a 10 foot wide gravel road, 370 feet in length. An additional graveled 230 feet was maintained by private citizens, along with 110 feet paved by a private party, and 610 feet in length remains unopened.

Mr. Legat reported and confirmed that the public would benefit from the vacation in that:

1. Various portions of the right of way were never constructed and the public will be benefited by having the property returned to the tax rolls.
2. Hultman Road as constructed is of short length and only serves a limited number of properties.
3. There is no current nor anticipated future public need for the right of way to provide for the public road circulation system.
4. The right of way is limited width, (15 feet) the cost to expand the right of way and to improve the road to current county standards is out of proportions to the general public benefit received.
5. The vacation would eliminate possible liability or risk exposure.
6. The vacation would terminate any existing confusion or conflicts about the road being private or public.

Mr. Legat recommended Hultman Road be vacated with the conditions as outlined on Attachment "A" provided to the Board, including compensation for the value of the land as determined by the County Assessor, \$9,124. If vacated, the right of way would be returned to the property owners on the west side of Hultman Road. He suggested it would be advisable for the benefiting property owners to establish permanent easements of record

for ingress and egress along with provisions for continuous maintenance of the road. Mr. Legat was requested by Vincent Abbey not to vacate the northerly 20 feet of Hultman Road because his driveway cuts across from the alley to Lot 1. Mr. Legat agreed with that and recommended that Hultman Road be vacated except for the southerly 30 feet allowing for Arrowhead Road and the northerly 20 feet allowing for the extension of the alleyway.

Chairman Thorn asked whether the current utility easements were used by several in-place utilities. Mr. Legat responded that the County would retain an easement upon the vacated 15 feet for public/private utilities. Known public/private utilities within the right of way consist of Cascade Natural Gas, Snohomish PUD, GTE and Brown's Point Water Association.

Vincent Abbey, Lot 1, Arrowhead Point, asked whether the public utilities would still have a right to use the easements. He was interested in extending the alley on the north end and would purchase the right of way if the county vacated the 20 northerly feet so he and his neighbors would have access to their lots.

Mr. Legat explained the easement rights for utilities would be reserved to the County, and would allow franchise holders of utilities in the area to use the easement. He explained that he had recommended the Board not vacate the northerly 20 feet so that current property owners could use it for ingress and egress to their properties.

Commissioner Shelton asked how many people in the plat of Arrowhead Beach used Hultman Road as an access, and questioned why the property owners wanted Hultman Road vacated. He was concerned about access to the northerly lots along Hultman Road.

Randy Jones, 1508 Hultman Road, Lots 17 and 18, wanted clarification how the road vacation would have an effect on his access from Lot 17 on Hultman Road. He was concerned about the road and culvert maintenance and wanted to know who would be responsible for the maintenance agreement. He was not opposed to the vacation but wanted assurance that a maintenance agreement would be forthcoming. He is the only one in the Arrowhead Beach plat who uses Hultman Road for access.

Mr. Legat explained that originally the property owners were opposed to a sewer line going along Hultman Road when Sun Mountain Construction had applied for a franchise for the placement of a sewer line within the Hultman Road right of way. The petitioners had hoped vacating the road would stop that action. The franchise was granted in November of 1999 and the petitioners wished the vacation action deferred. The franchise for Sun Mountain Construction was not acted upon and terminated in April 2001, and the petitioners then requested the vacation move forward. Mr. Legat explained the property owner's rights for access within the Hultman Road right of way would be reserved along with the right to prevent public use of the road.

Bruce Zelk, 1539 Hultman Road, petitioner, explained since the property owners had been using Hultman Road as access for many years and had maintained all except the southerly 370 feet maintained by the County they felt the proposed septic line was an intrusion. They were concerned about the road being cut up and not repaired, about trees being destroyed and concerned about a well radius that fell in the right of way. He explained the road was narrow and was not suitable for public access.

Commissioner McDowell asked about the situation if an existing house on the west side had a failed septic

system and needed an off-site septic: would the road vacation preclude the property owner from placing a septic line down Hultman Road?

Mr. Legat said that the County would not be able to grant a franchise for a sewer line if not an existing franchise holder. The property owner would have to come to some kind of an agreement with the adjacent property owners to use the easement. Access and utility rights should not be mixed; if the water line is there, the easement right remains.

In answer to a question from Chairman Thorn about how many Government Lot 1 properties were not built on presently, the answer was that two lots had not been built on.

Ms. Pat Abbey, Hultman Road, asked for clarification about the proposed road vacation and reason for same; is the desire for vacation of the road in order to not have a sewer line down the road.

Commissioner Shelton recalled that the franchise for Sun Mountain Construction was to place a line for an off-site septic system; the house was on one lot, and the septic system was on another lot and it was just the pipe between the two lots that would have been placed in the right of way.

Chairman Thorn explained that Sun Mountain could not place the septic line along Arrowhead Road because of interference with an existing water line along the west side of Arrowhead Road.

An audience member was interested in knowing what would happen if property owners did not agree to allow a septic line placed in the right of way after it the road were vacated.

Mr. Zelk said that property owners were responsible to maintain the right of way; individual property owners would need to negotiate to place an off-site septic line in the right of way.

The petitioners feel that if the County allows a septic tight line along Hultman Road one time, then the County would probably allow it again. Also, the public was using Hultman Road more frequently and many times had to back out since it was not wide enough to turn around. A fence has been knocked down also. The petitioners decided vacating the road would help protect their privacy.

John Baker, 315 Arrowhead Point Lane, requested clarification if Hultman Road had not been available, whether the septic tight line could have been placed along the east side of Arrowhead Road with the natural gas line, then under the road to the west side. If so, he understood that would satisfy any problem for line placement for properties on Arrowhead Road.

Commissioner McDowell's concern was not for the plat of Arrowhead Beach property owners, rather property owners on the west side of Hultman Road that might need to place a septic system off-site. He concluded since everyone on the west side of Hultman Road signed the petition, they would have to work it out with their neighbors so he agreed to support the petition.

Commissioner Shelton commented that a 15-foot road was not a standard size road and with the property

owners in favor of it, he supported the vacation.

By unanimous motion, the Board approved Resolution #C-81-01 (R-33-01) Order Vacating County Road known as Hultman Road except the southerly 30 feet reserved for Arrowhead Road and the northerly 20 feet reserved for the alley, upon payment of all costs by principal petitioners.

*[Final Order of vacation to be presented by the County Engineer for the Board's signature once the conditions of vacation have been met.]*

There being no further business to come before the Board of Commissioners at this time, the Chairman adjourned the meeting at 2:45 p.m. to meet in Regular Session on Monday, July 9, 2001, at 9:30 a.m., Island County Courthouse Annex, Coupeville.

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

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Thorn, Chairman William F.

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McDowell, Member Wm. L.

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Member Mike Shelton,

**ATTEST:**

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Elaine Marlow, Clerk of the Board