

Jefferson County  
Board of Commissioners  
Agenda Request

**To:** Board of Commissioners  
Philip Morley, County Administrator

**From:** Frank Gifford, Public Works Director

**Agenda Date:** January 10, 2011

**Subject:** Portion of Pine St in Correia's Addition to Irondale, Road Vacation  
Cecil & Jean Quackenbush, Petitioner  
David Goldsmith, Representative

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**Statement of Issue:**

The Board is asked to consider the Hearing Examiner's Report and Recommendation (attached) pertaining to a petition to vacate all that portion of the westerly 10 feet of the west half of Pine Street adjacent to the east line of Lot 1, Block 3, of Correia's Addition to Irondale, as per plat, recorded in Volume 3 of Plats, Page 8, records of Jefferson County, Washington; Being approximately 10 feet in width and 124 feet in length. All situated in Section 2, Township 29 North, Range 1 West, W.M., Jefferson County, Washington. This vacation affects parcel number: 945000301. Please see attached map.

**Analysis/Strategic Goals/Pro's & Con's:**

This road vacation petition was heard before the Jefferson County Hearing Examiner on December 14, 2010. Based upon the recommendation contained in the County Engineer's report (attached) as well as testimony gathered for the hearing from other departments, agencies, and individuals, the Hearing Examiner has recommended that the vacation be approved.

**Fiscal Impact/Cost Benefit Analysis:**

There is no fiscal impact as this is an un-opened and un-maintained right of way that is not needed for area circulation. Petitioner has paid costs associated with the vacation.

**Recommendation:**

Department of Public Works recommends that the Board approve the request to vacate the subject portion of right-of-way by signing the attached Resolution. The petitioner has met the compensation requirement and paid all fees.

**Department Contact:**

Monte Reinders P.E., County Engineer, 385-9242

**Reviewed By:**

  
Philip Morley, County Administrator

  
Date

STATE OF WASHINGTON  
COUNTY OF JEFFERSON

In the matter of }  
The vacation of a portion of }  
Platted Pine St }

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the Jefferson County Board of Commissioners has reviewed a road vacation petition submitted by Cecil and Jean Quackenbush; and

WHEREAS, the Jefferson County Hearing Examiner held a public hearing on the road vacation petition on December 14, 2010; and

WHEREAS, the Jefferson County Hearing Examiner considered testimony of the public, comments from applicable departments, agencies and offices, and recommendations from the Jefferson County Engineer and Jefferson County Department of Community Development at the public hearing; and

WHEREAS, the Jefferson County Hearing Examiner determined that the public will benefit from the vacation of this right of way and such vacation complies with the Jefferson County Comprehensive Plan and other applicable plans, policies or ordinances; and

WHEREAS, the Jefferson County Board of Commissioners considered said Hearing Examiner's report of the public hearing and his recommendation for the vacation request and hereby adopts the Report and Recommendation of the Jefferson County Hearing Examiner dated December 20, 2010.

NOW, THEREFORE BE IT RESOLVED that the following be vacated and abandoned pursuant to RCW 36.87.140 and Jefferson County Code 12.10: All that portion of the westerly 10 feet of the west half of Pine Street adjacent to the east line of Lot 1, Block 3, of Correia's Addition to Irondale, as per plat, recorded in Volume 3 of Plats, Page 8, records of Jefferson County, Washington; Being approximately 10 feet in width and 124 feet in length. All situated in Section 2, Township 29 North, Range 1 West, W.M., Jefferson County, Washington. This vacation affects parcel number: 945000301.

ADOPTED THIS 10<sup>th</sup> DAY OF January, 2011

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

SEAL:

ATTEST:

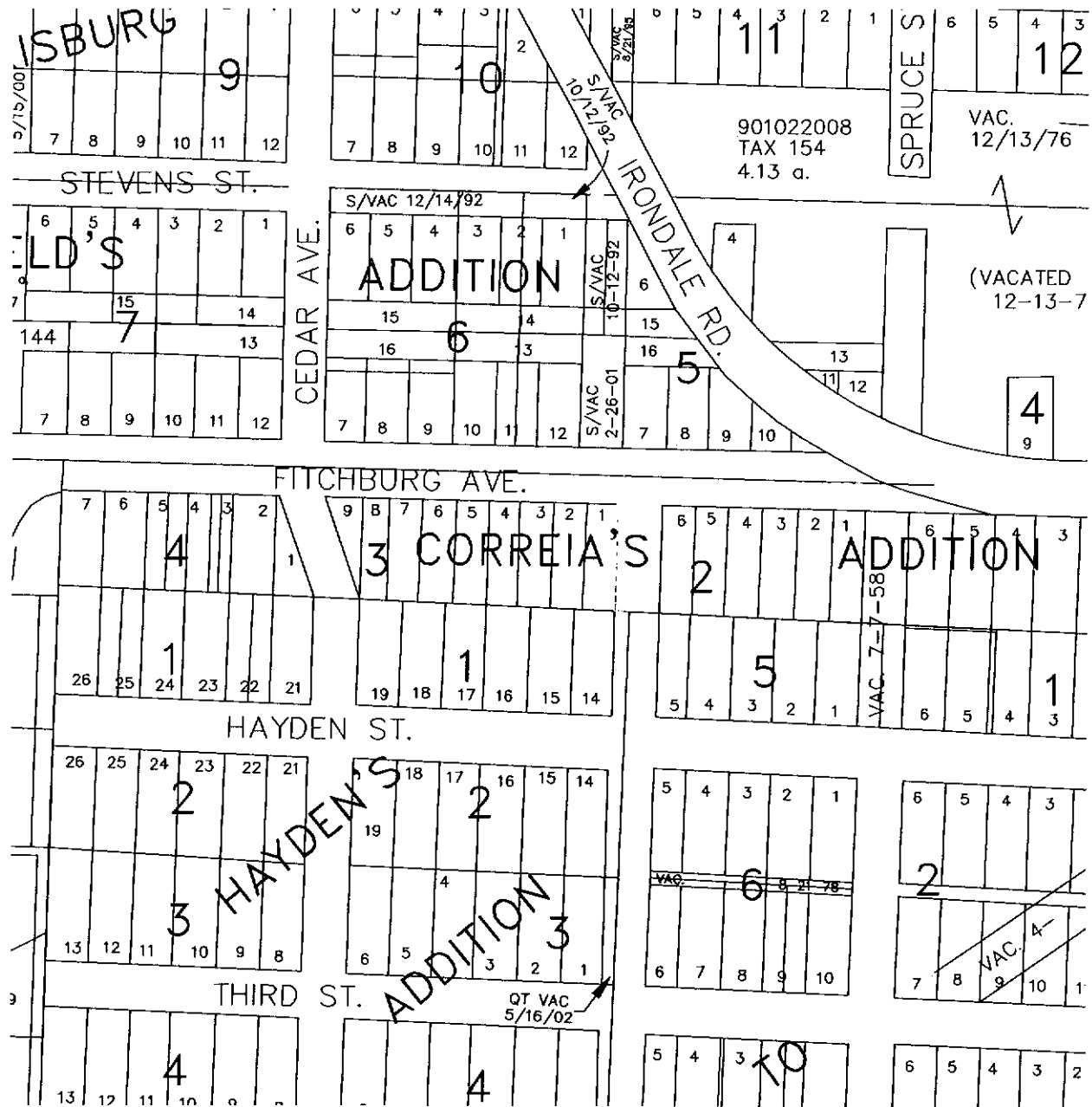
\_\_\_\_\_  
Lorna Delaney  
Clerk of the Board

# PROPOSED ROAD VACATION - PINE STREET

PETITIONER, David Goldsmith representing Mr & Mrs. Quackenbush

Described as the westerly 10 feet of the West half of Pine Street adjacent to the East line of Lot 1, Block 3, of Correia's Addition to Irondale, as per plat, recorded in Volume 3 of Plats, Page 8 records of Jefferson County, Washington; Being approximately 10' in width and 124' in length.

All situated in Section 2, Township 29 North, Range 1 West, W.M., Jefferson County, Washington.



**OFFICE OF THE HEARING EXAMINER**

**JEFFERSON COUNTY**

**REPORT AND RECOMMENDATION**

**CASE NO.:** Quackenbush Petition; Portion of Pine Street,  
Correia's Addition to Irondale

**REPRESENTATIVE:** David Goldsmith  
536 Foster Street  
Port Townsend, WA 98368

**LANDOWNER** Cecil and Jean Quackenbush  
60 East Fitchburg Avenue  
Port Hadlock, WA 98339

**SUMMARY OF REQUEST:**

The request is to vacate a portion of Pine Street associated with Block 3 of Correia's Addition to Irondale described as follows:

The westerly 10 feet of the west half of Pine Street adjacent to the east line of Lot 1, Block 3, of Correia's Addition to Irondale, as per plat, recorded in Volume 3 of Plats, Page 8, records of Jefferson County, Washington; Being approximately 10' in width and 124' in length. All situated in Section 2, Township 29 North, Range 1 West, W.M., Jefferson County, Washington

**SUMMARY OF RECOMMENDATION:**

Approve.

**PUBLIC HEARING:**

After reviewing the Jefferson County Department of Public Works Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on December 14, 2010, at 2:00 p.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

**SEE ATTACHED INDEX LIST**

MARA DOTSON appeared, presented the Department of Public Works Staff Report, and testified that the Department recommends approval subject only to the compensation required by the Jefferson County Code. All County agencies either recommend approval or have not responded. She has received no comments from the public regarding the petition.

DAVID GOLDSMITH appeared on behalf of the applicants and testified that a garage encroaches two feet upon the unopened Pine Street right-of-way. They originally considered vacating half of the street but it is beyond their means financially. Furthermore, the neighbor to the west was not interested in pursuing the vacation. They then decided to request a ten foot vacation, and if approved, the garage will then have an eight foot wide setback. The petition is for ten feet which is what they can afford. The garage was constructed pursuant to a building permit issued in 1974. The County has previously vacated a portion of Pine Street to the south. The home to the south of the applicants' parcel is also located within the required 20 foot wide setback from the unopened right-of-way.

No one spoke further in this matter and the Examiner took the matter under advisement. The hearing was concluded at 2:15 p.m.

**NOTE:** A complete record of this hearing is available in the office of Jefferson County Department of Public Works.

**FINDINGS, CONCLUSIONS AND RECOMMENDATION:**

**FINDINGS:**

1. The Hearing Examiner has heard testimony, admitted documentary evidence into the record, and taken this matter under advisement.
2. Cecil and Jean Quackenbush, applicants, have a possessory ownership interest in Lots 1-3 of Correia's Addition to Irondale as recorded in Volume 3 of Plats, Page 8, records of Jefferson County, Washington. The three lots contain 14,457 square feet and are located at the southwest corner of the intersection of East Fitchburg Avenue and the unopened Pine Street right-of-way. Improvements on the site include a single-family residential home, detached garage, and cabin. The site has an address of 60 East Fitchburg Avenue.
3. In 1974 a previous owner secured a building permit from Jefferson County to construct the existing, 40.6 foot long, 24 foot wide, detached garage. The garage

measures 32 feet from the East Fitchburg Avenue right-of-way but extends two feet into the unopened right-of-way of Pine Street. Correia's Addition to Irondale was recorded on June 6, 1911, and roads therein are not statutorily vacated under RCW 36.87.090. However, Jefferson County has never opened said road and has vacated portions of said road to the south of the applicants' parcel. Vacation of ten feet of right-of-way would resolve the encroachment and provide an eight foot wide setback from the remaining 40 foot width of Pine Street.

4. Pine Street does not provide for area circulation and Jefferson County has not expended funds in the right-of-way acquisition or improvements to the area. Neither the County nor any private property owner has opened any portion of the street. All County departments recommend that the Board of Jefferson County Commissioners vacate the western ten feet of Pine Street adjacent to Lot 1 of Correia's Addition.
5. The applicants submitted a petition to vacate ten feet of the Pine Street right-of-way on October 12, 2010. Section 12.10.080 of the Jefferson County Code (JCC) requires the Examiner to hold a public hearing on all petitions for road vacations, review said petitions in accordance with the criteria set forth in Section 12.10.110 JCC, and provide a written recommendation to the Board to grant or deny the petition along with any recommended conditions of approval. Findings on each applicable criteria set forth in JCC 12.10.110 are hereby made as follows:
  - A. Based upon the recommendations of approval from all County departments, the proposed road vacation complies with the Jefferson County Comprehensive Plan and applicable County plans, policies, and ordinances. The Department of Community Development (DCD) has reviewed the request and found the vacation in compliance with the Transportation Element of the Jefferson County Comprehensive Plan. The Transportation Element identifies an existing, on-road, bike route along Irondale Road but not on Pine Street.
  - B. The road has not served as a means of providing area circulation. The vacation will have no impact on any abutting parcel since all have access from a County right-of-way.
  - C. East Jefferson Fire Rescue (Fire Protection District No. 1) recommends that the Board vacate Pine Street. Therefore, the vacation will not impair the effectiveness of fire, medical, law enforcement, or other emergency services.
  - D. The road does not serve as a utility corridor, and neither Public Works nor DCD recommend retention of a utility easement. Neither Quest nor Puget Sound Energy have utilities within the area and either recommend vacation or have no objection thereto.

- E. According to DCD the Transportation Element of the Comprehensive Plan identifies an existing, on-road, bike route along Irondale Road but not on Pine Street. No plan contemplates or identifies Pine Street for use as a trail or pathway.
  - F. The road does not abut a body of salt or fresh water and is located within the "UGA Low Residential Density 4-6" designation of the Comprehensive Plan and within the Rural Residential 1:5 zone classification. Thus, the parcel is not zoned for industrial purposes.
  - G. The proposed vacation will not landlock any parcel of property as all properties in the area abut County rights-of-way.
6. In accordance with JCC 12.10.120 Ralph Ericksen, a certified appraiser, submitted an "Appraisal Certificate" valuing the property at \$2,000.00. The applicants have not challenged said valuation.

**CONCLUSIONS:**

- 1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
- 2. The request to vacate the western ten feet of Pine Street adjacent to the east property line of Lot 1, Block 3, of Correia's Addition to Irondale, which measures approximately 124 feet in length, satisfies all criteria set forth in JCC 12.10.110 and therefore the Board of Jefferson County Commissioners should vacate said road subject only to the compensation required by JCC 12.10.120.

**RECOMMENDATION:**

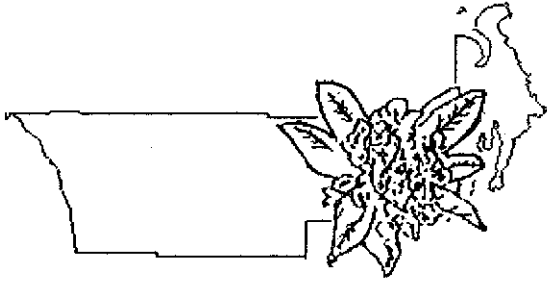
It is hereby recommended that the Board of Jefferson County Commissioners vacate the western ten feet of Pine Street adjacent to the east property line of Lot 1, Block 3, of Correia's Addition to Irondale, as recorded in Volume 3 of Plats, Page 8, records of Jefferson County, Washington.

**RECOMMENDED** this 20th day of December, 2010.



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**STEPHEN K. CAUSSEAU, JR.**  
Hearing Examiner



# Jefferson County Department of Public Works

623 Sheridan St.  
Port Townsend, WA 98368  
(360) 385-9160

*Frank Gifford, Public Works Director*  
*Monte Reinders, P.E., County Engineer*

## MEMORANDUM

**TO:** Board of County Commissioners  
Jefferson County Hearing Examiner

**FROM:** Monte Reinders, P.E., County Engineer *MR*

**DATE:** November 5, 2010

**SUBJECT:** Engineers Report  
Petition to vacate a portion of Pine St. associated with Block 3, within the Correia's Addition to Irondale  
Petitioner David Goldsmith, Representative for Cecil & Jean Quackenbush  
Project No. 97010002

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In accordance with Ch 36.87 RCW, I have examined the above referenced right of way, and submit the following report.

### FINDINGS

1. The request is to vacate: The westerly 10 feet of the West half of Pine Street adjacent to the East line of Lot 1, Block 3, of Correia's Addition to Irondale, as per plat, recorded in Volume 3 of Plats, Page 8 records of Jefferson County, Washington; Being approximately 10' in width and 124' in length. All situated in Section 2, Township 29 North, Range 1 West, W.M., Jefferson County, Washington; Please refer to attached map.
2. The right of way requested for vacation was originally dedicated, "to the uses of the public forever all streets and alleys shown hereon", on the Correia's Addition to Irondale and recorded on June 6th 1911, and therefore is not statutorily vacated under Chapter 36.87.090 RCW (it was platted after March 12, 1904).
3. The platted unopened right of way requested for vacation is not developed, does not provide for area circulation and no public expenditures have been made in the acquisition or improvements to the subject area.
4. The effectiveness of emergency services will not be impaired by this vacation.
5. The right of way does not abut a body of salt or fresh water (See RCW 36.87.130).

Attachment "B"



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6. The public may benefit by this vacation by reducing the County's liability for un-opened, un-maintained and encroached upon right of way.
7. The petitioner has a garage that was built 2 feet into the right of way. The proposed 10 foot road vacation will result in an 8 foot setback between the edge of the garage and the right of way line eliminating the encroachment.

#### RECOMMENDATION

Therefore, based on the foregoing Findings, and provided no additional contrary testimony or new findings are presented at the hearing, the County Engineer recommends that the Board of County Commissioners approve this vacation request.

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