

Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Philip Morley, County Administrator

From: Frank Gifford, Public Works Director *FG*

Agenda Date: September 12, 2011

Subject: A Resolution to Vacate a County Road,
Known as Keesling Road, County Road No. 360009.

Statement of Issue:

The Board is asked to consider the Hearing Examiner's Report and Recommendation (attached) pertaining to an Intent to Vacate per resolution #22-11, all that portion of Keesling Road No. 360009, lying southerly and westerly of State Route (SR) 104 and north of Center Road County Road No. 931507, intersecting with Center Road at Mile Post 7.3, lying in the NW 1/4 of Section 16, Township 28 North, Range 1 West. W. M.; with an approximate distance of 0.31 miles. Situate in Jefferson County, State of Washington. This vacation affects parcel number: 801162001. Please see attached map.

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

This road vacation petition was heard before the Jefferson County Hearing Examiner on August 9, 2011. 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:

The long term impact of the actual vacation of this road may help reduce future costs associated with the management of unnecessary right of way and potential maintenance expenditures.

Recommendation:

Department of Public Works recommends that the Board approve the vacation of the subject portion of right-of-way by signing the attached Resolution.

Department Contact:

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

Reviewed By:


Philip Morley, County Administrator

9/8/11
Date

STATE OF WASHINGTON
COUNTY OF JEFFERSON

In the matter of }
The vacation of }
Keesling Road }
County Rd No.360009 }

RESOLUTION NO. _____

WHEREAS, the Jefferson County Board of Commissioners, by the Intent to Vacate per Resolution #22-11, initiated the process to vacate Keesling Road, County Road No. 360009; and

WHEREAS, the Jefferson County Hearing Examiner held a public hearing on the proposed road vacation, August 9, 2011, to provide opportunity for public comment and consider comments from applicable departments, agencies, and the recommendation from the Jefferson County Engineer; and

WHEREAS, the Jefferson County Hearing Examiner determined that the 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 August 18, 2011.

NOW, THEREFORE BE IT RESOLVED that the following be vacated and abandoned pursuant to RCW 36.87 and Jefferson County Code 12.10: All that portion of Keesling Road No. 360009, lying southerly and westerly of State Route (SR) 104 and north of Center Road County Road No. 931507, intersecting with Center Road at Mile Post 7.3, lying in the NW 1/4 of Section 16, Township 28 North, Range 1 West. W. M.; with an approximate distance of 0.31 miles. Situate in Jefferson County, State of Washington. This vacation affects parcel number: 801162001.

ADOPTED THIS 12th DAY OF September, 2011

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

John Austin, Chairman

Phil Johnson, Member

SEAL:

David W. Sullivan, Member

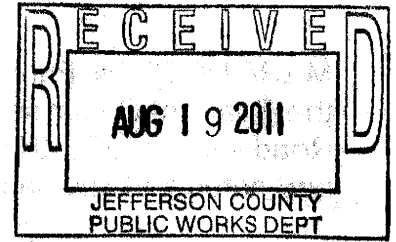
ATTEST:

Raina Randall
Deputy Clerk of the Board

OFFICE OF THE HEARING EXAMINER

JEFFERSON COUNTY

REPORT AND RECOMMENDATION



CASE NO.: CR#360009
County Initiated Road Vacation-Keesling Road

APPLICANT: Jefferson County
623 Sheridan Street
Port Townsend, WA 98368

REPRESENTATIVE: Mara Dotson

LANDOWNER: Jefferson County

SUMMARY OF REQUEST:

Vacation of that portion of Keesling Road No. 360009, lying southerly and westerly of State Route (SR) 104 and north of Center Road County Road No. 931507, intersecting with Center Road at Mile Post 7.3, lying in the NW 1/4 of Section 16, Township 28 North, Range 1 West. W. M.; with an approximate distance of 0.31 miles.

SUMMARY OF RECOMMENDATION:

Vacate road.

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 August 9, 2011, 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, Public Works Department, appeared and referred to Resolution 22-11 of the Board of Commissioners declaring its intent to vacate a .31 mile portion of Keesling Road south of SR-104 and accessing Center Road. She then presented the Staff Report and noted that she had received no objections from any agencies or the public.

WILL BUTTERFIELD, Public Works Department, appeared and testified that the road is an area of litter and abandoned vehicles. The County and DNR discussed installing ecology blocks to restrict vehicular access to address the litter and illegal dumping. The County and DNR were interested in a long term solution and consequently the County decided to initiate a road vacation by way of Resolution #22-11. The petitioner for the road vacation pays the cost of the property, but since the County is the petitioner, no fees are paid.

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 DECISION:

FINDINGS:

1. The Hearing Examiner has heard testimony, admitted documentary evidence into the record, and taken this matter under advisement.
2. Road vacations are exempt from SEPA, per WAC 197-11-800(2)(h).
3. Notice made by mail to Adjacent Property Owners: June 23, 2011
Publication of legal notice in the Jefferson County Leader: July 27, 2011 & August 3, 2011
Notice posted at site by Department of Public Works: July 19, 2011
4. Pursuant to Resolution No. 22-11 the Jefferson County Board of Commissioners declared it in the public interest to vacate a portion of Keesling Road in unincorporated Jefferson County. Said road extends from Center Road at Mile Post 7.3 to near the west edge of the right-of-way of State Route (SR) 104, a distance of approximately .31 miles. Due to the lack of security, illegal dumping and littering occurs along the road. The State Department of Natural Resources (DNR) owns all property on both sides of the portion of Keesling Road proposed for vacation.
5. Keesling Road consists of a remnant of a County road that extended between Quilcene and Center Road. Said road was established in 1905 as Tarboo Cutoff Road and has a 60 foot wide, right-of-way width. In August, 1935, a County road

project realigned the Quilcene/Center Road route, and the portion of Keesling Road proposed for vacation became a dead-end, unusable right-of-way surrounded by State property.

6. DNR supports the vacation and no agency or member of the public has expressed either opposition to or concern with the vacation.
7. 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 JCC 12.10.110; and provide a written recommendation to the Board to either 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 County departments, the proposed road vacation complies with the Jefferson County Comprehensive Plan and all applicable plans, policies, and ordinances. The Department of Public Works (PW) has reviewed the request and found the vacation within the public interest as it will reduce the County's liability and maintenance expense for an unneeded and unused right-of-way. The vacation also complies with the Transportation Element of the Jefferson County Comprehensive Plan.
 - B. Keesling Road does not provide area circulation. The road extends from Center Road to the vicinity of SR-104 where it dead-ends. The road provides no access to any parcel other than those owned by the State.
 - C. East Jefferson Fire Rescue (FPD#2) and JEFFCOM 911 have no issues with the road vacation. The Jefferson County Sheriff likewise has no issues. Therefore, the vacation will not impair the effectiveness of fire, medical, law enforcement, or other emergency services.
 - D. The road does not presently serve as a utility corridor, and neither Public Works nor DCD recommend retention of a utility easement. Jefferson County PUD#1, Qwest Telephone, CenturyLink, and Puget Sound Energy either recommend approval or have no objection to the vacation.
 - E. The Transportation Element of the Comprehensive Plan identifies no bike routes on Keesling Road.
 - F. Keesling Road does not abut a body of salt or fresh water, is not zoned for industrial purposes, and vacation will not landlock any parcel of real property.
 - G. The proposed vacation does not landlock any parcel of property, as all properties abutting the road are owned by the State of Washington.

8. No appraisal was performed as Jefferson County is the petitioner. A road vacation petitioner pays any fees associated with the processing of the petition and a portion of the value of the parcel.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
2. The request to vacate that portion of Keesling Road No. 360009 lying southerly and westerly of State Route (SR) 104 and north of Center Road County Road No. 931507, intersecting with Center Road at Mile Post 7.3, and lying in the NW ¼ of Section 16, Township 28 North, Range 1 West. W.M.; with an approximate distance of 0.31 miles satisfies all criteria set forth in JCC 12.10.110. Therefore, the Board of Jefferson County Commissioners should vacate said road with no conditions of approval.

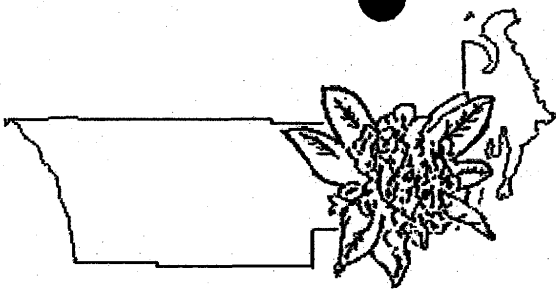
RECOMMENDATION:

It is hereby recommended that the Board of Jefferson County Commissioners vacate that portion of Keesling Road No. 360009, lying southerly and westerly of State Route (SR) 104 and north of Center Road County Road No. 931507, intersecting with Center Road at Mile Post 7.3, and lying in the NW ¼ of Section 16, Township 28 North, Range 1 West. W.M. with an approximate distance of 0.31 miles, situated in Jefferson County, State of Washington.

RECOMMENDED this 18th day of August, 2011.



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: July 26, 2011

SUBJECT: Engineers Report regarding the intent to vacate Keesling Road, County Road No. 360009.

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

FINDINGS

1. The intent is to vacate all that portion of Keesling Road No. 360009, pursuant to Resolution No. 22-11, lying southerly and westerly of State Route (SR) 104 and north of Center Road County Road No. 931507, intersecting with Center Road at Mile Post 7.3, lying in the NW 1/4 of Section 16, Township 28 North, Range 1 West. W. M.; with an approximate distance of 0.31 miles. Situate in Jefferson County, State of Washington. Please refer to attached map.
2. The right of way requested for vacation was originally a portion of the Quilcene to Center Road which was established in 1905 as Tarboo Cutoff Road with a 60 foot right of way width. It was realigned through County Road Project No. 16, on or about August, 1935.
3. This portion of Keesling Road No. 360009 does not provide for area circulation nor does the proposed action land lock any parcel of real property.
4. The adjoining property owner/managers (the Department of Natural Resources) are supportive of the road vacation in order to more efficiently manage the State property.
5. The effectiveness of emergency services will not be impaired by this vacation.
6. The right of way does not abut a body of salt or fresh water (See RCW 36.87.130).

Attachment "B"

7. The public may benefit by this vacation by reducing the County's liability and maintenance expense for unneeded right of way.

RECOMMENDATION

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

Proposed Road Vacation

CR# 360009, Keesling Road

All that portion of Keesling Road No. 360009 lying westerly of SR 104, intersecting with Center Road No. 931507 at Mile Post 7.3, lying in the NW 1/4 of Section 16, Township 28 North, Range 1 West. W. M.; with an approximate distance of 0.31 miles. Situate in Jefferson County, State of Washington.

