

**DEPARTMENT OF LOCAL SERVICES
ROAD SERVICES DIVISION
REPORT TO THE HEARING EXAMINER**

PUBLIC HEARING: December 5, 2024 at 2:30 pm

**Remote public hearing by the King County Hearing Examiner's Office
Seattle, WA 98104**

November 20, 2024

PETITION TO VACATE: A portion of 104th Ave SW / Summit Ave and a portion of 105th Ave SW / Bluff Ave right-of-way, Vashon Island.

Road Services File: V-2760

Proposed Ordinance: 2024-0280

A. GENERAL INFORMATION

Petitioner(s): Andrew Tristani

Location of Road: Vashon Island
Thomas Brothers Page 683
Quarter Section – SE 18-22-3

Adjacent Parcels: 356380-0100

B. HISTORY AND OVERVIEW

R.C.W. 36.87 establishes the right of property owners to petition a county legislative body for the vacation of road rights-of-way. K.C.C. 14.40 establishes King County policies and procedures for accomplishing same.

The petition was filed with the Clerk of the King County Council on September 26, 2022, by Andrew Tristani seeking the vacation of a portion of 104th Ave SW/Summit Ave and a portion of 105th Ave SW/Bluff Ave on Vashon Island.

The subject right-of-way was dedicated to King County in the 1907 Imnaha Addition Plat as recorded in Volume 16 of Plats, Page 10, records of King County. See Exhibit 6.

The subject portion of right-of-way qualifies as unopen and unmaintained county road right-of-way.

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C. NOTICE

Notice of this hearing was posted at the approximate ends of the proposed vacation areas on November 14, 2024, see Exhibit 15, and published in accordance with requirements of RCW 36.87.060.

D. REVIEWING AGENCIES AND COMMENTS

The King County Department of Local Services, Road Services Division (“Roads”) solicited comments from agencies within King County and utilities serving the area regarding the impacts of vacating the subject area. The responses received are listed below. Comcast indicated that it may have a cable buried on both the Petitioner’s parcel and the vacation areas and would need an easement. No other utility or agency identified infrastructure within the subject right-of-way or requested an easement over the vacation area.

Roads has reached out to Comcast regarding the need for an easement over the vacation area. Comcast has stated that it appears likely that the line is not in the vacation area but within the right-of-way for SW 232nd Street running on the North side of the vacation area and Petitioner’s property. The proposed ordinance contains language preserving an easement for any utility within the vacation area.

Roads did not receive responses from Vashon Fire and Rescue, and the following King County agencies: Executive Services, Division of Real Estate Services and Historical Preservation; Department of Natural Resources and Parks, Open Space Division and Water and Land Division; and the Department of Local Services Road Services Division Maintenance Section and Archeologist. A copy of the Notice is included as Exhibit 8.

ATTACHMENTS	AGENCY	COMMENT
1.	Puget Sound Energy	Response dated 7/13/2023. PSE doesn’t have any equipment in the area of V-2760.
2.	Comcasat	Response dated 06/13/2023. Comcast has buried cable across the North portion of parcel 3563800100. This continues to the West to provide service to two addresses 23145 Vashon Hwy SW and 10505 SW 230 th St. This appears to cross the North side of both proposed easement areas. Response dated 11/19/2024. Our in house map, when overlaid on google satellite view, shows we have a line that extends from the ROW along Vashon HWY SW going West to an end of line run. Our map shows it slightly overlaid along the North side of the lots. In many cases we don’t have a separate easement if power has already established a utility easement or if it falls in a ROW path.

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3.	Lumen/ CenturyLink	Response dated 4/28/2023. Lumen has no objections with respect to the areas proposed for vacation.
4.	DLS Permitting	Response dated 01/05/2023. I have completed my review of the proposed ROW vacation and see no issues from a Planning perspective. The site is zoned RA-5 and access from this and adjacent properties will remain through the use of existing 105 th and 104 th Ave. SW. No decrease to lot sizes, but rather they will increase as a result, so no impacts to minimum lot sizes
5.	DNRP – Parks	Response dated 01/27/2023. No future planned park or trail improvements in the vicinity. ROW Is not necessary or useful for current or future trail. No need to preserve all or a portion of the ROW.
6.	DNRP – Wastewater Division	Response dated 05/02/2023. No facilities in the subject ROW. Proceed with vacation.
7.	DLS Roads- CIP & Planning Section	Response dated 01/25/2023 The subject right-of-way is not necessary or useful as part of the present or future county road system. This right-of-way is in a sloped and wooded rural area behind residential homes fronting Vashon Highway SW. There are no current road projects or long range transportation needs identified in the area of the right-of-way. The existing road network provides adequate access to all residents in the area. The subject right-of-way does not and would not provide a benefit to the county road system. The right-of-way is not necessary or useful for the present or future county transportation system. The current network of roads in the area are adequate to serve current and future transportation needs in the area. Roads has no future planned improvements in the vicinity.
8.	DLS Roads- Traffic Engineering	Response dated 01/12/2023. KCDLS, Road Services Division, Road and Traffic Engineering Development Review and Traffic Operations staff would have no objection to this proposed right-of-way vacation.
9.	King County Metro Transit	Response dated 01/19/2023. King County Metro has no interest or comment for road vacation V-2760.
10.	DLS Roads – Survey	Response dated 02/03/2023. Right-of-way doesn't appear to be buildable connection – steep slope. Lots in the area have other access. Recommend approve with any required easements.

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11.	DLS Roads Environmental Unit	Response dated 01/26/2023. The Environmental Unit has no objections to this road vacation request. The petitioner should be made aware that these portions of right-of-way are within steep slope and erosion hazard critical areas with associated development standards found at KCC 21A.24.310 and 21A.24.220, respectively. They are also withing a Category 2 critical aquifer recharge area (see KCC 21A.24.311-314).
12.	DLS Roads Drainage	Response dated 12/23/2022. Ok to Vacate.

E. COMPENSATION

Utilizing the model prepared by King County Office of Performance, Strategy and Budget (PSB), Roads solicited from the Assessor’s Office a determination of value for the vacation area that will attach to the property owned by Petitioners. See Exhibit 9.

If the petition is approved, Petitioner’s parcel 3563800100 will receive approximately 5,995 square feet. The Assessor’s Office determined that adding approximately 5,995 square feet to the parcel would result in a \$5,000 change in value. The valuation as applied to the compensation model prepared by the County Office of Performance Strategy and Budget (PSB), with offsets for management and maintenance costs and future expected property tax, results in no charge of compensation to Petitioner should the vacation be approved. See Exhibit 10.

F. COUNTY ROAD ENGINEER RECOMMENDATION

The County Road Engineer has determined that the subject portion of right-of-way is useless to the county transportation system and that petition V-2760 should be approved without the condition of payment of compensation in accordance with the PSB model.

The full County Road Engineer’s Report is attached as Exhibit 12.

PROPOSED RIGHT-OF-WAY VACATION V-2760

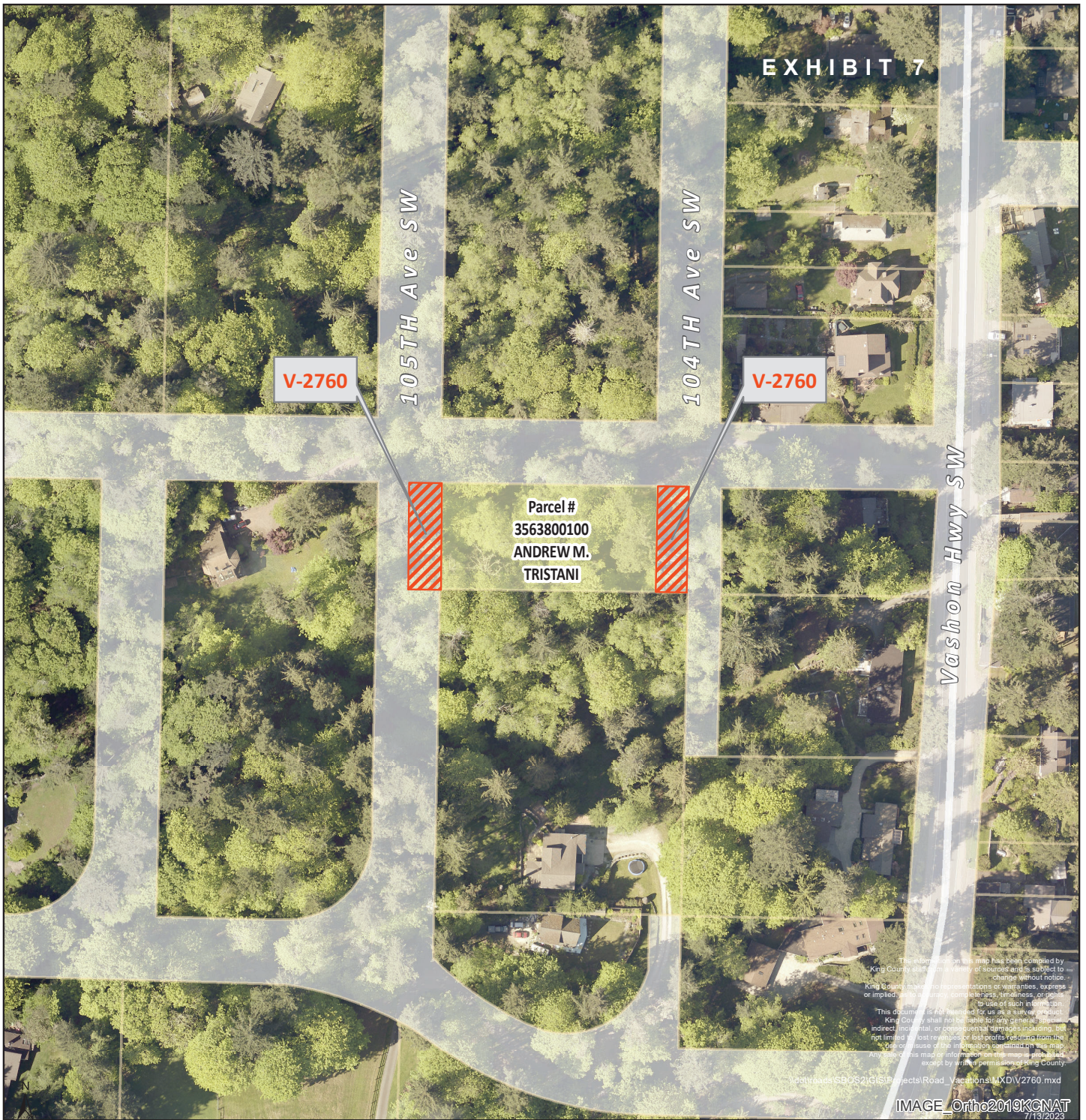


EXHIBIT 7

V-2760

105TH Ave SW

104TH Ave SW

V-2760

Parcel #
3563800100
ANDREW M.
TRISTANI

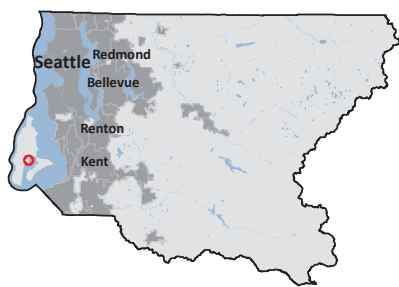
Vashon Hwy SW






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IMAGE: Ortho2019KGNAT 7/13/2023

Vacation File: V-2760
104th Ave SW and 105th Ave SW
SE 18-22-03
ROW Area (Approximate):
5,995 FT2 or 0.14 Acres



-  Pending Road Vacation
-  Petitioner Parcel
-  Parcels
-  Roadlog - Unincorporated, Maintained Streets
-  King County Right of Way

