

November 1, 2016

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
Telephone (206) 477-0860  
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[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**REPORT AND RECOMMENDATION**

**SUBJECT:** Department of Transportation file no. **V-2680**  
Proposed ordinance no. **2016-0457**  
Adjacent parcel nos. **2924089001, 2924089033**

**CLAREMONT FOREST**  
Road Vacation Petition

**Location:** Portion of B.W. Redding road extension no. 1, aka County road no. 494

**Petitioner:** Claremont Forest LLC  
*represented by* **Liway Hsi**  
40404A SE 70th Drive  
Snoqualmie, WA 98065  
Telephone: (909) 525-8610  
Email: [ngfy90t@yahoo.com](mailto:ngfy90t@yahoo.com)

**King County:** Department of Transportation  
*represented by* **Lydia Reynolds-Jones**  
201 S Jackson Street  
Seattle, WA 98104  
Telephone: (206) 477-3631  
Email: [lydia.reynolds-jones@kingcounty.gov](mailto:lydia.reynolds-jones@kingcounty.gov)

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary Recommendation:	Approve vacation
Department's Final Recommendation:	Approve vacation
Examiner's Recommendation:	Approve vacation

## PUBLIC HEARING:

After reviewing the Department of Transportation (Department) report and accompanying attachments and exhibits, the Examiner conducted a public hearing on the matter on October 24, 2016, in the Fred Conference Room, 12th Floor, King County Courthouse, 516 Third Avenue, Seattle, Washington. We reopened the record on October 28, when we discovered some of the square footages did not match. The Department clarified the issue on October 31, thus re-closing the record.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office. Having reviewed the record in this matter, the Examiner now makes and enters the following:

## FINDINGS AND CONCLUSIONS:

### 1. General information:

Road name and location:	Portion of B.W. Redding road extension no. 1, aka County road no. 494
Right-of-way classification:	C-Class
Area:	23,542 square feet
Compensation:	\$39.96

2. Claremont Forest LLC petitioned the County to vacate the above described public right-of-way. On September 30, 2016, the Examiner received the Department report recommending approval.
3. The required notice of hearing was provided. The Examiner conducted the public hearing on behalf of the Metropolitan King County Council.
4. Except as provided herein, the Examiner adopts and incorporates the facts set forth in the Department's report and the statements of fact contained in proposed ordinance no. 2016-0457. Specifically, the report lists an incorrect square footage to be vacated; the correct number is 23,542. The Department's report will be attached to those copies of this report and recommendation that are submitted to the County Council.
5. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are in the hearing record as exhibits 13, 15, and 16.
6. Chapter 36.87 RCW sets the general framework for county road vacations, augmented by KCC Chapter 14.40. The standard is that:

If the county road is found useful as a part of the county road system it *shall* not be vacated, but if it is not useful and the public will be benefited by the vacation, the county legislative authority *may* vacate the road or any portion thereof.

RCW 36.87.060(1) (emphasis added). So while denial is mandatory where a petitioner fails to meet the standard, approval is discretionary where a petitioner does meet the standard. Where approval is warranted, the final question is what compensation is appropriate.

7. The subject right-of-way segment was acquired by a 1912 quitclaim deed. No public funds were expended in its acquisition, it is not currently opened, constructed or maintained for public use, and it is not known to be used informally for access to any property. Vacation of the right-of-way would have no adverse effect on the provision of access and fire and emergency services to the abutting properties and surrounding area. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes.
8. As a “C-Class” road, compensation is based on 50% of the assessed valuation, as determined by County staff. Here, because the surrounding property is zoned Forest and the property is used as a tree farm, the proceeds the public gains from essentially selling surplus property is only \$39.96. Yet the public also gains (slightly) from adding the road area to the permanent tax rolls. Moreover, the County is saved potential costs, as a property owner, for something like cleaning up illegal dumping on the road area, and the general risk the liability a property owner (especially an absentee one) carries. Here the landowner seeks to incorporate the right-of-way area into ongoing tree farm operations, and will clean up the invasive Scotch broom currently on the swath.
9. The \$39.96 compensation required by law to be paid as a condition precedent to vacation of this road has already been deposited with King County.
10. We conclude that the road segment subject to this petition is not useful as part of the King County road system and that the public will benefit from its vacation.

RECOMMENDATION:

APPROVE proposed ordinance no. 2016-0457 to vacate the subject road right-of-way.

DATED November 1, 2016.



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David Spohr  
Hearing Examiner

## NOTICE OF RIGHT TO APPEAL

A person appeals an Examiner recommendation by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD), and providing copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner's recommendation. Please consult KCC 20.22.230 for exact requirements.

Prior to the close of business (4:30 p.m.) on **November 28, 2016**, an electronic copy of the appeal statement must be sent to [Clerk.Council@kingcounty.gov](mailto:Clerk.Council@kingcounty.gov) and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if the Clerk does not actually receive the fee and the appeal statement within the applicable time period.

Unless the appeal requirements of KCC 20.22.230 are met, the Clerk of the Council will place on the agenda of the next available Council meeting a proposed ordinance implementing the Examiner's recommended action.

If the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about "next steps."

MINUTES OF THE OCTOBER 24, 2016, HEARING ON THE ROAD VACATION  
 PETITION OF CLAREMONT FOREST, DEPARTMENT OF TRANSPORTATION FILE NO.  
 V-2680.

David Spohr was the Hearing Examiner in this matter. The following person was in attendance:  
 Lydia Reynolds-Jones.

The following exhibits were offered and entered into the hearing record:

Exhibit no. 1	Roads Services report to the Hearing Examiner, sent September 30, 2016
Exhibit no. 2	Letter from Clerk of the Council to KCDOT transmitting petition, dated December 12, 2013
Exhibit no. 3	Cover letter to petition, transmitted December 12, 2013
Exhibit no. 4	Petition for vacation of a county road, transmitted December 12, 2013
Exhibit no. 5	Legal descriptions of Petitioner's properties
Exhibit no. 6	Petitioner's map of vacation area
Exhibit no. 7	Claremont Forest LLC's Washington State business license, transmitted December 12, 2013
Exhibit no. 8	Filing fee check no. 562 in the amount of \$100
Exhibit no. 9	Receipt no. 00988 for filing fee, dated December 12, 2013
Exhibit no. 10	Letter from KCDOT to Petitioner acknowledging receipt of petition and explaining road vacation process, dated February 24, 2014
Exhibit no. 11	Petitioner's surveys and legal descriptions of vacation area
Exhibit no. 12	Petitioner's revised legal description of vacation area
Exhibit no. 13	Map of vacation area
Exhibit no. 14	Quit-claim deed recorded August 14, 1912, recorded in Volume 681 of Deeds on page 44
Exhibit no. 15	Site map depicting vacation area
Exhibit no. 16	Aerial photograph depicting vacation area
Exhibit no. 17	Large lot segregation no. EMSC 13-0004
Exhibit no. 18	KCDOT request for input from stakeholders, sent via email June 29, 2016
Exhibit no. 19	Letter from KCDOT to Petitioner recommending approval and requesting compensation, dated August 5, 2015
Exhibit no. 20	Compensation worksheet
Exhibit no. 21	Compensation payment, check no. 17-247289767 in the amount of \$39.96
Exhibit no. 22	Receipt no. 9652 for compensation payment, dated August 21, 2015
Exhibit no. 23	Letter from KCDOT to KC Council recommending approval and transmitting proposed ordinance, dated September 7, 2016
Exhibit no. 24	Proposed ordinance 2016-0457
Exhibit no. 25	Fiscal note
Exhibit no. 26	Affidavit of posting, noting posting date of September 28, 2016
Exhibit no. 27	<i>Reserved for affidavit of publication</i>

DS/vsm

November 1, 2016

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**CERTIFICATE OF SERVICE**

SUBJECT: Department of Transportation file no. **V-2680**  
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Road Vacation Petition

I, Elizabeth Dang, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND RECOMMENDATION** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- caused to be placed with the United States Postal Service, with sufficient postage, as **FIRST CLASS MAIL** in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED November 1, 2016.



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Elizabeth Dang  
Legislative Secretary

*All Parties of Record***Altschuler, Jennifer**

Department of Transportation

Department of Transportation

**Treichel, Chris**

Department of Transportation

**Ballweber, Jim**

Department of Transportation

**Biggs, Jim**

Wave Broadband

mailed paper copy

**Brater, Rick**

Department of Transportation

Department of Transportation

**Burris, Jeffrey**

Comcast Cable

mailed paper copy

**Christian, Claire**

Department of Natural Resources and Parks

**Claussen, Kimberly**

Department of Permitting and Environmental Review

**Eichelsdoerfer, Robert**

Department of Transportation

**Freitag, Ivy**

Department of Natural Resources and Parks

**Harb, Alex**

CenturyLink

mailed paper copy

**Hsi, Liway**

Claremont Forest LLC

mailed paper copy

**Ishimaru, Jim**

Department of Transportation

Department of Transportation

**Kulish, Michael**

Facilities Management Division

**McDonald, Andrew**

Department of Natural Resources and Parks

**Morehead, Tina**

Department of Transportation

Department of Transportation

**Noris, Anne**

Metropolitan King County Council

**Pilkenton, Raymond**

Comcast Cable

mailed paper copy

**Potts, Michela**

Puget Sound Energy

mailed paper copy

**Torkelson, Cindy**

Department of Transportation