

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

PUBLIC HEARING: Monday April 10, 2017 at 2:00 pm or shortly thereafter

**King County Hearing Examiner's Office
516 Third Avenue, Fred Conference Room, 12th Floor
Seattle, WA 98104**

November 21, 2016

**PETITION TO VACATE: Portion of SE 180th Street
(Plat of Rainbow Bend)**

Transportation File: V-2669

Proposed Ordinance: 2017-0078

A. GENERAL INFORMATION

Petitioner(s): King County Department of Natural Resources and Parks,
Water and Land Division

Location of Road: Portion of SE 180th Street
Thomas Brothers Page 657, G-1
Zoning – RA-5 and RA-10

Adjacent Parcels: #3223069091, 3223069071, 7120400005, 7120400010, 7120400015,
7120400020, 7120400025, 7120400030, 7120400035, 7120400045,
7120400050, 7120400055, 3223069093, 3223069005, 3223069096

B. HISTORY

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 on August 17, 2012 with the Clerk of the King County Council. The Department of Transportation, Road Services Division (Roads) circulated the request for vacation, soliciting comments from the agencies listed below. The petition requested vacation of the entire portion of SE 180th Street right of way lying westerly of the west margin of SE 203rd Street and

Report to the Hearing Examiner

V-2669

Page 2 of 9

lying north of the Cedar River and lying east of the Renton maple Valley Road and lying south of the north line of Section 32, Township 23 North, Range 6 East, W.M.

A search of records by staff found that King County acquired the subject right-of-way by dedication in the Plat of Rainbow Bend, recorded in Volume 42 of Plats, page 20, records of King County Washington, and through two Quit Claim Deeds. The deeds were recorded in 1932 and 1965. No public funds were expended in this acquisition. The subject portion of the right-of-way was opened for public use and maintained by the County. However, in conjunction with the King County Department of Natural Resources and Parks, Water and Land Division, the road surface was removed and the area restored for salmon habitat and as part of a flood hazard reduction project. The right of way would be considered "B-Class" under King County Code 14.40.020. However, pursuant to 14.40.020(E), the County Road Engineer recommends that compensation be waived.

As a part of WLRD's salmon recovery project, the properties within Rainbow Bend are now fully burdened by Deeds of Right to Use Land for Salmon Recovery, which prohibit any use of the land inconsistent with the salmon recovery and conservation purposes. No improvements may be made of the property nor any use that does not benefit and promote salmon recovery and conservation.

Through WLRD's efforts to reduce flood hazard and improve salmon recovery, the river has cut channels through the parcels, creating islands within the river. What were once individual lots capable of sustaining a private homes, have become wildlife habitat forever dedicated to salmon recovery and conservation.

The right-of-way and all properties within the plat are now dedicated to and serving the purposes of the citizenry of King County as salmon recovery, conservation property and flood hazard reduction on the Cedar River. Vacation of this right-of-way and the waiver of compensation would further benefit King County.

In accordance with King County Code 14.40.020(E), the County Council may way the compensation otherwise assessed against a road vacation petitioner. In light of the strong restrictions on all future use of this property rendering it of little to no economic value, but of great value to the environment and citizenry of the King County, the County Road Engineer is prepared to recommend to the County Council that all compensation associated with this road vacation be waived.

Notice of this hearing was posted at the termini of the proposed vacation area on March 13, 2017 and published in accordance with requirements of RCW 36.87.060.

C. REVIEWING AGENCIES AND COMMENTS

Roads did not receive responses from Frontier Communication or the following King County agencies: Department of Transportation, Traffic Engineering; Department of Transportation,

Report to the Hearing Examiner

V-2669

Page 3 of 9

Transit; and Department of Natural Resources and Parks, Open Space division. A copy of the Final Notice is included as Exhibit #14.

ATTACHMENTS	AGENCY	COMMENT
1.	CenturyLink	Response dated 02/27/2013. CenturyLink has no objections with respect to the areas proposed for vacation. The areas indicated are not within the CenturyTel of Washington d/b/a CenturyLink serving area. This vacation response is submitted with the stipulation that if CenturyLink facilities are found within the vacated area as described, the Applicant will relocate the facilities at Applicant's expense and within guidelines set by CenturyLink and all regulating entities.
2.	Broadstripe (WaveBroadband)	Response dated 10/12/2016. WAVE has no facilities at that location.
3.	Comcast	Response dated 05/06/2013. Comcast has already removed all their lines on existing PSE poles. Response dated 10/10/2016. Comcast facilities have been removed from the area. No issues with street vacation.
4.	Cedar River Water & Sewer District	Response dated 02/27/2013. The proposed ROW vacation is just outside the water service area of Cedar River Water and Sewer District. The river is out boundary in that area.
5.	Puget Sound Energy	Response dated 01/05/2017. PSE does not have facilities located within the street vacation area of SE 180 th Street.
6.	DPER	Response dated 10/10/2016. No objection.
7.	DOT- Roads Maintenance	Response dated 04/08/2013. No apparent need for this right-of-way from a Roads Maintenance perspective. No easements desired. Right of way is not maintained. Prior to road closure, road was maintained and public funds were expended. Response dated 10/11/2016. The work is already completed. Road maintenance has no comments/concerns.
8.	DOT- CIP & Planning Section	Response dated 10/11/2016. No transportation planning concerns with this road vacation.

Report to the Hearing Examiner

V-2669

Page 4 of 9

9.	DNRP- WLRD	Response dated 03/25/2013. WLRD, Stormwater Services Section, made the following determination: Other than some short roadside drainage ditches, there appears to be no drainage/stormwater facilities affected by this vacation. We have no objections to this request to vacate that portion of SE 180 th Street, west of 203 rd Ave SE.
10.	DNRP- Parks Div.	Response dated 11/23/2016. No objections to this request. Response dated 03/03/2013. Parks has no objections to this request.
11.	DNRP-Wastewater	Response dated 10/11/2016. It does not appear that King County – WTD has any facilities that will be impacted by the proposed road vacation.
12.	EXEC- Landmarks & Heritage	Response dated 10/31/2016. Reviewed our data and files for this location, and the adjacent parcels, and find no indications of historical resources that would be affected by this road vacation. We have no concerns and no conditions to request.
13.	DES-Real Estate Services	Response dated 10/10/2016. Real Estate Services has no objection to the vacation of the SE 180 th Street as proposed.
14.	DOT-Enviro Unit	Response dated 10/12/2016. The Environmental Unit does not have any concerns regarding this road vacation.

D. OTHER COMMENTS:

E. ISSUES:

Exhibit #18 Affidavit of Publication is typically received either on the day of the hearing or shortly thereafter. The Clerk of Council will forward a copy of the affidavit to both the Examiner’s Office and Road Services Division when they receive it.

F. COUNTY ROAD ENGINEER RECOMMENDATION

The Department of Transportation recommends vacating the right-of-way.

G. EXHIBITS

Report to the Hearing Examiner

V-2669

Page 5 of 9

Exhibit #	DESCRIPTION
1.	DOT Report to the Hearing Examiner November 21, 2016 with 14 attachments.
2.	Petition transmittal letter dated August 17, 2012 to the Department of Transportation from the Clerk of Council.
3.	Petition for Vacation of a County Road including legal descriptions of Petitioner's properties, letter from Petitioner containing direction to charge filing fee to POETA billing. Received August 17, 2012.
4.	Vicinity Map
5.	King County Plat Map of the Plat of Rainbow Bend
6.	Record of Quit Claim Deed from Henry McDonald to King County April 9, 1932. Deed number 1525/328
7.	Quit Clam Deed from Henry Seijas and Many L. Seijas dated August 26, 1965 recorded under 592518
8.	Site map depicting vacation area.
9.	Aerial Map showing vacation area over 2015 aerials
10.	Deed of Right to Use Land for Salmon Recovery, recorded under King County Recording Number 20081107000786
11.	Copy of final agency notice sent to stakeholders on October 10, 2016, including comment sheet, vicinity map, and maps of vacation area.
12.	Letter dated November 15, 2016 to petitioners notifying petitioners of County Road Engineer's recommendation of approval of the road vacation petition and request for compensation
13.	Transmittal Letter dated November 15, 2016, to Council providing recommendation of KCDOT and County Road Engineer.
14.	Ordinance transmittal letter dated February 9, 2017 from King County Executive to Councilmember Joe McDermott. (note: signed copy unavailable)
15.	Proposed Ordinance 2017-xxxx with Attachment A – site map.
16.	Fiscal Note.
17.	Affidavit of posting for hearing & notice of hearing.
18.	Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council.

Report to the Hearing Examiner
V-2669
Page 6 of 9

Mailing List Road Vacation File V-2669
November 21, 2016

Petitioners

King County DNRP, WLRD
Attn Jon Hansen
201 S. Jackson St., Suite 600
Seattle, WA 98104
(206) 477-4706
Jon.Hansen@kingcounty.gov

Puget Sound Energy
P.O. Box 97034
MS : EST-06W
Bellevue, WA 98009
Attn: Michela Potts
Michela.Potts@pse.com
(425) 462-3026

Wave Broadband
10427 MLK Jr Way S
Tukwila, WA 98178
Attn: Jim Biggs
jbiggs@WaveBroadband.com
(206) 926-2906

CenturyLink
6700 Via Austi Pkwy
Las Vegas, Nevada 89119
Attn: Jack Ryan
(702)244-7055

Clerk of the Council
MS - KCC-CC-1200

King County DNRP - Parks and Recreation
Division
MS - KSC-NR-0700
Attn: Robert Nunnenkamp, Property Agent III
Capital Planning and Land Management
Phone: (206) 477-4581
Robert.Nunnenkamp@kingcounty.gov

Appellants

Comcast Cable
Attn: Bill Walker
Bill_Walker@comcast.com

Frontier Communications
Attn: Justin Fontes
Justin.Fontes@ftr.com
(425) 263-4018

King County DOT - Road Services Division
MS – KSC-TR-0313
Attn: Rick Brater, P. E., County Road Engineer
(206) 477-3601

King County DOT - Road Services Division
MS – KSC-TR-0313
Attn: Leslie Drake, Road Property Program
Manager
(206) 477-7764
Leslie.Drake@kingcounty.gov

Report to the Hearing Examiner

V-2669

Page 7 of 9

King County DES – Facilities Management
Division

MS - ADM-ES-0830

Attn: Michael Kulish, Supervisor

Real Estate Services Section

(206) 477-9375

Michael.Kulish@kingcounty.gov

King County DOT - Road Services Division

MS – KSC-TR-0313

Attn: Cindy Torkelson, Program Manager II

Strategic Business Operations Section

(206) 477-3638

Cindy.Torkelson@kingcounty.gov

King County DNRP - Wastewater Treatment
Division

MS - KSC-NR-0512

Attn: Trevor Carr, Real Property Agency III

Environmental and Community Services
Section

Regulatory Compliance & Land Acquisition
Services

(206) 477-5452

Trevor.Carr@kingcounty.gov

King County DNRP - Water & Land
Resources Division

MS - KSC-NR-0600

Attn: Andrew McDonald, Engineer III

Storm Water Services

Asset Management Unit

(206) 477-4768

Andrew.Mcdonald@kingcounty.gov

King County DNRP - Water & Land Resources
Division

MS - KSC-NR-0600

Attn: Robert Jackson, Title & Escrow Officer

Rural and Regional Services Section

Open Space Acquisitions

(206) 477-4604

Robert.Jackson@kingcounty.gov

King County DOT - Road Services Division

MS - KSC-TR-0313

Attn.: Tina Morehead, Senior Environmental
Engineer

Maintenance Section

Environmental Unit

(206) 477-3551

Tina.Morehead@kingcounty.gov

King County DOT - Road Services Division

MS – RSD-TR-0100

Attn.: Jim Ballweber, Site Development

Specialist II

Maintenance Section

Environmental Unit

(206) 477-2374

Jim.Ballweber@kingcounty.gov

King County DOT - Road Services Division

MS - KSC-TR-0313

Attn.: Jim Ishimaru, Transportation Planner
III

Strategic Business Operations Section

Policy, Planning & Grant Administration

(206) 477-3623

Jim.Ishimaru@kingcounty.gov

King County DOT – Transit

MS - KSC-TR-0431

Attn: Jennifer Altschuler, Real Property

Agent III

Design & Construction

Real Estate/Land Use/ Environmental Planning

Phone: (206) 477-5925

Jennifer.Altshuler@kingcounty.gov

King County DOT - Road Services Division

MS – KSC-TR-0313

Attn: Robert Eichelsdoerfer, Engineer III

Engineering Services Section

Road Design & Traffic Engineering

(206) 477-3652

Robert.Eichelsdoerfer@kingcounty.gov

Report to the Hearing Examiner

V-2669

Page 8 of 9

King County DPER
MS – SNO-DP-0210
Attn: Kim Claussen, Program Manager III
Current Planning Section
(206) 477-0329
Kim.Claussen@kingcounty.gov

King County DNRP
MS – KSC-NR-0700
Attn: Ivy Freitag, Preservation Planner
Historic Preservation Program
(206) 477-7976
Ivy.Freitag@kingcounty.gov

END OF MAILING LIST

End of Report to the Hearing Examiner

ATTACHMENTS

1 THROUGH 14

AND

EXHIBITS

1 THROUGH 18