

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

PUBLIC HEARING: April 30, 2019 at 1:00 pm or shortly thereafter

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

April 12, 2019

**PETITION TO VACATE: A Portion of NE 32nd Street – Solomon Korkela
Extension County Road, Road No. 1334**

Transportation File: V-2692

Proposed Ordinance: 2018-0406

A. GENERAL INFORMATION

Petitioner(s): Good Ground, LLC
Girl Scouts of Western Washington

Location of Road: Portion of NE 32nd Street
Thomas Brothers Page 569
Zoning – A 10 and RA 10

Adjacent Parcels: 222507-9012; 222507-9025; 222507-9027; 222507-9028;
222507-9034 ; 222507-9001

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 March 18, 2015, with the Clerk of the King County Council, seeking the vacation of a portion of NE 32nd Street in the Carnation area. The Department of Transportation, Road Services Division, now the Department of Local Services, Road Services Division (Roads) reviewed the petition and identified that a prior road vacation (V-1412, Ordinance 1862, December 10, 1973) had vacated the easternmost portion of this right-of-way and that if the vacation was

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approved, a small area of right-of-way would remain within the County's jurisdiction. Petitioner was encouraged to expand the area of the road vacation and add the Girl Scouts of Western Washington (Girl Scouts) as a petitioner. Petitioners submitted the revised petition in February 2016.

Roads circulated the request for vacation, soliciting comments from the agencies listed below. The revised petition requests vacation of portions of NE 32nd Street lying south of the city limits of Carnation NW quarter of Section 22, Township 25 N, Range 7 E, W.M. and Thomas Brothers Page 569.

The subject section of right-of-way is abutted by properties owned by Good Ground, LLC, Girl Scouts and King County Department of Natural Resources and Parks, Water and Land Division (DNRP-WLRD).

A search of records by staff found that King County acquired the subject right-of-way by deeds in 1927 in conjunction with the establishment of the Solomon Korkela Extension County Road, Road NO. 1334. The right-of-way was acquired from the properties now owned by Petitioners. None of the subject right-of-way will attach upon vacation to the property owned by King County DNRP-WLRD.

The right-of-way is partially open, improved and maintained by Roads and partially unmaintained by Roads. The County maintained portion ends shortly before the entrance to the Girl Scouts' property and the right-of-way continues on in the Girl Scouts property. While not maintained by the county, the portion of right-of-way in the Girl Scouts' property is improved as roadway.

Petitioner Good Ground, LLC does business as Remlinger Farms. In the letter accompanying the March 18, 2015 petition, Gary Remlinger wrote a statement of reasons for submitting the petition. Those include:

1. With a recent robbery to our property we would like to put a gate up to control the access to the properties to prevent or slow down any further robbery attempts. The gate would prevent access to our properties by vehicle when our businesses are closed.

2. Currently the road is deteriorating and in need of repair. Along with the road repairs, there is a consistent need for brush and weed maintenance along NE 32nd. It is a very narrow road and most busy in the summer time. We are consistently there, capable and have the equipment to keep the road edge clear of weeds and growth that block views creating blind corners, narrows the usable roadway and creates a hazard for bicyclists. If the road were to be vacated to us, we would be able to make the necessary repairs and continue to control the weeds and wild growth along the road with no cost to the County.

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3. The road vacation and a gate would also give the Girl Scout camp added security. This road is the back road into their facility and by adding a gate gives them control over access to their property, hence adding security.

4. The road dead ends at our two places of business (Remlinger Farms and the Girl Scout Camp). There is no thru-traffic.

5. With our private drive way (which runs between NE 24th & NE 32nd), the private drive way becomes “the back route”. Other than the 203 Highway, our private driveway, which cuts through our farm, experiences a significant deal of traffic when we are closed during our off-season. People cut through our private residence driveway and our farm instead of staying on the public roads. This driveway is our main access to all of our farming activities and it is rapidly becoming a safety issue for the residents of the property along with employees trying to perform farming activities along the private driveway.

C. NOTICE

Notice of this hearing was posted at the termini of the proposed vacation area on Mach 29, 2019, and published in accordance with requirements of RCW 36.87.060.

D. REVIEWING AGENCIES AND COMMENTS

Roads did not receive responses from Comcast, Frontier, or the following King County agencies: Department of Executive Services, Real Estate Services Division; and the Department of Natural Resources and Parks, Open Space and Water and Land Divisions. A copy of the Final Notice is included as Exhibit #8.

ATTACHMENTS	AGENCY	COMMENT
1.	Puget Sound Energy	Response dated 8/03/2016. PSE has electric distribution facilities within the vacation area. PSE will obtain an easement for its facilities.
2.	Century Link	Response dated 09/02/2016. CenturyLink currently has facilities in the vacation area and requires an easement for its facilities.
3.	DPER	Response dated 8/4/2016. No objection, provided easements are in place of ingress, egress, utilities, etc.
4.	DNRP- Parks Div.	Response dated 7/8/2016. Parks has no objections to this request. Okay to vacate.

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5.	DNRP-Wastewater	Response dated 7/25/2016. King County Wastewater Treatment Division does not have any facilities in the area.
6.	DOT- CIP & Planning Section	Response dated 7/8/2016. From a transportation planning perspective, we have no objection to approving this road vacation. There are no short or long term transportation improvements planned for this right-of-way, and no funded County road improvements in the surrounding area. This right-of-way is not a documented transportation need for the present or future county road system.
7.	DOT- Roads Maintenance	Response dated 7/7/2016. The Road Maintenance Section (RMS) currently maintains the subject portion of NE 32 nd for roadway and drainage issues, and it is classified as a Tier 4 roadway. Thought this portion of NE 32 nd primarily provides access for Good Grounds/Remlinger and the Girl Scouts properties, it also provides access to the KC WLRD flood control property, TL# 222507-9028.
8.	DOT- Traffic Engineering	Response dated 7/15/2016. Per iMap, parcel 222507-9028, at the end of the proposed road vacation, on the south side, is owned by King County – WLRD RFMS. If the County requires on-going access to this parcel, then some type of easement and/or agreement will need to be worked out with Remlinger Farms. Other than this issue, KCDOT Road and Traffic Engineering would have no objection to this roadway vacation.
9.	DOT- Transit	Response dated 7/12/2016. Transit has conducted a review of the above referenced street vacation. We've concluded that the subject vacate will have no effect on our facilities or operations.
10.	DOT-Enviro Unit	Response dated 9/1/2016. The Environmental Unit does not have any comments regarding this road vacation.
11.	EXEC- Landmarks & Heritage	Response dated 7/7/2016. Reviewed for the location and the adjacent parcels and find no indications of historical resources that would be affected by this road vacation. No concerns and no conditions to request.

E. OTHER COMMENTS

F. COUNTY ROAD ENGINEER RECOMMENDATION

The County Road Engineer recommends approving the petition vacating the subject portion of right-of-way. The subject right-of-way is useless to the county road system. The full report of the County Road Engineer is included as Exhibit #16.

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The subject right-of-way serves as access to a King County DNRP/WLRD property, the Girl Scouts' property, and property owned by Home Farm LLC, an entity related to Petitioner Good Ground, LLC. Easements have been executed in favor of each property preserving access. Copies of the easements are Exhibits #21-24.

G. 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 each of the five parcels participating in this road vacation.

Good Ground LLC parcel 222507-9012

Good Ground LLC parcel number 222507-9012 will receive 20,139 square feet upon vacation of this right-of-way. See Exhibit #33 for the full model spreadsheet as applied to this parcel.

The Assessor's Office determined that adding 20,139 square feet to this parcel will result in no change in value. See Exhibit #31 for email from Jeffrey Darrow, Division Director, Residential Division, Department of Assessments dated March 21, 2019.

Good Ground LLC parcel 222507-9025

Good Ground LLC parcel number 222507-9025 will receive 21,146 square feet upon vacation of this right-of-way. See Exhibit #34 for the full model spreadsheet as applied to this parcel.

The Assessor's Office determined that adding 21,146 square feet to this parcel will result in an increase of \$10,500 in value. See Exhibit #31. Therefore, \$10,500 is used as the appraised value for purposes of the compensation calculation model spreadsheet prepared by PSB. The category of this section of right-of-way is Opened Road.

From the \$10,500 value:

\$ 1,223 is deducted for transfer of liability or risk

\$ 206 is deducted for expected property taxes

\$92,853 is deducted for reduction of management and maintenance costs.

Result is (\$83,782).

Good Ground LLC parcel 222507-9027

Good Ground LLC parcel number 222507-9027 will receive 15,806 square feet upon vacation of this right-of-way. See Exhibit # 35 for the full model spreadsheet as applied to this parcel.

The Assessor's Office determined that adding 15,806 square feet to this parcel will result in no change in value. See Exhibit# 31.

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Good Ground LLC parcel 222507-9034

Good Ground LLC parcel number 222507-9034 will receive 21,488 square feet upon vacation of this right-of-way. See Exhibit #36 for the full model spreadsheet as applied to this parcel.

The Assessor's Office determined that adding 21,488 square feet to this parcel will result in an increase of \$1,000 in value. See Exhibit #31. Therefore, \$1,000 is used as the appraised value for purposes of the compensation calculation model spreadsheet prepared by PSB. The category of this section of right-of-way is Opened Road.

From the \$10,500 value:

\$ 1,243 is deducted for transfer of liability or risk

\$ 20 is deducted for expected property taxes

\$94,351 is deducted for reduction of management and maintenance costs.

Result is (\$94,613).

Girl Scouts parcel 222507-9001

Girl Scouts parcel number 222507-9001 will receive 27,311 square feet upon vacation of this right-of-way. See Exhibit #37 for the full model spreadsheet as applied to this parcel.

The Assessor's Office determined that adding 27,331 square feet to this parcel will result in an increase of \$6,800 in value. See Exhibit #31. Therefore, \$6,800 is used as the appraised value for purposes of the compensation calculation model spreadsheet prepared by PSB. The category of this section of right-of-way is Undeveloped Unopened ROW.

From the \$6,800 value:

\$ 0 is deducted for transfer of liability or risk

\$ 0 is deducted for expected property taxes –

Girl Scouts are an exempt entity for property taxes

\$2,000 is deducted for reduction of management and maintenance costs equal to 2% of the total Roads annual expenditures for the last five years associated with unopened right-of-way.

Result is a charge of \$4,800.

Roads' intention in its approach to road vacation compensation under the County Code was to reduce its inventory of right-of-way useless to the County Road system and reduce costs, obligations and liability exposure. Roads reiterates that under the County Code, a requirement of compensation for a road vacation is discretionary with the County Council. KCC 14.40.020 specifically provides that compensation may be required as a condition of a road vacation. Roads understands the concerns that gave rise to the request for a compensation model and will follow the directions of the County Council in applying such model. However, Roads remains very concerned that requiring compensation, particularly to vacate unopened right-of-way, will present barriers to

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eliminating these useless and often problematic sections of right-of-way leaving the county to continue to carry full responsibility for these random pieces of property.

It is also of note that, in granting the 1973 vacation to the Girl Scouts of Western Washington, (Ordinance No. 1862, V-1412), there is no reference to a requirement of compensation. Instead, the County Council wrote that “in consideration of the benefits to be derived from the subject vacation, the Council has determined that it is in the best interest of King County to grant said petition.” Exhibit #7.

It is the recommendation of the County Road Engineer and the Director of Roads that this portion of right-of-way be vacated and any associated monetary compensation be waived. The dollars Roads might obtain from the petitioners through the vacation of this portion of right-of-way is insignificant in comparison to the County’s potential liability from its mere retention.

H. EXHIBITS

Exhibit #	DESCRIPTION
1.	DOT Report to the Hearing Examiner April 12, 2019 with 11 attachments.
2.	Petition transmittal letter dated March 18, 2015 to the Department of Transportation from the Clerk of Council.
3.	Letter and Petition for Vacation of a County Road. Received March 18, 2015.
4.	Letter from Girl Scouts of Western Washington supporting petition dated March 13, 2015
5.	Letter dated October 7, 2015 from Petitioner providing legal description and highlighted map for proposed vacation area.
6.	Letter dated February 10, 2016 from Petitioner with new legal description for vacation area and petition signed by Girl Scouts of Western Washington.
7.	Copy of King County Ordinance No. 1862 for Road Vacation Petition V-1412
8.	Copy of final notice sent to stakeholders on August 8, 2016
9.	Letter to Petitioners dated September 20, 2016, with recommendation that the right-of-way is useless and providing an estimate of required compensation
10.	Letter dated October 15, 2016 from Petitioners requesting revision of required compensation
11.	Letter of November 14, 2016 to Petitioners responding to request for revision of required compensation
12.	Email of February 9, 2017 from attorney for Good Ground, LLC requesting extension
13.	Letter of February 13, 2017 to Petitioners allowing Petitioners more time to meet requirement of letter of November 14.
14.	Letter of May 1, 2017 to Petitioners allowing Petitioners more time to meet requirement of letter of November 14

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15.	Letter of September 13, 2017 to Petitioners allowing Petitioners more time to meet requirements of letter of November 14
16.	County Road Engineer Report on Vacation Petition V-2692 October 27, 2017
17.	Letter of November 30, 2017 to Petitioners with a copy of the County Road Engineer's Report
18.	Vicinity map
19.	Site map depicting vacation area.
20.	Aerial Map showing vacation area
21.	Easement From Good Ground LLC to King County
22.	Easement from Girl Scouts of Western Washington to King County
23.	Easement from Good Ground LLC to Girl Scouts of Western Washington
24.	Easement from Good Ground LLC to Home Farm, LLC
25.	Easement from Good Ground LLC to Qwest Corporation D/B/A Century Link QC
26.	Easement from Good Ground LLC to PSE
27.	Easement from Girl Scouts of Western Washington to PSE
28.	Ordinance transmittal letter dated August 14, 2018 from King County Executive to Councilmember Joe McDermott. (note: signed copy unavailable)
29.	Proposed Ordinance 2018-0406
30.	Fiscal Note.
31.	Email from Jeffrey Darrow, Division Director Residential Division, King County Department of Assessments dated March 21, 2019 with valuation information.
32.	Roads Right-of-Way Valuation Model Developed by King County Office of Performance, Strategy and Budget in Response to Ordinance 18835
33.	Compensation calculation model spreadsheet for Good Ground LLC parcel 222507-9012
34.	Compensation calculation model spreadsheet for Good Ground LLC parcel 222507-9025
35.	Compensation calculation model spreadsheet for Good Ground LLC parcel 222507-9027
36.	Compensation calculation model spreadsheet for Good Ground LLC parcel 222507-9034
37.	Compensation calculation model spreadsheet for Girl Scouts of Western Washington parcel 222507-9001
38.	Photos of NE 32 nd Street maintained and unmaintained/unimproved sections.
39.	Affidavit of Posting
40.	Affidavit of Publication for date of hearing – to be supplied by Clerk of the Council.

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G. ISSUES:

Exhibit #40, 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.

Mailing List Road Vacation File V-2692

Petitioners

Good Ground, LLC
Attn: Gary Remlinger
P.O. Box 177
Carnation, WA 98014
office@remlingerfamrs.com

Girl Scouts of Western Washington
Attn: Elaine Morse, CFO
5601 6th Street, Suite 150
Seattle, WA 98108
EMorse@girlscoutsww.org

Other Properties to receive CRE Report – KCC 14.40.015

KC DNRP, Water and Land Division
ATTN: Teresa Lewis, PPM III Basin
Steward
MS - KSC-NR-0600
Teresa.Lewis@kingcounty.gov

Stakeholders

Puget Sound Energy
P.O. Box 97034
MS : EST-06W (AEM)
Bellevue, WA 98009
Rightofway@pse.com
(425) 462-3436

Comcast Cable
Attn: Bill Walker
Bill_Walker@comcast.com

CenturyLink
1208 NE 64th St., Rm. 401
Seattle, WA 98115
Attn: Franklin Bolden
(425) 918-2516
Franklin.Bolden@centurylink.com

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

Clerk of the Council
MS - KCC-CC-1200

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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

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 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: 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 – 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: Leslie Drake, Road Property Program
Manager
(206) 477-7764
Leslie.Drake@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 - 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 DOT - Road Services Division
MS - KSC-TR-0313
Attn.: Jose Carrasquero, Environmental
Scientist
Environmental Unit
(206) 477-4538
jcarrasquero@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

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King County DOT – Transit
MS - KSC-TR-0431
Attn: Dawn Miles, Real Property Agent II
Real Estate/Land Use/ Environmental Planning
Phone: (206) 477-5925
dmiles@kingcounty.gov

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 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

King County DNRP
MS – KSC-NR-0700
Attn: Scott Todd, Preservation Planner
Historic Preservation Program
(206) 477-4545
Todd.scott@kingcounty.gov

END OF MAILING LIST

End of Report to the Hearing Examiner