



COUNTY COMMISSIONERS

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District Two

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District Three

HEARING EXAMINER

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BEFORE THE HEARING EXAMINER FOR THURSTON COUNTY

| | | |
|--|---|------------------------|
| In the Matter of the Application of |) | NO. 2023100462 |
| |) | |
| John Hinkle, Hinkle Properties Inc. |) | FINDINGS, CONCLUSIONS, |
| |) | AND RECOMMENDATION |
| <u>For Vacation of a Road Right-of-Way</u> |) | |

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends to the Board of County Commissioners that the request to vacate unopened Thurston County right-of-way lying adjacent to tax parcel numbers 85410402300, 85410400100, and 85410400800 be **APPROVED** subject to conditions.

SUMMARY OF RECORD

Request

John Hinkle of Hinkle Properties Inc. seeks to vacate the unopened Thurston County right-of-way described as follows:

The entire alley located in Block 4, Wrights Addition to Rochester, Division No. 1, as recorded in Volume 8 of Plats at Page 48, Auditors File No. 49605, records of Thurston County, WA. lying adjacent to tax parcel numbers 85410402300, 85410400100, 85410400800.

Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on April 11, 2023. The record was held open through April 13, 2023 to allow any members of the public having difficulty joining the virtual hearing to submit written comments, with time scheduled for responses from the parties. No post-hearing public comment was submitted, and the record closed on April 13, 2023.

Testimony

The following individuals submitted testimony under oath at the open record public hearing:

Craig Sisson, Real Estate Services Manager, Thurston County Public Works

John Hinkle, Hinkle Properties Inc., Applicant

Exhibits

The following exhibits became part of the official record through the open record public hearing:

Exhibit 1 Public Works Staff Report including the following attachments:

- A. Notice of Public Hearing
- B. Copy of Application
- C. Vicinity Map
- D. Section/Township/Range Map
- E. Plat Map
- F. Proposed Boundary Line Adjustment No. 22-104151

EXHIBIT 2 Appraisal by Nadyne Tauscher dated March 3, 2023

After considering the testimony and exhibits submitted through the virtual open record hearing process, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. John Hinkle of Hinkle Properties Inc. (Applicant) seeks to vacate the unopened Thurston County right-of-way described as follows:

The entire alley located in Block 4, Wrights Addition to Rochester, Division No. 1, as recorded in Volume 8 of Plats at Page 48, Auditors File No. 49605, records of Thurston County, WA. lying adjacent to tax parcel numbers 85410402300, 85410400100, 85410400800.

Exhibits 1 and 1.B. The area of right-of-way requested to be vacated is 4,750 square feet. *Exhibit 2.*

2. The subject right-of-way was dedicated to Thurston County on November 26, 2010 with the recording of the plat of Wrights Addition to Rochester, Division 1. It is classified as Class B right-of-way per Thurston County Code (TCC) 13.36.020, meaning that no public funds have been spent in the acquisition, operation, or maintenance of the right-of-way, and compensation is payable to the Thurston County general fund. *Exhibit 1; Craig Sisson Testimony; TCC 13.36.020; TCC 13.36.030.*

3. The subject right-of-way has never been opened or used for public travel. It is currently covered by grass and brush. The right-of-way does not abut a body of water. *Exhibits 1 and 1.E.*
4. The purpose of the right-of-way vacation is to facilitate future single-family residential development of the parcels within Block 4 of the Wrights Addition to Rochester Plat. The subject right-of-way bisects a portion of the block, and some of the parcels are landlocked. With the requested right-of-way vacation and approval of a proposed boundary line adjustment (which is currently under separate review), the lots would be an appropriate size and configuration for residential development. Vacation of the right-of-way would make the lots more easily accessible. Existing smaller legal lots would be increased in area as a result of the proposal. *Exhibits 1.B, 1.E, and 1.F; John Hinkle Testimony.*
5. The subject right-of-way is not needed for access to the adjacent parcels. Access to the lots created by the boundary line adjustment would be from 182nd Avenue SW via Klamath Avenue SW. The full width of Duncan Avenue SW, along the eastern boundary of the proposed project area, has already been vacated. *Exhibits 1.B, 1.E, and 1.F; Testimony of Craig Sisson and John Hinkle.*
6. The County Engineer submitted that it is not advisable to retain the subject right-of-way as a County road, and identified public benefits that would result from vacation of the right-of-way, including the County's receipt of compensation pursuant to TCC 13.36.030 and an increase in the property tax base as a result of future residential development. *Exhibit 1.*
7. The County Engineer recommended approval of the requested right-of-way vacation, on condition that the Applicant provide compensation to the County pursuant to TCC 13.36.030. *Exhibit 1.*
8. Notice of the open record public hearing on the vacation request was published in The Olympian on March 28, 2023 and April 4, 2023 and posted in the vicinity of the subject right-of-way on March 14, 2023, at least 20 days in advance of the hearing as required by RCW 36.87.050. There were no adjacent property owners requiring notification. *Exhibits 1 and 1.A.* There was no public comment on the application.

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear this request for a vacation of a right-of-way and to make a recommendation to the Thurston County Board of County Commissioners pursuant to the Revised Code of Washington (RCW) 36.87.060(2) and Thurston County Code (TCC) 13.36.060.

Criteria for Review

Pursuant to TCC 13.36.010, County roads must be vacated in accordance with RCW 36.87. RCW 36.87 provides:

“...The [vacation request] must show the land owned by each [Applicant] and set forth that such county road is useless as part of the county road system and that the public will be benefited by its vacation and abandonment.” *RCW 36.87.020.*

“...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).*

“No county shall vacate a county road or part thereof which abuts on a body of salt or fresh water unless the purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes, or unless the property is zoned for industrial uses.” *RCW 36.87.130.*

Conclusions Based on Findings

1. The subject right-of-way is not useful as part of the County road system. *Findings 3, 4, 5, and 6.*
2. With a condition requiring payment of compensation, the public would benefit as a result of the requested right-of-way vacation. *Findings 2, 6, and 7.*
3. The subject right-of-way to be vacated does not abut a body of water. *Finding 3.*

RECOMMENDATION

The Hearing Examiner recommends to the County Commissioners that the request to vacate unopened Thurston County right-of-way lying adjacent to tax parcel numbers 85410402300, 85410400100, and 85410400800 be **APPROVED** subject to the following condition:

1. The Applicant shall submit compensation to the County for the Class B road consistent with TCC 13.36.030.

Recommended April 14, 2023.



Sharon A. Rice
Thurston County Hearing Examiner