

**FINDINGS, CONCLUSIONS AND DECISION  
OF THE HEARING EXAMINER FOR  
THURSTON COUNTY**

THURSTON COUNTY  
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JUN 14 2010  
DEVELOPMENT SERVICES

**CASE NO:** PW-VAC-10-001 (Parsons/Weber road vacation petition)

**PETITIONERS:** Daniel W. Parsons and Gwendlyn Weber

**SUMMARY OF REQUEST:**

The Petitioners request vacation of a segment of the Lloyd Road right-of-way abutting Delphi Road.

**LOCATION OF PROPOSAL:**

The intersection of Lloyd Road and Delphi Road SW in Thurston County Assessor's Parcel No. 12819240000, as more precisely described at Ex. 1, pp. 1 and 2.

**SUMMARY OF DECISION:**

The petition for road vacation is recommended to be granted.

**HEARING AND RECORD:**

The hearing on this request was held before the undersigned Hearing Examiner on June 7, 2010. The following exhibits are admitted as part of the record:

Exhibit 1. Staff Report by Thurston County Public Works Department for Case No. PW-VAC-10-001, prepared by Dale R. Rancour and dated June 7, 2010. This Exhibit includes the 4-page Staff Report and Attachments a through h, listed on Page 4 of the Staff Report.

Exhibit 2. E-mail sent June 1, 2010 from Thomas Bjorgen to Gina Suomi.

At the hearing, the following individuals testified under oath:

Kelli Larson  
Real Estate Services  
Thurston County Public Works Department

HEARING EXAMINER DECISION IN NO. PW-VAC-10-001  
PAGE 1

**SENT**  
DATE: 6/14/10 CSP

2000 Lakeridge Drive SW  
Olympia, WA 98502

Daniel W. Parsons  
1228 Delphi Road  
Olympia, WA 98512

After consideration of the testimony and exhibits described above, the Hearing Examiner makes the following findings of fact, conclusions of law, and decision.

### **FINDINGS OF FACT**

1. Lloyd Road is a private road in an unopened County right-of-way. Historically, its northern end intersected Delphi Road at an angle, as shown at Exhibit (Ex.) 1, Attachments (Att.) d and e.
2. Kaufman Development, LP, owns property at the south end of Lloyd Road, which it leases to Quality Rock Products, Inc., for a rock and gravel mine. Rock and gravel trucks use Lloyd and Delphi Roads to come and go from the mine.
3. The Petitioners, Daniel W. Parsons and Gwendlyn Weber, own property abutting Lloyd Road at its intersection with Delphi Road.
4. The original, angled intersection of Lloyd and Delphi Roads did not have good sight distance or an adequate approach radius. Due to concerns with its safety, Thurston County, Kaufman Development LP, Daniel Parsons and Gwendlyn Weber, and Stuart M. Drebeck, another nearby property owner, entered into a memorandum of understanding in August 2005 for the reconstruction of the intersection at a 90 degree alignment. Under this agreement, found at Ex. 1, Att. f, the intersection would be rebuilt in the manner shown in the photograph at Ex. 1, Att. g. In that photograph the area marked with diagonal lines and noted as "Project Site" is the area proposed to be vacated. The roadway shown as "New Alignment" is the new 90 degree approach of Lloyd Road to Delphi Road. The area to be vacated and the new alignment of Lloyd Road are shown in more detail on Ex. 1, Att. h.
5. Within the area proposed to be vacated, the roadway has been removed and covered with soil. The area to be vacated is covered with native grass and trees. The new 90 degree approach of Lloyd Road to Delphi Road just south of the vacation area has also been constructed.
6. The area to be vacated was part of a road and intersection alignment that posed safety problems. With the realignment of the Lloyd Road/Delphi Road intersection, the area to be vacated is no longer needed as part of the County road or right-of-way system and is not useful as part of that system. The public will be benefited by its vacation and

construction of the new intersection alignment.

7. At the hearing the Public Works Department withdrew its request to retain a five-foot strip of the vacated area along Delphi Road for stormwater purposes.

### **CONCLUSIONS OF LAW**

1. According to RCW 36.87.080, there are three ways in which a county road may be vacated: by majority vote of the Board of Commissioners, by operation of law, or by judgment of court. When, as here, the first method is followed, RCW 36.87.060 (2) allows a hearing officer to conduct a public hearing to consider the proposed vacation, to prepare a record of the proceedings, and to make a recommendation to the Board of Commissioners on the proposed vacation.

2. This procedure is implemented by Thurston County Code (TCC) 13.36.060, which states that

"[e]xcept where the board specifically retains jurisdiction, a hearing examiner will be used to conduct a hearing and make a recommendation to the board in all cases."

Thus, both the RCW and the TCC require the Hearing Examiner's decision to be in the form of a recommendation to the Board of County Commissioners.

3. The substantive standards which must be met to vacate a road or right-of-way are (1) that the road is useless as part of the county road system and (2) that the public will be benefited by its vacation and abandonment. RCW 36.87.020. According to RCW 36.87.060,

"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."

4. As found above, the area proposed to be vacated was part of a road alignment at the intersection of Lloyd and Delphi Roads that posed safety problems. With the reconstruction of the intersection at a 90 degree alignment, the area to be vacated is no longer needed as part of the County road or right-of-way system and is not useful for those purposes. The public will be benefited by the requested vacation and construction of the new, safer intersection alignment.

5. For these reasons, the proposed road vacation meets the standards of RCW 36.87.020 and 36.87.060 and should be granted.

## RECOMMENDATION

The Board of County Commissioners should approve the vacation of a portion of the Lloyd Road right-of-way requested by Daniel W. Parsons and Gwendlyn Weber under file number PW-VAC-10-001.

Dated this 10<sup>th</sup> day of June, 2010.

  
Thomas R. Bjorgen  
Hearing Examiner