



COUNTY COMMISSIONERS

John Hutchings  
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 District Two  
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 District Three

**HEARING EXAMINER**

*Creating Solutions for Our Future*

**BEFORE THE HEARING EXAMINER  
 FOR THURSTON COUNTY**

In the Matter of the Application of	)	NO. 2019103563
	)	
<b>Lakeside Industries, Inc.</b>	)	FINDINGS, CONCLUSIONS,
	)	AND RECOMMENDATION
For Vacation of a Road Right-of-Way	)	
_____	)	

**SUMMARY OF RECOMMENDATION**

The Hearing Examiner recommends that the request to vacate the unopened Thurston County rights-of-way adjacent to tax parcel numbers 37800001800, 37800002800, 37800003700, 12628230000, and 12629410000 be **APPROVED**.

**SUMMARY OF RECORD**

**Request**

Lakeside Industries, Inc. (Applicant) seeks to vacate the Thurston County rights-of-way described as follows:

A strip of land in the Northeast quarter of Section 29, Township 16 North, Range 2 West of the W.M., being all that portion of platted road right-of-way lying between the East line of the North half of Lot 28 and the West line of the North half of Lot 32 of the plat of Burbank Acre Tracts, as recorded July 2, 1912, in Volume 8 of Plats, Page 86, under Auditor’s File Number 57043, records of Thurston County, Washington;

Also, a strip of land in the Northwest quarter of Section 28, Township 16 North, Range 2 West of the W.M., being all that portion of platted road right-of-way lying Easterly of the East line of Lot 37 of the plat of Burbank Acre Tracts, as referenced above;

Also, a strip of land in the Southeast quarter of Section 29, Township 16

North, Range 2 West of the W.M., being all that portion of platted road right-of-way lying between the East line of the of Lot 18 and the West line of Lot 19 of the plat of Burbank Acre Tracts, as referenced above;

Also, a strip of land in the Southeast quarter of Section 29, Township 16 North, Range 2 West of the W.M., being all that portion of platted road right-of-way lying Easterly of the East line of Lot 30 of the plat of Burbank Acre Tracts, as referenced above;

Also, a strip of land in the Southeast quarter of Section 29, Township 16 North, Range 2 West of the W.M., being all that portion of platted road right-of-way lying Southerly of the South line of Lot 31 of the plat of Burbank Acre Tracts, as referenced above.

All being situated in Thurston County, Washington. Lying adjacent to tax parcel numbers 37800001800, 37800002800, 37800003700, 12628230000, 12629410000.

### **Hearing Date**

The Thurston County Hearing Examiner held an open record public hearing on the request on January 14, 2020.

### **Testimony**

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

Craig Sisson, Real Estate Services Manager, Thurston County Public Works  
Kyler Danielson, Lakeside Industries, Applicant Representative  
Tony Hammett, Excite Industries, Applicant Representative

### **Exhibits**

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

EXHIBIT 1 Public Works Staff Report including the following attachments:

- Attachment A Notice of Public Hearing
- Attachment B Copy of Application with Exhibits A through C
- Attachment C Vicinity Map
- Attachment D Section/Township/Range Map
- Attachment E Plat of Burbank Acre Tracts

Upon consideration of the testimony and exhibits submitted at the open record hearing, the Hearing Examiner enters the following findings and conclusions:

## FINDINGS

1. The Applicant seeks to vacate five segments of Thurston County rights-of-way described as follows (hereafter referred to as “subject rights-of-way”):

A strip of land in the Northeast quarter of Section 29, Township 16 North, Range 2 West of the W.M., being all that portion of platted road right-of-way lying between the East line of the North half of Lot 28 and the West line of the North half of Lot 32 of the plat of Burbank Acre Tracts, as recorded July 2, 1912, in Volume 8 of Plats, Page 86, under Auditor’s File Number 57043, records of Thurston County, Washington;

Also, a strip of land in the Northwest quarter of Section 28, Township 16 North, Range 2 West of the W.M., being all that portion of platted road right-of-way lying Easterly of the East line of Lot 37 of the plat of Burbank Acre Tracts, as referenced above;

Also, a strip of land in the Southeast quarter of Section 29, Township 16 North, Range 2 West of the W.M., being all that portion of platted road right-of-way lying between the East line of the of Lot 18 and the West line of Lot 19 of the plat of Burbank Acre Tracts, as referenced above;

Also, a strip of land in the Southeast quarter of Section 29, Township 16 North, Range 2 West of the W.M., being all that portion of platted road right-of-way lying Easterly of the East line of Lot 30 of the plat of Burbank Acre Tracts, as referenced above;

Also, a strip of land in the Southeast quarter of Section 29, Township 16 North, Range 2 West of the W.M., being all that portion of platted road right-of-way lying Southerly of the South line of Lot 31 of the plat of Burbank Acre Tracts, as referenced above.

All being situated in Thurston County, Washington. Lying adjacent to tax parcel numbers 37800001800, 37800002800, 37800003700, 12628230000, 12629410000.

*Exhibits 1 and 1.B.*

2. The subject rights-of-way were dedicated to Thurston County on July 5, 1912 with the recording of the Plat of Burbank Acre Tracts (Volume 8 of Plats, Page 86, Auditor’s File No. 57043). *Exhibits 1 and 1.D.*
3. The subject rights-of-way are classified as Class B roads, for which no public expenditures have been made for acquisition, improvement, or maintenance. Compensation for the rights-of-way would be credited to Thurston County General Fund. *Exhibit 1.*

4. The dimensions of the subject rights-of-way are depicted in the Right-of-Way Vacation Sketches contained in Exhibit 1.B. Each segment is either 30 or 60 feet wide, with one roughly 300 feet in length and the others roughly 600 feet in length. *Exhibit 1.B.*
5. The subject rights-of-way do not abut any body of water. *Exhibit 1.B.*
6. The subject rights-of-way are within the boundary of the Applicant's approved gravel mining site (Tilley Road Pit) and are covered with grasses and trees. They have never been opened by Thurston County nor used for public travel and are fenced to preclude public access. Neighboring private properties have alternate means of access, and the rights-of-way are not needed for future road connectivity. The County Engineer submitted that the rights-of-way serve no purpose within the County road system, a conclusion supported by the maps and other materials entered in the record. *Exhibits 1 and 1.B; Craig Sisson Testimony.*
7. The County Engineer identified public benefits that would result from vacation of the subject right-of-way, including relief of administrative responsibility for the County and increase in County tax base. *Exhibit 1.*
8. 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.*
9. Notice of the open record public hearing on the vacation request was published in The Olympian on December 31, 2019 and January 7, 2020 and posted in the vicinity of the subject right-of-way on December 17, 2019, at least 20 days in advance of the hearing, consistent with RCW 36.87.050. There was no public comment on the application. *Exhibits 1 and 1.A.*

## CONCLUSIONS

### **Jurisdiction**

The Hearing Examiner is granted jurisdiction to hear a 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 rights-of-way are not useful as part of the County road system. *Finding 6.*
2. With payment of compensation pursuant to County ordinance, the public would benefit as a result of the requested right-of-way vacations. *Findings 3 and 7.*
3. The subject rights-of-way do not abut a water body. *Finding 5.*

### **RECOMMENDATION**

The Hearing Examiner recommends that the request for vacation of the unopened Thurston County rights-of-way lying adjacent to tax parcel numbers 37800001800, 37800002800, 37800003700, 12628230000, and 12629410000 be **APPROVED** on condition that the Applicant pay compensation consistent with TCC 13.36.030.

Issued January 23, 2020.



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Sharon A. Rice  
Thurston County Hearing Examiner