



Department of Public Works Jefferson County, Washington

623 Sheridan Street
Port Townsend, WA 98368
360-385-9160

VACATION OF COUNTY ROAD RIGHT-OF-WAY - 2023

You may petition the Board of County Commissioners to eliminate public interest in all or a portion of a public road or right-of-way. However, it is important to note that a vacated right-of-way may still be encumbered by other interests such as private ingress/egress/utility or other easements.

Because road vacations require a public hearing, it is prudent to get neighborhood support before starting this process and incurring fees. Road vacations are typically denied if:

- The vacation would cut off or degrade access to someone else's parcel (see review criteria #7 below). In some cases, this issue may be adequately addressed through easements or restrictive covenants imposed as conditions to the vacation.
- The road or right-of-way leads to water.
- Public comment shows that neighbors are opposed to the vacation.

To petition for a road vacation, you must submit the following to the Jefferson County Public Works Department (Public Works):

- An application to vacate a county right-of-way (attached).
- A map showing the right-of-way you wish to vacate.
- The application fee (\$1,550.14 in 2023) payable to Jefferson County Public Works.

Public Works will provide you a petition and name you the "Principal Petitioner." In this role, you will act as liaison between the owners of property on the road frontage and Public Works. You will be responsible for all fees and costs, and are solely responsible for collecting any monies from other road frontage property owners. You must also:

- Obtain signatures from a majority of owners of the frontage of the road or portion of road proposed to be vacated.
- Retain a Washington State licensed appraiser to prepare a report to determine the fair market value of the proposed road vacation area.
- Submit the signed petition and appraisal to Public Works within one year. If you do not return the petition within one year of the issue date, the vacation process terminates and you forfeit your application fee.

Public Works will notify all property owners within 300 feet of the proposed road vacation area, as well as agencies that may be affected by or have comments on the proposed vacation. The Department of Community Development (DCD) will review and prepare a written report that includes a statement as to the consistency of the road vacation with the Jefferson County comprehensive plan and other applicable plans as well as identifying any environmentally

sensitive areas in the vicinity. A notice will also be posted on-site and published in the official County newspaper.

The County Engineer will review the petition and prepare a written report for the Jefferson County Hearing Examiner that includes the County Engineer's opinion as to whether the road should be vacated.

The Jefferson County Hearing Examiner will conduct a public hearing on the proposed vacation, consider all comments received, and issue a written recommendation to grant or deny the petition, with any conditions of approval.

The Board of County Commissioners (BOCC) will review the report and recommendations of the Hearing Examiner and shall make a final determination whether the vacation request should be denied, approved, approved with conditions or approved in part. The BOCC may, as a special condition for granting approval of the vacation, retain easements within the vacated area for public utilities and/or trails.

If the BOCC conditionally approves the vacation, you have one year to fulfill those conditions, including any compensation requirement, otherwise the vacation process shall terminate. Once you meet all approval conditions, the BOCC shall adopt a Resolution officially vacating the right-of-way. The Resolution will be recorded.

Whether the vacation is approved or denied or terminated for any reason, you must pay any outstanding costs, i.e. postage, Public Works and DCD staff time, copy fees, filing fees and publication fees, which exceed the application fee.

ROAD VACATION REVIEW CRITERIA – JCC 12.10.110

Road vacation petitions shall be reviewed according to the following criteria:

1. The proposed road vacation ***complies with the Jefferson County Comprehensive Plan*** and any other applicable plans, policies, or ordinances.
2. ***Roads should not be closed, vacated, or abandoned when land uses or development plans, or occurring patterns, indicate their usefulness for area circulation.*** Prior to a vacation decision, an examination should be made of its probable effect on overall area circulation in the neighborhood. Single or multiple vacations should be considered a positive tool toward improving neighborhood circulation and accesses.
3. The effectiveness of fire, medical, law enforcement, or other ***emergency services should not be impaired by the closure, vacation, or abandonment*** of county roads. Appropriate authorities should be consulted with respect to this policy.
4. ***Roads should not be closed, vacated, or abandoned when such routes can effectively be used for utility corridors.*** Suitable utility easements could be retained as a means of satisfying this policy. Public and private utility companies and their plans should be consulted with respect to this policy. In compliance with RCW 36.87.140, the Board of County Commissioners may retain an easement within the subject vacated area for the construction, repair, and maintenance of public utilities and services.

5. **Roads should not be closed, vacated, or abandoned when such routes can effectively be used for trails or pathways.** Suitable trail easements could be retained as a means of satisfying this policy. The Jefferson County Parks, Recreation, and Open Space Plan should be used as a guide to determine trail needs.
6. In compliance with RCW 36.87.130, **no county road or part thereof should be vacated that abuts on a body of salt or fresh water**, unless 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, education, or other public purposes, or unless the property is zoned for industrial purposes.
7. The proposed vacation will **not land lock any parcel of property.**

For further information regarding the law governing road vacations, see Revised Code of Washington Chapter 36.87 at <http://apps.leg.wa.gov/rcw/default.aspx?cite=36.87> and Jefferson County Code, Chapter 12.10 at <http://www.codepublishing.com/WA/JeffersonCounty/>.



Department of Public Works

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Office use only

Receipt # _____

Check # _____

Date paid _____

APPLICATION TO VACATE COUNTY RIGHT-OF-WAY - 2023

\$1,550.14 Fee

Make check payable to Jefferson County.

Applicant Information

Property Owner _____

Phone _____ Email _____

Mailing Address _____

City, State, Zip _____

Designation of Agent *(fill out only if applicable)*

Designated Agent _____

Phone _____ Email _____

Mailing Address _____

City, State, Zip _____

Project Information

Description of request: _____

Purpose: _____

Legal description: _____

Property parcel number(s): _____

Road name: _____

Status *(i.e. platted, unopened, opened, usage)*: _____

Site Map

Attach a site plan, survey or map that identifies the right-of-way to be vacated and the parcels you own.

Optional Attachments

Letters of support from adjoining property owners

Additional legal description information

Property title report

Other (describe) _____

Historical data or maps of the road to be vacated

Signature

Property Owner Signature _____

Date _____