DATE: April 25, 2014
TO: Sam Gibboney, Director, Community Development & Planning Department
FROM: Rachel E. Dietzman, P.E., County Engineer

ISSUE: The Planning Commission must review the road vacation proposal for Cattle Point Road on San Juan Island and provide a recommendation to the County Council on the relationship of the proposed road vacation to the goals and policies of the Comprehensive Plan.

RECOMMENDATION: The road vacation is recommended for approval.

POLICY: SJCC 18.60.090C.5 requires that the San Juan County Planning Commission review all vacation applications and make a recommendation to the County Council.

KEY POINTS:
• The Planning Commission shall consider the relationship of the proposed vacation to the goals and policies of the Comprehensive Plan; an informal review is included below.
• The Planning Commission reviews the County Engineer's report.
• The Planning Commission makes a recommendation to the County Council.
• The County Council will schedule a public hearing on the road vacation.

SAN JUAN COUNTY COMPREHENSIVE PLAN GOALS AND POLICIES:

• Section 6.2.A General Goals calls for a safe, reliable, economically feasible, integrated transportation system.

    The road to be vacated is threatened by bluff erosion. It will be replaced with a new road which will continue to provide safe and reliable access to the public spaces of the National Park Service, Department of Natural Resources and Bureau of Land Management, as well as to the residents at the south end of San Juan Island.

• Section 6.2.A General Policies anticipates and monitors changes in the use of and demands for transportation facilities.

    The vacation of this portion of Cattle Point Road will allow for the realignment of the road which will protect the County's long-term transportation infrastructure and allow for continued use with the addition of road shoulders for safety and non-motorized travelers.

• Section 6.2.B Transportation Financing Goals and Policies addresses transportation financing strategies.

    The realigned road construction is to be financed with federal funds. Staff time and expenses for the road vacation process, as well as in-kind construction services, are considered an element of the match required by the federal funding package for the realigned road.

• Section 6.5 Land Transportation Goals and Policies address public and private roads, bridges, parking, non motorized transportation facilities, and transit service.
The vacated road will be replaced with one that has enhanced pull outs for scenic viewing and road shoulders for non-motorized transportation.

- **Section 6.5.1 Policies for Road Classification, Right-of-Way, Design and Construction** addresses road vacations and states to refrain from vacating public road right-of-way needed to provide adequate road systems, access to private property, public access to or a view of water bodies and links to transportation systems.

  The vacation of this segment of Cattle Point Road would limit access to private property and the view of water bodies; however, the vacated road will simultaneously be replaced by a new road easement which will allow uninterrupted access to private property and views of water bodies.

- **Section 6.5.1 Policies for Road Classification, Right-of-Way, Design and Construction** also calls for public and stakeholder participation during the design phase of major projects as well as preservation of the significant scenic, rural quality of certain island roads.

  The road vacation process includes a review by the San Juan County Planning Commission and a public hearing with the San Juan County Council. Impacted agencies, i.e. NPS, DNR, and utilities are actively participating in the design phase of the realignment road. The two Homeowners Associations at the end of Cattle Point Road are being kept informed of the project progress. An Open House was held on April 21 to provide the public an opportunity to view the latest design drawings (70%) and to talk to representatives from each of the federal and state agencies involved. The Open House was advertised in the papers and on the County website; notices were sent to the presidents of each of the Cattle Point area Homeowners Associations to be distributed to their members. Nearly 40 residents attended the Open House.

**APPENDICES:**

A.  Engineer's Report
APPENDIX A

Engineer's Report
INTRODUCTION: State and local law provides for vacation of county roads and road Rights of Way in RCW 36.87 and SJCC 18.60.090C. San Juan County is pursuing the road vacation of Cattle Point Road from approximate MP 7.35 to MP 8.50 as part of a larger road realignment project, see Attachment 1. The existing road is threatened by bluff erosion; the road realignment project will allow uninterrupted access to public spaces and residents. Upon vacating the existing road, a new road Right of Way will be granted by the affected land owners, San Juan Island National Historical Park and the Washington State Department of Natural Resources.

BACKGROUND: Public Works identified the erosion of the bluff as a threat to the roadway in approximately 2000. A study to measure the rate of retreat at the top of the slope was initiated in 2001. The Cattle Point Road Realignment Project Environmental Impact Statement (EIS) Scoping Document was published in June 2003. It took nearly 10 years to complete and was developed and coordinated by four partner agencies: San Juan Island National Historical Park (NPS), Federal Highway Administration (FHWA), San Juan County and Washington State Department of Natural Resources (DNR). The road realignment project is necessary as Cattle Point Road is threatened by coastal bluff erosion and is the only road access to the public lands and residences at the southern end of San Juan Island. At the current average rate of erosion (1.7 feet per year), it was estimated in the EIS that the bluff scarp would be within about four feet of the road by 2026 and eventually cause roadway damage and closure. Failure of Cattle Point Road would result in loss of road access to the eastern end of the National Historical Park, the DNR National Recreation Conservation Area and Interpretative Center, the Bureau of Land Management National Monument, the Coast Guard historical light house, and approximately 270 residents.

Between 2004 and 2012, road alignment alternatives were evaluated and presented in public meetings. A preferred alternative was eventually recommended and the Final EIS was published in September 2012. In April and May, 2013, final approval was granted via the publication of the Record of Decisions by FHWA and NPS. In July, 2013, funding was obtained through the Federal Lands Access Program and design of the recommended project commenced by FHWA. Construction is scheduled in 2015.

San Juan County currently has a 60-foot wide documented easement through both the National Historical Park and DNR lands along Cattle Point Road. A portion of this is the road easement to be vacated. The county will obtain new right of way easements from both agencies along the realigned portion of road. Before granting a new easement, DNR requires the county to be prepared to vacate the existing right of way. NPS does not expressly require the road vacation to coincide with the new road easement. It is the county’s intent however, to proceed with the road vacation on NPS land to remove any liability or obligation associated with the road right of way. The existing road will be obliterated and revegetated. No vehicular or pedestrian access will be allowed on the restored lands.
LEGAL GUIDELINES: The Revised Code of Washington in section RCW 36.87 states that the board (County Council) is to direct the County road engineer to make a report on his or her opinion as to whether the County road should be vacated. The San Juan County Council adopted Resolution No. 8-2014 on February 11, 2014 to “Declare Intent to Vacate and Abandon a Portion of Cattle Point Road Number 18 on San Juan Island and Direct the County Engineer to Make a Report on the Vacation and Abandonment.”

The San Juan County Code in SJCC 18.60.090.C states that the Planning Commission must review all vacation applications and make a recommendation to the County Council considering the relationship of the proposed vacation to the goals and policies of the Comprehensive Plan.

The Engineers report must consider the following matters:

- The fair market value of the area proposed to be vacated as determined by appraisal or as determined by the County Engineer based on property assessment of surrounding lands.

  *No monetary value is being given to the area proposed to be vacated.*

  *NPS is not requiring compensation for the proposed new easement; therefore, vacation of the identified existing road for the new easement is a “no cost” trade.*

  *DNR granted the original road easement at no cost and will not consider the value of the vacation as an element in future negotiations.*

- A report from each utility addressing its needs for continued use of the area sought to be vacated.

  *CenturyLink and OPALCO both have facilities located within the existing road easement. Both public utilities have been participating in the design process and providing information for the contract documents. They intend to upgrade and relocate their facilities into the realigned road during construction.*

- Whether public funds have ever been expended to improve or maintain the road.

  *Public Works has maintained Cattle Point Road since the original easement was granted in 1964.*

- Whether the road is within a subdivision or short subdivision.

  *The portion of Cattle Point Road proposed to be vacated is not located within a subdivision or short subdivision.*

- Whether after vacating the road, access to a public road by another property would be impaired.

  *The vacation of Cattle Point Road will not impair access to other properties because it will occur consecutively with the opening of the new road right of way; access to impacted properties will remain unchanged.*

- A report on the cost of maintaining the section of road in question for the past three years.
The County has been maintaining Cattle Point Road since 1964. With vacation of the proposed road, the maintenance costs will be transferred to the upcoming new road right of way alignment. It costs approximately $6,500 per mile to maintain this section of road every three years.

The review of the petition shall consider the following:

- Roads that abut a body of fresh or salt water may not be vacated except as provided for in RCW 36.87.130.

  The portion of Cattle Point Road proposed for vacation does not abut fresh or salt water.

- Roads that have a public amenity (e.g., scenic vistas or pull-outs) should not be vacated.

  There are two scenic vista pull-outs located at either end of the vacated road, one on NPS land and one on DNR land. Both scenic vista pull-outs will be replaced and enhanced with the new road realignment.

- Roads that provide a means of public access to the shoreline shall not be vacated.

  The portion of Cattle Point road proposed for vacation does not provide a means of public access to the shoreline.

- Roads that provide the only legal access to private property shall not be vacated until alternate access had been provided.

  The portion of Cattle Point Road proposed for vacation does provide sole legal access to private properties. However, the existing road will not be vacated until the new right of way is granted for the road realignment and the new road is open to traffic; therefore, access to private properties will be maintained.

ENGINEERING EVALUATION:

The portion of Cattle Point Road proposed to be vacated is approximately 1.1 miles long. The road has two 10 foot lanes with one foot shoulders and a speed limit of 45 mph. The average daily traffic was measured in 2011 with a vehicular count of 478; 5.5% of the vehicles were trucks. The realigned road will consist of two 10 foot lanes with four foot shoulders and have an anticipated design life of 87 years. No change in speed limit is proposed at this time.

In the past 11 years, there have been four collisions in the vicinity of the proposed road vacation. In two of the collisions, the drivers failed to negotiate a curve at approximate MP 8.4; one of these crashes resulted in a fatality. The road project is from MP 7.35 to MP 8.5. That curve is within the portion of the road to be vacated. In the proposed road realignment project, the road curves have been designed for a 45 mph speed, have wider radii and four foot shoulders to improve the overall roadway safety.

With the documented bluff erosion, the existing road will fail; estimates from the EIS are that the edge of the bluff will be within approximately four feet of the existing road by 2026. The existing guardrail will be compromised by this time. Maintaining the right of way in the area slated for obliteration and revegetation provides no value to the County and could possibly be a liability concern. There is no possible future need for this area.
By recommending approval of the road vacation, the land agencies will grant San Juan County a new road easement for the realigned road. There is time to thoughtfully and diligently complete the road realignment design and construct the road in 2015.

By recommending approval of the road vacation, the citizens of San Juan County will gain a realigned road that will provide uninterrupted service for approximately 87 years.

**RECOMMENDATION:** Based on this analysis, it is recommended that this road vacation, as shown in Attachment 1, be approved when the following conditions are met:

**Conditions:**

1. NPS and DNR grant right of way easements over the proposed realignment route.
2. The realigned Cattle Point Road is constructed and the road is open to traffic.

Rachel E. Dietzman, P.E.
County Engineer

Date:
ATTACHMENT 1

Cattle Point Road Vacation Map