

BEFORE THE WHATCOM COUNTY COUNCIL

IN THE MATTER OF VACATION OF THE COUNTY ROAD KNOWN AS SAFSTEN ROAD)	
)	PETITION FOR VACATION OF PLATTED ROAD
)	
Petitioned for by:)	(RCW 58.17 AND 36.87)
)	
)	
BP West Coast Products LLC et. al.)	

Pursuant to Whatcom County Ordinance No. 1-72, dated February 14, 1972, the undersigned petitioner (“Petitioner”) and five land owners in the vicinity of said road for which vacation is being sought who have executed this Petition (the “Adjacent Land Owners”), all of whose signatures appear herein, hereby submit this Petition to vacate the county road hereinafter described:

1. Petitioners and the Adjacent Land Owners are owners of real property in the vicinity of the road sought to be vacated.
2. The road sought to be vacated is legally described as follows:
 - a. Safsten Road – See **Exhibit A**, and
 - b. See **Exhibit B** for map identifying the location and vicinity of right-of-way described in Exhibit A.
3. The pertinent facts in support of this petition are as follows:

Background

- a. The Board of Supervisors of Mt. View Township, Whatcom County, Washington established Safsten Road (County Road No. 716) as a county road right-of-way on November 27, 1933.
- b. The Safsten Road Order of Establishment describes the subject right-of-way as: “*A strip of land 33 ft in width on and along the west line of the E ½ SW ¼ of Section 6, Twp. 39, R 1 E, W.M. for use only for public road purposes, same to revert to grantors herein should said grantee cease to maintain said property for road purposes.*”

Existing Conditions

- c. Safsten Road consists of approximately 0.5 mile of unmaintained right-of-way currently owned by Whatcom County.
- d. The subject road is gated at the Safsten/Grandview Road intersection and is paved north of Grandview Road for approximately 1,500 feet to an existing BP weather station. North of the

weather station, Safsten Road continues as an unimproved compacted dirt lane that is used for periodic farm machinery ingress/egress to lands leased by BP for agricultural management.

- e. The Safsten Road right-of-way provides indirect access to the ARCO Mitigation Area, which is located northeast of said road on a portion of Whatcom County Assessor's tax parcel number 390106-211210. The ARCO Mitigation Area is subject to a Restrictive Covenant recorded under Whatcom County Auditor File No. 2010201203 on February 12, 2001.
- f. The Safsten Road right-of-way provides direct access to the BP Brown Road Materials Storage Area (BRMSA) Mitigation Area, which is located east and west of said road on portions of Whatcom County Assessor's tax parcel numbers 390106-208076 and 390106-211210. The BRMSA Mitigation Area is subject to a Restrictive Covenant recorded under Whatcom County Auditor File No. 2060102822 on January 19, 2006.
- g. The Safsten Road right-of-way provides indirect access to the BP Compensatory Mitigation Area 2 (CMA-2), which is located east of said road on portions of Whatcom County Assessor's tax parcel numbers 390106-211210 and 390106-518137. The CMA-2 area is subject to a Restrictive Covenant recorded under Whatcom County Auditor File No. 210100781 on October 6, 2010.
- h. The Restrictive Covenants recorded on the ARCO, BRMSA, and CMA-2 mitigation areas each state: *"There shall be no development of the Property for any purpose by any entity whatsoever. There shall be no clearing, grading, or filling done on the Property except for changes required to meet mitigation requirements or for further habitat enhancements. The Property shall not be used as a depository for materials or fill as a result of any clearing, grading, or development of any other property."*
- i. The subject road does not facilitate public access to Whatcom County's shorelines nor does it provide connectivity (primary or alternate) to the Whatcom County road system.
- j. The road proposed for vacation herein does not abut a body of water.

Public Benefit

- k. The Safsten Road right-of-way provides direct access to a proposed 135.8-acre BP Advance Mitigation Project (AMP) site north of the BRMSA Mitigation Area and west of the ARCO and CMA-2 mitigation areas. Permit applications and associated documentation for the AMP were submitted for local, state, federal and tribal agency review in February 2018. The AMP includes modification of the unimproved, compacted dirt portion of Safsten Road and removal of associated ditches to allow unimpeded surface water flow across the road that will facilitate natural hydraulic conditions supportive of on-site wetland preservation, restoration and creation.
- l. Following completion, the AMP site will also be subject to a restrictive covenant containing the same or similar development restrictions as those recorded on the BRMSA, ARCO, and CMA-2 mitigation sites. Therefore, there will be no future development potential on any adjacent parcels (other than the existing BP weather station site) and the Safsten Road right-of-way will serve no future public right-of-way purpose.

- m. Vacation of the described right-of-way is one component of a variety of measures that will be implemented to provide layers of protection necessary for the long-term preservation of existing and proposed wetland mitigation and critical habitat restoration areas.
- n. Consistent with adopted land use goals and policies of the 2017 Whatcom County Comprehensive Plan, particularly Comprehensive Plan Policies 2DD-4 and 2RR-1, the public interest will be served through conservation of open space, as well as voluntary restoration and protection of wetlands and critical wildlife habitat.
- o. Safsten Road is located within a portion of the BP Unit Whatcom Wildlife Area, which is managed in conjunction with the Washington State Department of Fish and Wildlife to support habitat conservation and recreational hunting. Recreational users currently access the wildlife area from an existing parking area immediately east of Safsten Road and north of Grandview Road. Vacation of Safsten Road will not eliminate or diminish existing public access to the wildlife area.
- p. Vacation will not eliminate existing public access to the Point Whitehorn Marine Reserve or Birch Bay State Park to the west, or to other public access destinations in the greater Cherry Point area.
- q. The subject right-of-way does not facilitate public access (physical or visual) to the marine shoreline.
- r. No part of the subject road right-of-way lies within any plat, nor is any residential structure or commercial business served by this road.
- s. Vacation of said right-of-way and subsequent private ownership will reduce the County's long-term fiscal responsibility to conduct on-going maintenance and repair of the existing roadway and would reduce the overall amount of public road funds that would otherwise need to be dedicated.
- t. Vacation of said right-of-way is consistent with Whatcom County Interim Ordinance No. 2018-044.

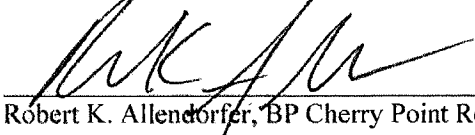
Ownership

- u. BP West Coast Products LLC (BP) owns approximately 583 acres located north of Grandview Road, east of Jackson Road, west of Blaine Road (SR 548), and south of Bay Road in Section 6, Township 39, Range 01 East, W.M.
- v. BP owns all tax parcels abutting Safsten Road and all parcels directly and indirectly served by said right-of-way.
- w. Upon vacation of Safsten Road, BP will own and maintain a portion of said vacated right-of-way for purposes of mitigation area maintenance and private security access. The remainder of said vacated right-of-way would be restored to pre-developed conditions, planted, and incorporated into the AMP.
- x. Existing utility easements within or along Safsten Road will be maintained or amended, as applicable, to facilitate continued public utility service.

- y. BP and Adjacent Land Owners are supportive of the proposed road vacation and have no objection to subsequent ownership of the vacated roadways by BP. See signature pages included herein.
- 4. The portion of road to be vacated is useless as a part of the County road system and the public will benefit by its vacation and abandonment.
- 5. Petitioner will pay all costs and expenses incurred by the County in examination, report, notice and proceedings pertaining to this petition.
- 6. The application fee in the sum of \$790.00 accompanies this petition.
- 7. A map of the road, Safsten Road, to be vacated and surrounding properties (**Exhibit C**), with each of the Petitioner and Adjacent Land Owner's properties indicated thereon, accompanies this petition.

WHEREFORE, Petitioner requests the County Road Engineer to report upon this petition, that a hearing take place on this report, and that an order be entered vacating and abandoning said road.

PETITIONER – REFINERY MANAGER:

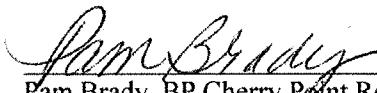

Signed this 12 day of December, 2018.
Robert K. Allendorfer, BP Cherry Point Refinery

Company: BP West Coast Products LLC

Address: 4519 Grandview Road
Blaine, WA 98230

Phone: (360) 371-1500

BP CONTACT PERSON:


Signed this 29 day of January, 2018.
Pam Brady, BP Cherry Point Refinery

Company: BP West Coast Products LLC

Address: 4519 Grandview Road
Blaine, WA 98230

Phone: (360) 371-1519

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road.

BIRCH BAY WATER AND SEWER DISTRICT:

Signature: _____

Printed Name: _____

Signed this _____ day of _____, 2018.

Company: Birch Bay Water and Sewer District

Address: 7096 Point Whitehorn Road
Blaine, WA 98230-9675

Whatcom County Assessor parcel numbers:

395101 066235
395101 072128

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road.

BIRCH BAY WATER AND SEWER DISTRICT – Dan Eisses

Acknowledgement of petition

Signature: _____

Dan Eisses

Printed Name: _____

DAW EISSES - GENERAL MANAGER

Signed this 23 day of MAY, 2018.

Address: 7096 Point Whitehorn Road
Blaine, WA 98230-9675

Whatcom County Assessor parcel numbers:

395101 066235
395101 072128

WASHINGTON STATE PARKS & RECREATION – Ted Morris

Signature: Ted Morris

Printed Name: TED MORRIS

Signed this 8th day of May, 2018.

Park: Birch Bay State Park

Address: 5105 Helweg Road
Blaine, WA 98230

Whatcom County Assessor parcel number:

395101 152375

BLUE HERON PROPERTIES LLC:

Signature: Fred J. Amundson

Printed Name / Title: FRED J. AMUNDSON / PRESIDENT

Signed this 20 day of SEPTEMBER, 2018.

Company: Blue Heron Properties LLC

Address: P.O. Box 875
Ferndale, WA 98248-0875

Whatcom County Assessor parcel numbers:

390108 434471
390108 494471

FRANK AND SHALA CROW

Signature: 

Printed Name / Title: FRANK E. CROW

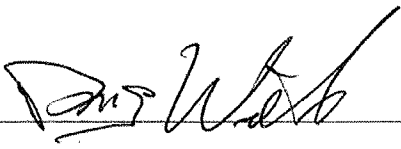
Signed this 24 day of January, 2019.

Address: 7193 Kickerville Rd
Ferndale, WA 982480

Whatcom County Assessor parcel number:

390105 500377

DOUG AND TWILA WIEBE

Signature: 

Printed Name / Title: DOUG WIEBE OWNER

Signed this MAY day of 1, 2018.

Address: 6947 Karber Road
Blaine, WA 98230

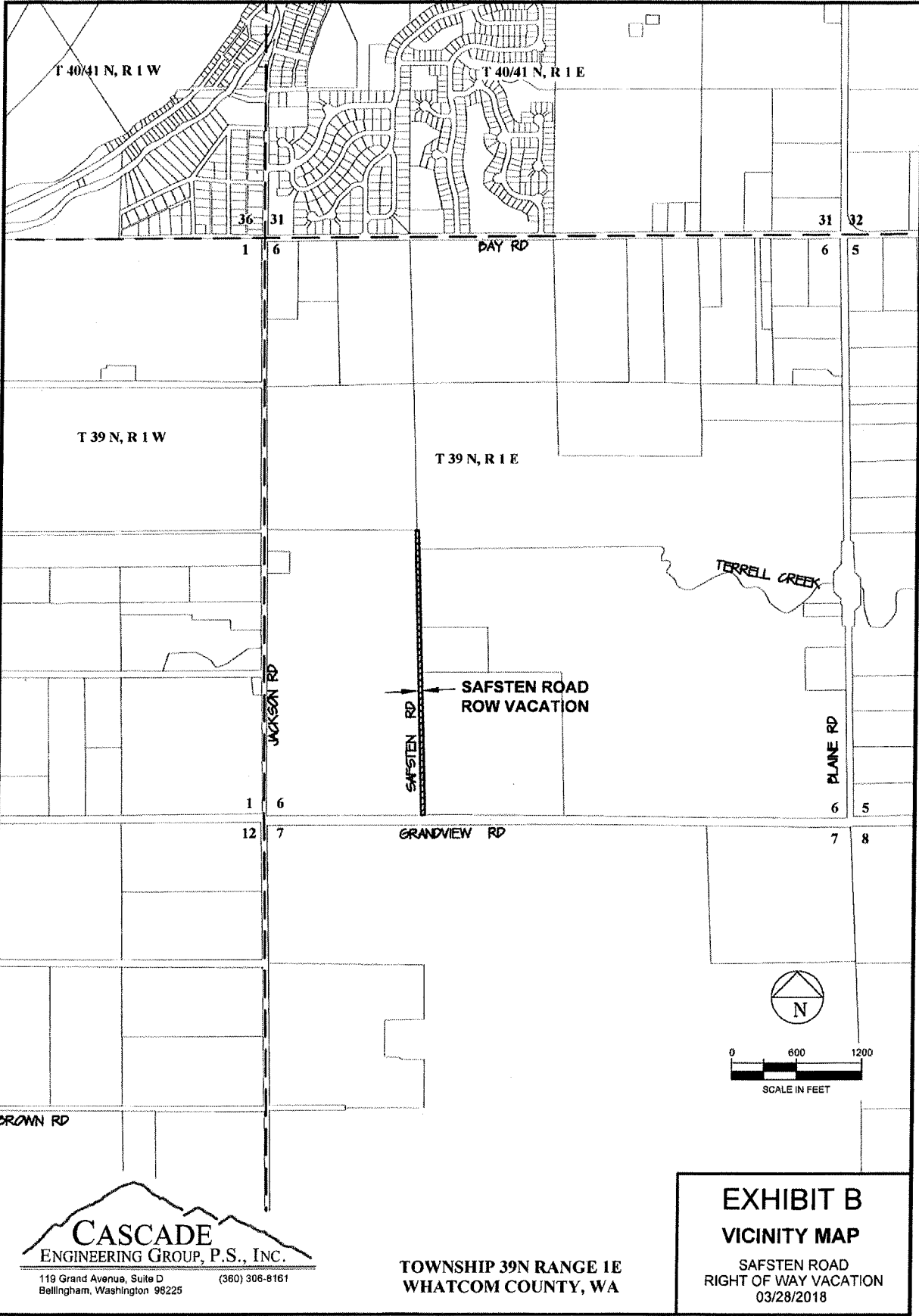
Whatcom County Assessor parcel number:

395101 094050

EXHIBIT A

SAFSTEN ROAD

A strip of land 33 feet in width on and along the west line of the E ½ SW ¼ Section 6, Township 39 North, Range 1 East, W.M. Situate in Whatcom County, Washington.



CASCADE
 ENGINEERING GROUP, P.S., INC.
 119 Grand Avenue, Suite D (360) 306-8161
 Bellingham, Washington 98225

**TOWNSHIP 39N RANGE 1E
 WHATCOM COUNTY, WA**

EXHIBIT B
VICINITY MAP
 SAFSTEN ROAD
 RIGHT OF WAY VACATION
 03/28/2018

