

July 1, 2026

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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**REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL ON
PETITION FOR ROAD VACATION**

SUBJECT: Department of Local Services file no. **V-2771**
Proposed ordinance no. **2026-0065**

KING COUNTY DNRP

Road Vacation Petition

Location: a portion of 149th Avenue SE and portions of King County Road
Nos. 949, 1182, 1244, and 23-23-5-4, lying between the Cedar
River and the existing cul-de-sac limits for 149th Avenue SE north
of Maple Valley Highway

Petitioner: Department of Natural Resources and Parks
represented by **Nick Bratton and Megan Webb**
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Seattle, WA 98104
Telephone: (206) 263-9192
Email: nbratton@kingcounty.gov; megan.webb@kingcounty.gov

King County: Department of Local Services
represented by **John Bryan**
919 SW Grady Way Suite 300
Renton, WA 98057
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FINDINGS AND CONCLUSIONS:

Overview

1. Department of Natural Resources and Parks (DNRP) petitions the County to vacate public right-of-way at a portion of 149th Avenue SE and portions of King County Road Nos. 949, 1182, 1244, and 23-23-5-4, lying between the Cedar River and the existing cul-de-sac limits for 149th Avenue SE north of Maple Valley Highway. The legal description of the King County property proposed to be vacated is found at Ex. D2. A map of the property at issue is found at Ex. D1-022.
2. On May 19, 2026, we conducted a remote public hearing on behalf of the Council. Legal notice for the public hearing was provided on April 9, 2026, and published in accordance with requirements of RCW 36.87.060. Ex. D27.
3. We left the hearing record open for Roads and DNRP to reach an agreement as to how drainage facilities will be maintained by King County in the future. We received the requested Memorandum of Agreement between the parties on June 17, 2026, and closed the record on June 18. Ex. D30.
4. The Department of Local Services, Road Services Division (Roads), recommends vacation and waiver of compensation.
5. After hearing the witnesses' testimony, reviewing the exhibits admitted into evidence, considering the parties' arguments, and applying the relevant law, the Examiner **recommends that Council grant the road vacation petition without compensation from the Petitioners.**

Background

6. Chapter 36.87 RCW sets the legal framework for county road vacations, augmented by Ch. 14.40 KCC which establishes the road vacation procedures in King County. To vacate a county road, state law requires factual findings that: (1) the road is useless to the county road system, and (2) the public will be benefited by the vacation. If those two conditions are met, then the Council has the discretion to vacate the road.
7. If the Council concludes that vacation of the right-of-way is warranted, State law allows the Council to require those benefiting from the vacation to compensate the county, up to the appraised value of the vacated road. The Council may reduce the compensation amount to account for the value of the transfer of liability or risk, the increased value to the public in property taxes, the avoided costs for management or maintenance, and any limits on development or future public benefit.

Is Vacation Warranted?

8. A petitioner has the burden to show that the “road is [1] useless as part of the county road system and [2] that the public will be benefitted by its vacation and abandonment.” RCW 36.87.020. “A county right of way may be considered useless if it is not necessary to serve an essential role in the public road network or if it would better serve the public interest in private ownership.” KCC 14.40.0102.B. Petition denial is mandatory where a petitioner fails to meet their burden, and approval is discretionary where a petitioner establishes uselessness and public benefit. RCW 36.87.060(1).
9. The subject right-of-way segment is not currently opened, constructed, or maintained for public use, and it is not known to be used informally for access to any property. Vacation would have no adverse effect on the provision of access and fire and emergency services to the abutting properties and surrounding area. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes.
10. We find that the road is useless to the county road system. We also find that the public will benefit from its vacation, with the savings in expected, avoided management and maintenance costs and increased property taxes discussed below. We conclude that vacation here is warranted.

What Compensation is Due?

11. Where vacation is appropriate, the county may require compensation up to the appraised value of the vacated road. The King County Assessor determines the road vacation’s impact on valuation for each parcel separately.
12. For each affected parcel, the Assessor calculates the increase in property value based on the additional square footage that parcel will receive from the area vacated.¹ This amount is then adjusted to account for the estimated value to the public from avoided liability risk, eliminated management and maintenance costs, along with increased property taxes. RCW 36.87.070; KCC 14.40.020.A.1. The King County Office of Performance, Strategy, and Budget (PSB) created a model for calculating these adjustments, updated annually. Roads then applies those figures to each impacted parcel. Exs. D17-D22.
13. The analysis provided by the Assessor’s Office and Roads indicates that no compensation should be required for approval of the vacation for the three parcels identified in the petition. *Id.*; Ex. D16.

¹ In preparation of this Report, the Examiner noticed that Exs. D17-D22 incorrectly identify the Road Services File No. as “V-2773” instead of V-2771. The Examiner’s Office confirmed with Roads that the Exhibits correctly reflect the Assessor calculations that were done for the property in V-2771. No resubmission was requested and the record will reflect that Exs. D17-D22 apply to Road Services File No. V-2771.

RECOMMENDATION:

The Examiner recommends that Council APPROVE proposed ordinance no. 2026-0065 to vacate the subject road right-of-way on a portion of 149th Avenue SE and portions of King County Road Nos. 949, 1182, 1244 and 23-23-5-4.

DATED July 1, 2026.



Devon Shannon
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A party may appeal an Examiner report and recommendation by following the steps described in KCC 20.22.230. By **4:30 p.m.** on **July 27, 2026**, an electronic appeal statement must be sent to Clerk.Council@kingcounty.gov, to hearingexaminer@kingcounty.gov, and to the party email addresses on the front page of this report and recommendation. Please consult KCC 20.22.230 for the exact filing requirements.

If a party fails to timely file an appeal, the Council does not have jurisdiction to consider that appeal. Conversely, if the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about next steps in the appeal process.

**MINUTES OF THE MAY 19, 2026, HEARING ON THE ROAD VACATION
PETITION OF KING COUNTY DNRP, LOCAL SERVICES,
ROADS FILE NO. V-2771**

Devon Shannon was the Hearing Examiner in this matter. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

The following exhibits were offered and entered into the hearing record:

Exhibit no. D1	Roads Services' staff report to the Hearing Examiner
Exhibit no. D2	Petition for Vacation of a County Road received May 1, 2024.
Exhibit no. D3	Opening Letter to Petitioner, dated July 8, 2024

Exhibit no. D4	King County Assessor's information for Petitioner's property, APN 232305-9088
Exhibit no. D5	King County Assessor's information for Petitioner's property, APN 232305-9097
Exhibit no. D6	King County Assessor's information for Petitioner's property, APN 222305-9155
Exhibit no. D7	King County Assessor's information for Petitioner's property, APN 232305-9133
Exhibit no. D8	King County Assessor's information for Petitioner's property, APN 232305-9123
Exhibit no. D9	King County Assessor's information for Petitioner's property, APN 232305-9032
Exhibit no. D10	Order Establishing County Road No. 949 (Elliott Bridge Road No. 2)
Exhibit no. D11	Order Establishing County Road No. 1182 (J.E. Jones County Road)
Exhibit no. D12	Order Establishing County Road No. 1244 (Elliott Bridge #2 Road Revn. #2)
Exhibit no. D13	Order Establishing Elliott Bridge Relocation Road, Survey No. 23-23-5-4
Exhibit no. D14	Exhibit map depicting vacation area
Exhibit no. D15	Copy of final notice sent of review to agencies on July 18, 2025.
Exhibit no. D16	Email exchange with Assessor's Office regarding valuation of vacation area.
Exhibit no. D17	Compensation calculation model spreadsheet for Petitioners' property, APN 232305-9088
Exhibit no. D18	Compensation calculation model spreadsheet for Petitioners' property, APN 232305-9097
Exhibit no. D19	Compensation calculation model spreadsheet for Petitioners' property, APN 222305-9155
Exhibit no. D20	Compensation calculation model spreadsheet for Petitioners' property, APN 232305-9133
Exhibit no. D21	Compensation calculation model spreadsheet for Petitioners' property, APN 232305-9123
Exhibit no. D22	Compensation calculation model spreadsheet for Petitioners' property, APN 232305-9032
Exhibit no. D23	Cover letter to Petitioners dated November 5, 2025, with a copy of the County Road Engineer's Report
Exhibit no. D24	County Road Engineer's Report
Exhibit no. D25	Ordinance transmittal letter dated February 13, 2026, from King County Executive to Councilmember Sarah Perry, Chair, King County Council
Exhibit no. D26	Proposed Ordinance

Exhibit no. D27	Declaration of Posting
Exhibit no. D28	Request for publication by Clerk of the Council
Exhibit no. D29	Letter and Exhibits from Neighbor John Schommer
Exhibit no. D30	Memorandum of Agreement