

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

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www.kingcounty.gov/independent/hearing-examiner

REPORT AND RECOMMENDATION

SUBJECT: Department of Transportation file no. **V-2747**
Proposed ordinance no. **2025-0225**
Adjacent parcel nos. **2726079060 and 2726079003**

RICKY & LAURA CALLAWAY AND IAN & PATRICIA DEWAR

Road Vacation Petition

Location: between 12310 334th Ave NE and 33333 NE 123rd St, Carnation

Petitioners: Ricky & Laura Callaway; and Ian & Patricia Dewar
represented by **Bill Moffet**
Bill Moffet Consulting
6023 189th Avenue CT E
Lake Tapps, WA 98391
Telephone: (253) 232-0562
Email: b.moffet@yahoo.com

King County: Department of Local Services
represented by **Leslie Drake**
Department of Local Services
201 S Jackson Street
Seattle, WA 98104
Telephone: (206) 477-7764
Email: leslie.drake@kingcounty.gov

FINDINGS AND CONCLUSIONS:

Overview

1. Laura and Ricky Callaway, along with Patricia and Ian Dewar, petition the County to vacate an approximately 33,522 square-foot stretch of public right-of-way between properties at 12310 334th Avenue NE and 33333 NE 123rd Street, in the Snoqualmie Valley Northeast Community Service Area, near Carnation. The Department of Local Services, Road Services Division (Roads), recommends vacation and a waiver of compensation. On September 18, 2025, we conducted a remote public hearing on behalf of the King County Council. After hearing witness testimony, studying the exhibits entered into evidence, and considering the parties' arguments and the relevant law, we recommend that the Council vacate the right-of-way and not require compensation.

Background

2. Except as provided below, we incorporate the facts set forth in Roads' report and in proposed ordinance no. 2025-0225. That report, and a map showing the area to be vacated and the vicinity of the proposed vacation, are in the hearing record and will be attached to the copies of our recommendation submitted to Council.¹
3. Chapter 36.87 RCW governs the vacation of county roads, and King County Code (K.C.C.) chapter 14.40 establishes the procedures for a road vacation in King County. To vacate a county road, state law requires (1) a finding that the road is useless to the county road system, and (2) a finding that the public will be benefited by the vacation. If those two conditions are met, then the Council has the discretion to vacate the road.² 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.³

Is Vacation Warranted?

4. 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.⁴
5. 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

¹ See Exhibit 1 at 001-005 and Exhibit 9.

² See RCW 36.87.060.

³ See RCW 36.87.120.

⁴ See K.C.C. 14.40.0102.B.

to the abutting properties and surrounding area. The County Road Engineer's report states that the right-of-way is not necessary for the present or future public road system.

6. There are drainage facilities within the right-of-way, but Roads has negotiated a proposed easement that will satisfy the county's need to operate, maintain, and access these facilities. The Callaways have agreed to this easement, which should be executed and recorded once the right-of-way is vacated.⁵ Puget Sound Energy also negotiated an easement with the Callaways, which the Callaways have signed. No other utility or agency identified facilities within the right-of-way or a need to retain an easement.
7. At the hearing, Roads confirmed that vacation would not impact NE 122nd Street, which is an open and improved right-of-way that runs parallel to part of the vacation area. The vacation area only includes the right-of-way that runs along the northern edge of NE 122nd Street, and the county would retain the right-of-way for the open and improved street.
8. We find that the subject right-of-way is useless to the county road system. We also find that the public will benefit from its vacation, since its inclusion in the public tax rolls will reduce property taxes for all others in the same taxing districts. In addition, vacation will likely reduce expected costs to the county associated with management and maintenance, discussed below. We conclude that vacation here is warranted.

What Compensation is Due?

9. The county may require compensation up to the appraised value of the vacated road. The King County Assessor determines the increase in value due to the vacation for each abutting parcel. This right-of-way was dedicated to the county in the same plat that created the parcel owned by the Callaways; the property owned by the Dewars was created in a separate plat. This means that, somewhat unusually, the entire vacation area will attach to the Callaways' property; nothing will attach to the Dewars' property. As such, the Dewars will not see any increase in value to their property and do not owe any compensation. The Assessor determined in 2024 that the vacation would increase the value of the Callaways' property by \$9,000.
10. State law allows the Council to reduce the compensation amount to reflect the expected value to the public from avoided liability risk, increased property taxes, and eliminated management or maintenance costs. The Office of Performance, Strategy, and Budget (PSB) created a model for calculating these adjustments, updated annually. Roads then applies those figures to a given parcel. The model estimates that the county will receive an additional \$151 in property taxes and reduce management and maintenance costs by \$9,036. Since this combined total is more than the \$9,000 value determined by the Assessor, the model recommends that the Callaways owe no compensation to the county.⁶

⁵ See Exhibit 16.

⁶ See Exhibit 12.

Model Methodology Concerns

11. The PSB model uses a flat amount per abutting parcel to estimate reduced management and maintenance costs each year.⁷ This means the estimated savings for the county does not vary based on the size or nature of the vacated road, but instead on how many parcels abut the vacation area and which year those abutting landowners happened to file their petition.
12. For example, the estimated amount of management and maintenance costs per parcel in 2024 was \$9,036, but it was only \$6,526 in 2023 and only \$6,880 in 2025. This means that if the Callaways had submitted their petition a year later or a year earlier, they would now owe around \$2,000 more in compensation for the same vacation under the PSB model.
13. Conversely, if the vacation area had attached to both abutting properties (as is usually the case), then the PSB model would have doubled the estimate of maintenance costs, even though the vacation area itself had not changed. The PSB model would have estimated that the same road vacation would save the county \$18,072 (since both parcels would have each received credit for saving \$9,036 in costs).
14. Additionally, the flat amount ignores the size of the vacation; the area attached to the Callaways' property is over six times larger than the average area attaching to other parcels in road vacation petitions that had hearings on the same day. There were four road vacation hearings on September 18, including the Callaways' petition. Across these four petitions there were 14 parcels where PSB had calculated a flat amount of reduced maintenance costs. The area attaching to the Callaways' property was over 40 times larger than the smallest parcel's vacation area (800 square feet compared to 33,522 square feet), yet PSB's model would have estimated the same amount of reduced management and maintenance costs for both.
15. Furthermore, PSB intended the flat amount to equal to two percent of total expenditures over five years for clean-up, research, enforcement, and administrative actions associated with unopened rights-of-way. In other words, the PSB model estimates that each abutting parcel of a vacated, unopened right-of-way saves the county 10% of these annual costs. This means that the PSB model would estimate that a single vacated roadway could save an entire year's worth of these costs if it had 10 abutting parcels.
16. Taken together, all these methodological choices make it difficult to reliably and consistently estimate what compensation is due for any given road vacation. There are a variety of different ways to address each concern above, and each way would come with its own assumptions and judgment calls. Until PSB refines its methodology, it seems equity would demand that we use the same PSB model that has been applied to past road

⁷ This is only true for unopened and undeveloped land. For opened roads or frequently traversed public areas, PSB's estimate of costs scales based on the length of the vacation area.

vacation petitions.⁸ Therefore, the Callaways owe no compensation to the county for attaching over 0.75 of an acre to their property.

RECOMMENDATION:

We recommend that Council APPROVE proposed ordinance no. 2025-0225 to vacate the subject road right-of-way abutting parcel 272607-9060, with no compensation requirement, but CONTINGENT on Petitioners delivering a signed easement in favor of King County within 90 days of the date Council takes final action on this ordinance. If King County does not receive the signed easement by that date, there is no vacation and the associated right-of-way remains King County's. If the signed easement is timely received, the Clerk shall record an ordinance against parcel 272607-9060. Recording an ordinance signifies that all contingencies are satisfied and that the right-of-way associated with parcel 272607-9060 is vacated.

DATED October 2, 2025.



Peter Heineccius
Hearing Examiner pro tem

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 **October 27, 2025**, 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.

⁸ See, for example, V-2754-Baraja, Kim, Anderson (October 25, 2024), where a prior hearing examiner expressed misgivings about the Assessor's methodology for determining the values of road vacations to abutting properties. The hearing examiner explained why the Assessor is likely undervaluing the benefit to petitioners but ultimately concluded the petitioners could take advantage of the same terms offered to past petitioners.

**MINUTES OF THE SEPTEMBER 18, 2025, HEARING ON THE ROAD
VACATION PETITION OF RICKY & LAURA CALLAWAY AND IAN & PATRICIA
DEWAR, DEPARTMENT OF TRANSPORTATION
FILE NO. V-2747**

Peter Heineccius was the Hearing Examiner in this matter. Participating in the hearing were Leslie Drake, Bill Moffet, and Joshua Neil.

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

Exhibit no. 1	Roads Services report to the Hearing Examiner, sent August 30, 2025, with 12 attachments and 20 exhibits
Exhibit no. 2	Petition transmittal letter dated May 27, 2021, to the County Road Engineer
Exhibit no. 3	Petition for Vacation of a County Road received May 27, 2021
Exhibit no. 4	Letter to Petitioners dated June 7, 2021, acknowledging receipt of Petition
Exhibit no. 5	King County Assessor's information for Petitioners Ricky and Laura Callaway's property, APN 2726079060
Exhibit no. 6	King County Assessor's information for Petitioners Ian and Patricia Dewar's property, APN 2726079003
Exhibit no. 7	Assessor's Quarter Section map for SE272607
Exhibit no. 8	King County Short Plat S89S0262 rec 199202199003
Exhibit no. 9	Exhibit map depicting vacation area
Exhibit no. 10	Copy of final notice sent of review to agencies on 07/26/2021
Exhibit no. 11	Email exchange with Assessor's Office regarding valuation of vacation area
Exhibit no. 12	Compensation calculation model spreadsheet for Petitioners' property, APN 2726079060
Exhibit no. 13	Cover letter to Petitioners dated April 16, 2024, with a copy of the County Road Engineer's Report
Exhibit no. 14	County Road Engineer's Report
Exhibit no. 15	PSE Easement
Exhibit no. 16	Permanent Easement in favor of King County
Exhibit no. 17	Ordinance transmittal letter dated July 21, 2025, from King County Executive to Councilmember Girmay Zahilay, Chair, King County Council
Exhibit no. 18	Proposed Ordinance
Exhibit no. 19	Declaration of Posting
Exhibit no. 20	Request for publication by Clerk of the Council

October 2, 2025

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CERTIFICATE OF SERVICE

SUBJECT: Department of Transportation file no. **V-2747**
Proposed ordinance no. **2025-0225**
Adjacent parcel no(s). **2726079060 and 2726079003**

RICKY & LAURA CALLAWAY AND IAN & PATRICIA DEWAR

Road Vacation Petition

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND RECOMMENDATION** to those listed on the attached page as follows:

- ☒ EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- ☒ placed with the United States Postal Service, through Quadient-Impress, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED October 2, 2025.



Jessica Oscoy
Administrator

Brown, Keith
Department of Local Services

Callaway, Ricky/Laura
Hardcopy

Carr, Trevor
Department of Natural Resources and Parks

Carrasquero, Jose
Department of Local Services

Claussen, Kimberly
Department of Natural Resources and Parks

Dewar, Ian/Patricia
Hardcopy

Drake, Leslie
Department of Local Services

Eastside Fire and Rescue

Hay, Melani
Metropolitan King County Council

Ishimaru, Jim
Department of Local Services

Jackson, Robert
Department of Natural Resources and Parks

Kosai-Eng, JoAnn
Department of Local Services

Kulish, Michael
Facilities Management Division

Martin, James
Comcast Cable

McDonald, Andrew
Department of Natural Resources and Parks

Miles, Dawn
Metro Transit Division

Minichillo, Tom
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Moffet, Bill
Bill Moffet Consulting
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Neil, Joshua

Ozanich, Barbara
King County Water District No. 119

Pursley, Steve
Wave Broadband

Robinson, Jeff
Department of Local Services

Shular, Ryan
Department of Local Services

Sung, Huey-yi
Department of Local Services

Todd, Scott
Department of Natural Resources and Parks

Torkelson, Cindy
Department of Local Services

Yang, Amber
Puget Sound Energy
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