

June 8, 2012

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
King County Courthouse, Room 1200
516 Third Avenue
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-0198
Email hearingexaminer@kingcounty.gov

REPORT AND DECISION

SUBJECT: Development and Environmental Services File No. **E1100671**

BRIAN AND TRUDI CRUMBLY
Code Enforcement Appeal

Location: 21433 276th Avenue SE

Appellants: Brian and Trudi Crumbley
represented by **Preston Drew**
PO Box 39
Carnation, WA 98014
Email: preston@drewlogging.com

King County: Department of Development and Environmental Services (DDES)
represented by **Holly Sawin**
900 Oakesdale Avenue SW
Renton, WA 98057
Telephone: (206) 296-6772
Email: holly.sawin@kingcounty.gov

SUMMARY OF RECOMMENDATIONS/DECISION:

| | |
|--|-----------------------------|
| Department's Preliminary Recommendation: | Deny Appeal |
| Department's Final Recommendation: | Deny Appeal |
| Examiner's Decision: | Grant in part, deny in part |

EXAMINER PROCEEDINGS

| | |
|-----------------|--------------|
| Hearing Opened: | June 7, 2012 |
| Hearing Closed: | June 7, 2012 |

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

FINDINGS, CONCLUSIONS AND DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. On March 12, 2012, the King County Department of Development and Environmental Services, Code Enforcement Section, issued a Notice and Order to Brian and Trudi Crumbley concerning property located in the RA-5 zone at 21433 276th Avenue SE, Maple Valley. The property was cited for operation of a contractor's storage yard with storage of commercial vehicles; an accumulation of inoperable vehicles and vehicle parts including parking and storage of vehicles on unimproved surfaces; an accumulation of rubbish, salvage and debris materials; and grading and filling in excess of the threshold for requiring a grading permit. A timely appeal of the Notice and Order was filed by the Crumbleys, and a public hearing on the appeal was conducted by the King County Hearing Examiner's Office on June 7, 2012. At the public hearing DDES staff conceded that it probably could not prove the alleged grading violation, which element of the citation was withdrawn.
2. The posture of the Crumbleys in this appeal is that due to a recent King County land acquisition of their prior residence they were forced to move to the present location on short notice and therefore lacked sufficient time to dispose of surplus materials. They have agreed to remove the inoperable passenger vehicles but want to retain some of the larger equipment and construction materials for future building and agricultural use. Their undisputed testimony was that they are currently growing hay on the property and intend to continue. The Crumbleys would like to retain on site two dry van trailers for storage of building materials and hay and have agreed to remove the remaining trailers. They have also agreed to remove about 20 inoperable automobiles. DDES is skeptical of the appellants' intent to properly use the materials and vehicles proposed for retention and would like to see a larger number of items removed within a 90-day timeframe.
3. The Crumbleys' story that they needed to depart their former residential property quickly is not in dispute nor is the assertion that they may have legitimate plans for the future productive use of many of the items brought with them. But certainly the sheer quantity of inoperable vehicles and commercial long haul trailers is sufficient to raise an element of doubt regarding their ultimate plans. So regardless of the leniency of the approach, a strict timeline for winnowing down the surplus needs to be employed.

CONCLUSIONS:

1. In the RA zone auto parking facilities and the repair of heavy equipment and trucks are prohibited uses. Construction and trade business services are limited to landscaping and horticulture activity and then only when accessory to a permitted retail use. The RA zone permits the growing and harvesting of crops and the raising of livestock. Permitted resource accessory uses include the storage of agricultural products and equipment used on site. While storage of agricultural materials in a trailer may be acceptable as a temporary expedient, long term storage use of a van trailer can only be justified if the unit becomes permanently sited and loses its vehicle status.
2. With respect to the allegation that the appellants are operating a contractor's storage yard on their property, staff's evidence consists entirely of an inference that the existence of commercial trucks in substantial quantity implies a commercial use. Such an inference of a commercial purpose is entitled to prevail unless the appellants comply with a limited temporary storage use proportional to their five acre site, accompanied by a commitment to promptly construct a facility for

permanent storage. The conclusion that an unlawful commercial use exists on the property must be drawn unless the few trailers allowed to remain are either phased out or converted to legal storage structures.

3. In like manner, a collection of salvage building materials can be tolerated as an interim arrangement pending their timely use on the premises. The conditions attached to this order will provide a timeline applicable to them as well. If the pile of logs are intended to be utilized as firewood, they should be bucked up and stacked within a reasonable timeframe as well.
4. Finally, there is no legitimate pretext for the retention of the junk cars on the property. They are clearly in violation of applicable zoning regulations and need to be removed.

DECISION:

The appeal is granted in part and denied in part. The appeal is granted as to the citations within the Notice and Order for grading and filling without a valid permit and with respect to the citation for operation of a contractor's storage yard provided certain transitional conditions are met in a timely manner. The appeal is denied in all other respects.

ORDER:

No penalties shall be assessed against the appellants and their property if the following conditions are met:

1. Vehicles
 - a. Vehicles cited within the Notice and Order allowed to remain on the property permanently are limited to the farm tractor, the backhoe and the Ford F-600 farm truck.
 - b. Vehicles cited within the Notice and Order allowed to remain on the property temporarily are limited to two detached dry van trailers (i.e., without trucks) for storage of building materials and hay. These units may be retained on the property for storage use until **October 1, 2013** unless the appellants have filed a complete building permit application for construction of a barn by such date, in which case they may remain until **October 1, 2014**. Alternatively, by **October 1, 2013** appellants may submit to DDES a complete building permit application to convert such units from vehicle status into legally sited permanent structures, or shall have received from DDES confirmation that such units can be sited exempt from permit review.
 - c. All vehicles cited in the Notice and Order except those specified above shall be removed from the property by October 1, 2012.
2. Materials
 - a. The cited fencing, posts, lumber and trusses shall either be incorporated into structures or stored within an enclosed space no later than **October 1, 2014**. If this deadline is not met, they shall be removed from the property.
 - b. By **October 1, 2014** the pile of logs shall be cut into cord wood and stacked or removed from the property.

- c. All materials cited within the Notice and Order other than those specified above, shall be removed from the property by **October 1, 2012**.
3. Penalties. If the appellants fail to comply with the deadlines stated above, or any extensions of such deadlines granted by DDES, then DDES may apply penalties to the appellants and their property retroactive to the date of this order.

ORDERED June 8, 2012.

Stafford L. Smith
King County Hearing Examiner *pro tem*

NOTICE OF APPEAL

Pursuant to King County Code Chapter 20.24, the King County Council has directed that the Examiner make the final decision on behalf of the county regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in King County Superior Court within 21 days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE JUNE 7, 2012, PUBLIC HEARING ON DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E1100671.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Holly Sawin, for the Department; Preston Drew representing Brian and Trudi Crumbley, Brian Crumbley and Charles Pillon.

The following Exhibits were offered and entered into the record:

- | | |
|---------------|---|
| Exhibit no. 1 | Development and Environmental Services staff report to the Hearing Examiner for file no. E1100671 |
| Exhibit no. 2 | Copy of the Notice and Order issued March 12, 2012 |
| Exhibit no. 3 | Copy of the Notice and Statement of Appeal received March 27, 2012 |
| Exhibit no. 4 | Copies of codes cited in the Notice and Order |
| Exhibit no. 5 | Photographs of subject property taken by Officer Sawin |
| Exhibit no. 6 | Photographs taken by Preston Drew of property |

SLS/gao

June 8, 2012

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

King County Courthouse, Room 1200

516 Third Avenue

Seattle, Washington 98104

Telephone (206) 296-4660

Facsimile (206) 296-0198

Email hearingexaminer@kingcounty.gov

CERTIFICATE OF SERVICE

SUBJECT: Development and Environmental Services File No. **E1100671**

BRIAN AND TRUDI CRUMBLEY

Code Enforcement Appeal

I, Ginger Ohrmundt, certify under penalty of perjury under the laws of the State of Washington that on June 8, 2012, I transmitted the **REPORT AND DECISION** to the following parties of record and interested persons:

Brian and Trudi Crumbley
21433 276th Avenue SE
Maple Valley, WA 98038

Elizabeth Deraitus
900 Oakesdale Avenue SW
Renton, WA 98057

Preston Drew
PO Box 39
Carnation, WA 98014

Sheryl Lux
900 Oakesdale Avenue SW
Renton, WA 98057

Charles Pillon
15753 SE Renton-Issaquah Rd.
Renton, WA 98059

Holly Sawin
900 Oakesdale Avenue SW
Renton, WA 98057

Toya Williams
900 Oakesdale Avenue SW
Renton, WA 98057

- EMAILED to all County staff listed as parties of record/interested persons and primary parties with e-mail addresses on record.
- caused to be placed with the United States Postal Service, with sufficient postage, as **FIRST CLASS MAIL** in an envelope addressed to the non-County employee parties of record/interested persons at the addresses indicated on the list attached to the original Certificate of Service.
- caused to be placed with the United States Postal Service, with sufficient postage, as **CERTIFIED MAIL** with a return receipt requested in an envelope addressed to the primary parties.

DATED June 8, 2012.

Ginger Ohrmundt
Legislative Secretary