August 1, 2008

OFFICE OF THE HEARING EXAMINER
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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0400250**

SHARI F. HUNTER (ESTATE OF WILLIAM HUNTER)
Code Enforcement Appeal

Location: 22655 – 156th Avenue Southeast

Appellant: **Shari F. Hunter**
22655 – 156th Ave SE
Kent, WA 98042
Telephone: (253) 631-1288

King County: Department of Development and Environmental Services
represented by **DenoBi Olegba**
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 205-1528
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SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Deny appeal with revised compliance schedule
Department's Final Recommendation:	Deny appeal with revised compliance schedule
Examiner's Decision:	Grant appeal for additional compliance time; Sustain Notice and Order with revised compliance schedule

EXAMINER PROCEEDINGS:

Hearing opened:	May 27, 2008
Hearing closed:	May 27, 2008

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 office of the King County Hearing Examiner.

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

FINDINGS OF FACT:

1. On March 28, 2008, the King County Department of Development and Environmental Services (DDES) issued a Notice and Order to William Hunter that found code violations on an RA-5 zoned property located at 22655 156th Avenue Southeast in the unincorporated Lake Youngs area east of Kent and north of Covington. The Notice and Order cited Mr. Hunter and the property with the following violations of County Code:

   A. Accumulation of inoperable vehicles and vehicle parts in exterior storage and parking/storage of vehicles on non-impervious (unimproved) surfaces.

   B. Accumulation of assorted rubbish, salvage and debris.

   The Notice and Order required compliance by May 2, 2008 by removal of the inoperable vehicles and vehicle parts (or alternatively storage within a fully enclosed building); cessation of parking/storage of vehicles on non-impervious surfaces; reduction of the number of vehicles parked/stored on the subject residential site; and removal of the rubbish, salvage and debris, with disposal at an approved facility.

2. Shari F. Hunter, representative of the estate of William Hunter, who is now deceased, filed a timely appeal of the Notice and Order. The appeal made no claim of error in the Notice and Order's findings of violation and required correction measures, but requested an extended, 12-month period to achieve them.

3. At hearing, DDES testified that it had met with Ms. Hunter on the property and had issued junk vehicle certificates to facilitate removal of inoperable vehicles, and further noted that the Appellant had already taken steps toward compliance, with which the County may assist. DDES concluded that the Appellant has shown good faith toward compliance and acknowledged that the probate process (cited by the Appellant as in progress) is time consuming. DDES recommended the requested extension of time be granted, for a period of one year from the date of hearing, with regular check-in communication.

4. The Appellant testified about the compliance activities that had been undertaken up to the date of hearing and noted that there is a substantial amount of material to remove from the property. She has made a persuasive case that her efforts are diligent and in good faith.

CONCLUSIONS:

1. The Appellant has not contested the findings of violation and the substance of the compliance requirements. The Notice and Order shall be sustained in such regard.

2. The agreed-upon one-year time period for compliance shall be imposed, and the Examiner shall authorize DDES to extend the time period if warranted by circumstances beyond the Appellant's control despite her diligent and good faith efforts. The Examiner concurs that a regular communication check-in is in order to maintain information flow and monitor progress.

DECISION:

The Appeal is granted with respect to the stipulated revision and extension of the compliance time schedule. The Notice and Order is otherwise sustained with respect to the findings of violation. The compliance schedule is revised as stated in the following Order.

ORDER:

1. Remove inoperable vehicles and vehicle parts from the exterior premises (or alternatively store them within a fully enclosed building), and cease parking/storage of vehicles on non-impervious (unimproved) surfaces *by no later than* **May 27, 2009**.

2. Remove assorted rubbish, salvage and debris from the premises *by no later than* **May 27, 2009** and dispose of these items at an approved facility.

3. The Appellant or a knowledgeable representative shall periodically report on compliance progress to the above-named DDES code enforcement officer on or before each of the following dates: **October 31, 2008**; **January 31, 2009**; and **March 31, 2009**.

4. DDES is authorized to grant deadline extensions for any of the above requirements if warranted (in DDES's sole judgment) by circumstances beyond the Appellant's diligent effort and control.

5. No penalties shall be assessed by DDES against the estate of William Hunter or the property if the above compliance requirements and deadlines (as may be extended by DDES) are met in full. If they are not, DDES may impose penalties as authorized by county code retroactive to the date of this decision.

ORDERED August 1, 2008.

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Peter T. Donahue
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, 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 Superior Court within twenty-one (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 MAY 27, 2008, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0400250

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were DenoBi Olegba representing the Department and Appellant Sherry Hunter representing Noticee William Hunter's Estate.

The following Exhibits were offered and entered into the record:

Exhibit No. 1	DDES staff report to the Hearing Examiner for E0400250
Exhibit No. 2	Copy of the Notice & Order issued March 28, 2008
Exhibit No. 3	Copy of the Notice and Statement of Appeal received April 7, 2008
Exhibit No. 4	Copies of codes cited in the Notice & Order
Exhibit No. 5a-k	Photographs of subject property depicting conditions
Exhibit No. 6	Notice of Violation with Intent to Issue Notice and Order

PTD:vsm
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