February 10, 2017

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
Facsimile (206) 296-0198
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

REVISED REPORT AND DECISION

SUBJECT: Department of Permitting and Environmental Review file no. **ENFR130696**

TIMOTHY AND THONGSA SHARP
Code Enforcement Appeal

Location: 4505 S 354th Street, Auburn

Appellants: **Timothy and Thongsa Sharp**
4505 S 354th Street
Auburn, WA 98001
Telephone: (206) 793-9951
Email: tim@irondesigncenter.com

King County: Department of Permitting and Environmental Review
represented by **LaDonna Whalen**
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
Telephone: (206) 477-5567
Email: ladonna.whalen@kingcounty.gov

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Deny appeal

EXAMINER PROCEEDINGS:

Hearing Opened:	February 2, 2017
Hearing Closed:	February 2, 2017
Reconsideration Requested	February 3, 2017

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

FINDINGS:

1. Timothy H. and Thongsa Sharp are record owners of property located in unincorporated King County at 4505 S 354th Street (“Property"). Exhibit 3.

2. In response to a complaint that inoperable vehicles, junk, and debris were stored on the Property, beginning in September, 2013 and continuing through October, 2016, the Department of Permitting and Environmental Review (“DPER”) conducted at least 3 site visits by 4 different enforcement officers confirming the complained–of violations and noting little progress in resolving the alleged violations. They communicated with Mr. Sharp. Over this time Mr. Sharp did not contest the alleged violations, but asked for more time to achieve compliance. Exhibit 1.

3. Following the most recent site visit on October 4, 2016, during which Officer Whalen observed many inoperable vehicles, many of which remain parked on non-impervious surfaces, and piles of debris, DPER sent a Notice and Order on October 28, 2016 alleging 2 violations: (1) accumulation of inoperable vehicles and vehicle parts, parking/storage on non-impervious surfaces, and parking of vehicles in excess of the number allowed on the R-4 zoned site; and (2) accumulation of junk and debris. Exhibit 2.

4. On November 23, 2016, Mr. Sharp (“Appellant”) timely appealed. He did not contest the alleged violations, but rather stated that he had just learned that he needed junk vehicle certificates and needed more time. Exhibit 3.

5. At the January 4, 2017 hearing on motions, Hearing Examiner Spohr suggested to Appellant that he contact DPER to determine whether it could provide him with “salvage only” vouchers for those vehicles that do not have VIN numbers and that he remove as many vehicles as possible prior to the scheduled February 2, 2017 hearing on the merits. Exhibit 10. Appellant did not contact DPER prior to the February 2 hearing. Testimony of Officer Whalen.

6. At the hearing, Appellant testified that he had removed 9 vehicles and used a bulldozer to move vehicles stored elsewhere on the Property into their places in order to facilitate their removal.

7. DPER advised Appellant that he could either remove the remaining <u>inoperable</u> vehicles or move them into a permanent, permitted structure. With regard to <u>operable</u> vehicles, he either remove them or store them on an impervious surface.

8. Appellant testified that he needs 5 junk vehicle certificates. DPER can assist him with those certificates. Once he has them, he must give 15 days' notice to the last recorded owner prior to removing the junk vehicles.

9. DPER's final recommendation at the hearing is that Appellant achieve compliance for those vehicles for which he has title within 30 days of the Examiner's decision and for those for which he does not have title within 60 days of the decision.

10. Appellant testified that he could comply with DPER's recommendation.

11. The day after the hearing, Appellant left a message for DPER indicating that he had forgotten that he and his wife had planned a trip to Thailand during the compliance period. While the Examiner finds it somewhat difficult to believe that one could forget a trip to Thailand, DPER responded that it would be willing to extend the 30-day compliance deadline to 60 days.

CONCLUSIONS:

1. Appellant committed the allegations alleged in the Notice and Order.

DECISION:

1. The appeal is DENIED.

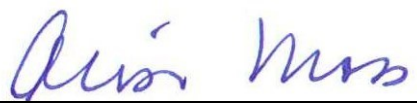
2. No penalties shall be assessed against the Appellant or the subject property if the following actions are completed **by the following compliance deadlines**:

   A. Remove inoperable vehicles with titles and vehicle parts from the premises or store these materials within a fully enclosed permitted building, cease parking/storage of vehicles on non-impervious surfaces and reduce the number of vehicles parked/stored on this R4 zoned residential site to 8 or less **by April 10, 2017**.

   B. Obtain junk vehicle certifications, then remove inoperable vehicles with titles and vehicle parts from the premises or store these materials within a fully enclosed building, cease parking/storage of vehicles on non-impervious surfaces and reduce the number of vehicles parked/stored on this R4 zoned residential site to 8 or less **by April 10, 2017, 2017**.

   C. Remove assorted rubbish, salvage and debris from the premises and dispose of these items at an approved facility **by April 10, 2017**.

ORDERED February 10, 2017.



Alison Moss
Hearing Examiner pro tem

NOTICE OF RIGHT TO APPEAL

King County Code 20.22.040 directs the Examiner to make the County's final decision for this type of case. This decision shall be final and conclusive unless proceedings for review of the decision are timely and properly commenced in superior court. Appeals are governed by the Land Use Petition Act, Chapter 36.70C RCW.

MINUTES OF THE FEBRUARY 2, 2017, HEARING IN THE APPEAL OF TIMOTHY AND THONGSA SHARP, DEPARTMENT OF PERMITTING AND ENVIRONMENTAL REVIEW FILE NO. ENFR130696.

Alison Moss was the Hearing Examiner in this matter. Participating in the hearing were LaDonna Whalen, Timothy Sharp, and Jeri Breazeal.

The following exhibits were offered and entered into the record:

Exhibit no. 1	Department of Permitting and Environmental Review staff report to the Hearing Examiner for file no. ENFR130696.
Exhibit no. 2	Notice and order, issued October 28, 2016
Exhibit no. 3	Notice and statement of appeal, received November 28, 2016
Exhibit no. 4	Codes cited in the notice and order
Exhibit no. 5	Photographs of the subject property taken by Officer Al Tijerina on September 19, 2013
Exhibit no. 6	Photographs of the subject property taken by Officer Al Tijerina on March 19, 2015
Exhibit no. 7	Photographs of the subject property taken by Officer Jeri Breazeal on June 3, 2016
Exhibit no. 8	Photographs of the subject property taken by Officer LaDonna Whalen on October 4, 2016
Exhibit no. 9	Email from Appellant to LaDonna Whalen dated August 8, 2016
Exhibit no. 10	Hearing Examiner Order on motion and notice of hearing dated January 4, 2017

AM/vsm

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CERTIFICATE OF SERVICE

SUBJECT: Department of Permitting and Environmental Review file no. **ENFR130696**

TIMOTHY AND THONGSA SHARP
Code Enforcement Appeal

I, Elizabeth Dop, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REVISED REPORT AND DECISION** 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.

☒ 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/interested persons to addresses on record.

DATED February 10, 2017.

Elizabeth Dop

Elizabeth Dop
Legislative Secretary

All Parties of Record

Breazeal, Jeri
Department of Permitting and Environmental Review

Deraitus, Elizabeth
Department of Permitting and Environmental Review

Lux, Sheryl
Department of Permitting and Environmental Review

Sharp, Timothy-Thongsa mailed paper copy

Whalen, LaDonna
Department of Permitting and Environmental Review

Williams, Toya
Department of Permitting and Environmental Review