



# King County

1200 King County  
Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Meeting Agenda

### Panel 2 - Local Services Excellence (Discussion Related to Proposed 2019-2020 Biennial Budget)

*Councilmembers: Kathy Lambert, Chair,  
Reagan Dunn, Joe McDermott, Dave Upthegrove*

*Staff: Erin Auzins (206-477-0687), Panel Lead, Nick Bowman (206-477-7607), Jenny Ngo (206-263-2115)*

*Panel Assistant: Sharon Daly (206-477-0870)*

1:30 PM

Tuesday, October 23, 2018

Room 1001

#### SPECIAL MEETING

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

1. **Call to Order**

To show a PDF of the written materials for an agenda item, click on the agenda item below.

2. **Roll Call**

#### Briefing

3. **Briefing No. 2018-B0174** pp. 3-102

Local Services Excellence: Policy Discussion on the Proposed 2019-2020 Budget

*Erin Auzins, Nick Bowman and Jenny Ngo, Council Staff*

4. **Public Comment**

#### Adjournment



*Sign language and communication material in alternate formats can be arranged given sufficient notice (296-1000).*

*TDD Number 296-1024.*

*ASSISTIVE LISTENING DEVICES AVAILABLE IN THE COUNCIL CHAMBERS.*



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“Local Services Excellence” Panel  
October 23, 2018  
1:30 p.m. – 4:30 p.m.

**Week 2 Agenda (3 hours)**

<b>Item #</b>	<b>Topic</b>	<b>Presenter</b>	<b>Time</b>
1	<b>Local Services Levels of Service</b>	John Taylor Nick Bowman	25 min
2	<b>Department of Local Services Configuration and Customer Service</b>	John Taylor Jim Chan Erin Auzins	15 min
3	<b>Surface Water Management</b>	Josh Baldi Erin Auzins	15 min
4	<b>Code Enforcement</b>	Jim Chan Erin Auzins	20 min
5	<b>Roads Capital Program</b>	Dwight Dively Rick Brater Nick Bowman	15 min
6	<b>Permit Fee Comparison</b>	Warren Cheney Erin Auzins	10 min
7	<b>Councilmember Discussion on Budget Direction</b>	Members	70 min
8	<b>Public Comment</b>	Residents	10 min

**Week 3 Potential Agenda (1.5 hours)**

1. Finalize recommendations to Budget Leadership Team

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## **Local Services Excellence Panel**

### **Week 2 Written Responses from Executive Staff**

#### **Topic 1: Local Services Level of Service – John Taylor, Mitzi Johanknect, Nick Bowman – 25 minutes**

Written answers from Exec staff for Panel:

- 1. What would it cost and how many FTEs would it take to increase police service for our unincorporated areas?**

KCSO Response:

We are currently conducting a patrol staffing study that will use numerous factors (workload, population, industry best-practices) to establish optimal staffing levels. KCSO's 2019-2020 Biennial budget included a request for 18 Neighborhood Patrol Officers, at an estimated cost of \$7 million. This was done partly in anticipation of requests for additional service related to the new Department of Local Services and to restore some of the reductions taken in previous budget cycles. The Council could fund these positions in full or in part in the 2019-2020 budget as a placeholder. The first data sets from our MPP staffing study should be available late in the first quarter of 2019. At that time, our data will allow us to provide you with a more accurate assessment of our patrol staffing needs.

**Is it possible to increase service to the unincorporated area without additional resources?**

KCSO Response:

We simply don't have the resources to do this. We are currently operating at minimum staff levels in most of unincorporated King County and have already redeployed practically all non-essential positions into patrol after previous budget cuts.

**What would be in the impact to minimum service levels if the Council were to direct equal levels of service across the three precincts?**

KCSO Response:

Any Council directive on staffing of a separately elected official's operations is not acceptable, and would establish a separation of powers conflict. Further, current minimum patrol staffing levels are comparable across all precincts (6 for Precinct 2, 6 for Precinct 4 and 8 for Precinct 3) when considering the current number of calls for service (see answer to question #6) and the geographical challenges of each precinct area. All these factors were carefully considered when establishing our minimum staffing levels. It should be noted that these are only "minimum" staffing levels. Often, on some shifts, the number of deputies on patrol will be greater.

- 2. Would a community policing model work for places like Skykomish and the easternmost portions of King County?**

KCSO Response:

No, not with our current staffing levels.

**3. What affordable ways could the County explore to get better service/better visibility in these areas (besides at Stevens Pass)?**

KCSO Response:

See answer #1, our staffing study may reveal useful information.

**4. What would be the impact across the precinct if services was expanded in these areas if not additional resources were provided(for example, in Skykomish, from 5 to 7 days a week)?**

KCSO Response:

Again, this comes back to funding more resources. Although adding two extra days of patrol may seem simple on its face, it's not. Adding one extra post (or patrol vehicle) staffed around the clock (3 shifts) takes 6.5 FTE's, at an approximate cost of \$2.5 million.

**5. How could service be improved in the urban unincorporated pockets? Has the Sheriff's Office considered contracting or entering into an ILA with neighboring cities to provide service to those areas?**

KCSO Response:

This is not possible and would lead to an unfair labor practices complaint and grievances from KCPOG. This would be "skimming" of KCPOG work under our current collective bargaining agreement.

**6. What are the Level 1 and Level 2 call comparisons by precinct in King County? How do they compare to Snohomish County, Pierce County, Bellevue and Burien?**

KCSO Response:

We can provide some comparative information for Precincts 2, 3 and 4. For the month of August, calls for Level 1 and 2 calls combined were as follows:

253 (Pct. 2)

686 (Pct. 3)

491 (Pct. 4)

We cannot compare calls for service with non-KC agencies due to different naming conventions and crime rates. In addition, it is impossible to accurately compare calls for service in rural areas to those in cities.

**7. What is the standard equipment in sheriff's deputies vehicles? Does this include traffic control equipment such as reflective gloves and flashlights?**

Answer to be provided.

**8. How many rifles are in each vehicle?**

Answer to be provided.

**9. What Sheriff's office requests were not included in the Executive's proposed budget, and what was the reasoning for not including them?**

**Answer**

The rationale for which ones were chosen for funding was the priority assigned to the various requests by the Sheriff and the Executive. I believe it is fair to say that the Executive funded the items that were the highest priority for the Sheriff, in part because their priorities are very similar. Of course, the Sheriff would have liked more items on her list to be funded. The Executive had to balance these requests against those from other General Fund agencies. He also has to keep in mind that we will struggle to maintain even these new additions in the future unless we get tax reform from the Legislature.

See attached list of requests not included in Executive's Proposed 2019-2020 Biennial Budget.

**10. Are any programs/services proposed to be cut from the 2017-2018 budget in the proposed 2019-2020 budget?**

Answer to be provided.

**Topic 2: Department of Local Services Configuration and Customer Service – John Taylor, Jim Chan, Erin Auzins, Jenny Ngo – 15 minutes**

Written answers from Exec staff for Panel:

1. What other services do permittees access during the permit process (environmental health, others), and how can we improve customer service for permittees to create a “one-stop shop” to avoid unnecessary travel, multiple submittals, etc.?

**Answer**

Other services include:

- On-site septic or sewer (KC Public Health or local sewer utility)
- Water availability certification (KC Public Health or local water utility)
- Plumbing (KC Public Health)
- Electrical (State L&I)
- Document recording (KC Records and Licensing Services)
- Historic preservation assessment (KC DNRP)
- Flood hazard certification (KC DNRP)
- Farm stewardship planning (KC DNRP, KC DPH, and King Conservation District)
- Hydraulic protection (State Fisheries and Wildlife)
- Air quality management (Puget Sound Clean Air Agency)
- Liquor and marijuana licensing (State Liquor and Cannabis Board)
- Addressing (KC e911)

Options for creating a one-stop shop for County agencies:

The Permitting Division has already taken several steps to create a one-stop County shop for permitting:

- In 2015, Permitting began recording documents in Snoqualmie, sparing our customers a trip to downtown Seattle to the main offices of Recording and Licensing Services.
- The Permitting Division has worked the King County e911 to integrate its review of address assignments into the permit approval process, eliminating errors in address assignment so first responders can locate addresses as quickly as possible.
- The Division coordinates agricultural permitting for our customers with the Conservation District, DNRP and Health.
- Just last year, the Permitting Division joined the regional public permitting web portal, MyBuildingPermit.com (MBP), and has been steadily implementing permit types on-line.

Environmental Health (EHS) and Permitting are exploring further steps to create a one-stop shop:

- EHS is looking at adding plumbing permits to MBP to create a common, one-stop web portal for the convenience of EH customers. Some customers would benefit by submitting application materials to a single source, rather than multiple locations. Overall project status and requirements could be tracked by County staff and customers with a single public-facing system.
- As EHS upgrades the Enviro health database EHS will look for opportunities to coordinate and/or integrate back-end permitting systems with the Permitting Division’s Accela platform. Such integration could enable electronic, automatic sharing of critical area information, site plans, development decisions/conditions, and building plans between EH and Permitting.



- EHS has proposed a new OSS technical customer service position to be hired in 2019 and will be co-located with Permitting at in Snoqualmie to assist customers with OSS questions concurrently with other permitting process questions.

More broadly, the DLS Director's Office will be the central coordinator of the public engagement work benefitting all residents and businesses in the unincorporated County through the CSA, townhall, and other outreach programs.

2. How could the pre-application process be improved to give permit customers a better list of what is required in order to reduce the number of resubmittal and review cycles permittees need to go through?

**Answer**

The purpose of the pre-submittal process was to reduce the number of re-submittals required by offering applicants a robust screening service before application. The screening process identifies for prospective applicants the required application materials based on the information customers provide about their desired projects. Since its inception, the pre-submittal process has reduced re-submittal requirements by about 67 percent - from about 75 percent to 25 percent of applications.

More consistent screening is still needed, however, as identified in the 2017 performance audit. In response, the Division has been evaluating the practicality of dedicating a single, lead professional from each review discipline to provide pre-submittal assistance full-time during customer service hours. This could replace our current practice of rotating screening duties among several staff.

The pre-application process would also be more effective with better public information about the permitting process and requirements, and better internal training materials for staff. As part of the DLS formation, the Division and DOT Directors Office have already begun the initial steps to update permitting forms and web content.

3. The Executive's budget proposal minimizes cost by keeping the Road Services Division and the DLS director's Office at King Street Center. The Council is interested in additional co-location and accessibility to DLS for residents.

**Answer**

DLS is also interested in exploring co-location opportunities and increasing accessibility for UKC residents. While DLS is interested in exploring these opportunities it would also like to ensure we carefully consider costs, seek customer and resident input on what is most important to them, and ensure access to all UKC residents by conducting an Equity Impact Review. DLS is focused on three key strategies enhance our service delivery and access goals as well as maximize efficiencies:

- Increase connections in the community and through communications channels
  - UKC communicator coordination and meetings
  - Community survey or engagement tool
  - Enhanced community organizations outreach and engagement
  - Customer Relationship Management System to enhance resident/community communication efforts.
  - Equity Impact Review
- Virtual Access/Increasing Technology Solutions.

- DLS is looking at many tools to increase accessibility to King County services for the residents of UKC. Residents overwhelmingly are migrating to web based tools to access services and get questions answered. Web pages, Blogs, twitter feeds and other tools are regularly used by residents to learn about construction activity, service impacts such as load limited bridges, snow and ice events and emergency closures. Citizens can also access Roads' and Permitting on-line processes and contact staff to address concerns or learn about DLS related activity in their area.
- Customer service issue management system(s)
- Leveraging/coordinating systems and points of entry
  - Consolidate phone numbers wherever possible
  - Implement a customer relationship management system to help coordinate resident issues and increase direct communication
  - Co-locate key services to improve service delivery and provide additional services. Promote points of contact and hours of operation.

- a. What RSD functions currently at King Street Center are public facing and could benefit from co-location? How many FTEs would this impact?

**Answer**

DLS defines public facing functions as services that provide direct customer service with defined service hours. No such public-facing functions are provided by Roads at King Street Center. However, Roads does have two public facing functions at its Maintenance Headquarters located in Renton.

24/7 Roads Helpline (4 FTEs working day, swing, and graveyard shifts, plus a pool of seven short-term, on-call temps who provide intermittent coverage for vacations and sick leave) - The Helpline function, which primarily intakes road related services requests via phone and email and routes them to road crews for resolution, operates 24 hours a day, seven days a week and is always staffed by at least one employee. Helpline staff answer approximately 18,000 telephone calls and 1,500 emails per year, resulting in the creation of approximately 7,000 unique requests for service annually. The Helpline location is also equipped with a service counter for in person customers and in-person assistance is available during daytime, weekday business hours. There are approximately 12 in-person visits to this service counter per year.

Map and Records Center (3 FTEs) - The Map and Records Center houses a physical collection of current and historical road-related maps, project plan sets, and other documents Roads is required by law to make available to the public. Most services are provided by phone, email, and through over 31,000 electronic documents available online. The center is equipped with a service counter where customers can receive in-person assistance. There are approximately 12 in-person customer visits per year. In addition to the public facing function, center staff also provide a wide range of internal records management, research, and public disclosure request support services for the division.

- b. What DO's functions are public facing and could benefit from co-location? How many FTEs would this impact?

**Answer**

The DLS Director's Office provides management oversight of the Department and is organized to be both internally focused on administrative oversight of the divisions within the department, develops and monitors Service Partnership Agreements (SPA), and is externally focused by providing community relations and communications services in unincorporated King County.

The communications function provides mostly web media and interaction with the public. Otherwise, much of the Director's Office functions are related to county government functions and coordination with partner agencies.

While none of the functions of the Director's Office are public facing in the way that direct customer service functions are (e.g. permitting, licensing, etc.), the Director's Office will serve as a central clearing house for information across multiple divisions and departments, and will provide communications/community relations through the Community Service Area program.

In terms of relocating the Director's Office, it would not make sense to relocate portions of the Office, as it is the synergy of having staff working together that will help coordinate activities and services across the County. Consequently were the Director's Office to be relocated, all 14 FTEs associated with the office would be moved to together. The CSA and community outreach program has extensive interaction with the public, planning for and attending over 100 meetings per year.

c. What functions could be located at the Black River Building?

Answer

A very preliminary review suggests that the DLS Director's Office and the Roads Division could be located at the Blackriver Building. However, no space planning has been done and no cost estimates have been developed.

Any relocation decisions for parts or all of DLS need to be done in the context of overall County space needs. Several County agencies are proposing significant growth in the 2019-2020 budget so additional office space will be needed. Once the Council has adopted a budget, the Facilities Management Division (FMD) can explore options for using existing County space (such as the Blackriver Building), buying existing buildings, or leasing space. In addition to cost, FMD will consider other factors such as access for customers, information technology needs, accessibility by transit, and the benefits of having employees located near each other (for example, Roads staff work extensively with staff in the Water and Land Resources Division, so being located nearby promotes efficiency).

The County's Traffic Management Center is located at King Street Center. This high-tech center is the hub for managing County as well as certain contract city traffic signals, cameras and other traffic control equipment. The center currently has numerous, complex fiber optic and other hardwired connections to field devices, city partners, WSDOT, and Metro. It also requires a dedicated server room with proper electrical, heating/cooling, power redundancy, backup/failure systems in place. A separate, detailed technical analysis and cost estimates would be needed in order to evaluate the feasibility and costs of moving the Traffic Management Center to another location.

d. What would be the impacts to employees if there is a change in configuration?

Answer

Commute impacts – According to county commute trip survey data, 85% of all county employees located at King Street Center use public transit or other alternative transportation modes such as bicycling, walking, or car/vanpools. Relocation of Roads and the Director's Office to a site without viable transit service or alternative transportation options is not in alignment with the County's Climate

Change commitments and will lead to increased congestion and emissions. It could also potentially result in a large shift to driving single occupancy vehicles, and/or to doubling or tripling some employees' commute times.

Employee Retention and recruitment impacts -- As highlighted in the 2019-2020 Road Services Division Line of Business plan, "With the vibrant regional economy, Roads has experienced some challenges recruiting and retaining skilled staff. Trades and crafts, as well as engineering positions, face competition related to the booming construction industry. Other types of jobs, such business systems analysts, face competition from the robust technology sector. Many competing job opportunities in the region have higher pay and additional benefits not available through county employment." Relocation from King Street Center to a site with fewer and less convenient commute options may result in an increase in these challenges.

Reduced proximity to colleagues at partner agencies --King Street staff rely on frequent formal and informal collaboration with colleagues and staff from the Water and Land Resources Division, Office of Performance, Strategy and Budget, Department of Information Technology, Prosecuting Attorney's Office, etc. to accomplish work goals. Relocation could reduce the amount of collaboration between agencies. The Director's Office work with partner agencies through its Service Partnership Agreement framework will be impacted.

Access to Motor Pool Dispatch Vehicles - King Street employees currently have access to Fleet Administration division motor pool vehicles located in the King Street and Chinook buildings for transportation to offsite meetings and for certain field tasks or other work in the community. Approximately 400 motor pool trips per year are made by Roads and Director's Office staff located at King Street. Relocation might require establishment of a new vehicle pool -- cost TBD.

Finally, relocation of represented employees will require consultation with their unions.

e. What would the cost of moves be?

Answer

This cannot be determined without knowing the specific location, number of staff included, configuration, information technology needs, and other requirements.

f. If there are physical configuration changes for RSD, for the DO's or for both, what should the timing be?

Answer

Physical configuration changes require adequate planning, collaboration with employees and labor and assessment of options for enhanced service delivery and increased accessibility while minimizing the impacts to the customers. To ensure the DLS develops a thoughtful and comprehensive plan to increase customer accessibility, we would develop and evaluate alternatives in the 2019-2020 biennium for potential implementation in 2020 or 2021.

4. What are the costs and benefits of satellite offices? Or community services offices with agency staff? What agencies could benefit from this type of office? How could that be resourced?

Answer

The actual costs of satellite or field offices are highly dependent on the location, type of facility, and technological/space requirements dictated by the staff located in the facility, so answering this question in a real cost/benefit manner is difficult without more specific information about location, staffing, etc.

However, generally satellite offices can provide a significant benefit to the public in delivery of services. The general approach that the Local Services Initiative embraced and shared with the public was “cost neutral” and anticipated leveraging existing facilities and relationships, rather than developing new facilities.

During the 2019-2020 biennium DLS staff will be implementing a number of outreach strategies that leverage existing facilities and partnership (e.g. using the Vashon office and holding community outreach events in libraries and fire stations) to pilot new approaches to service delivery. Additionally, DLS will also be undertaking a survey or similar engagement effort of unincorporated area residents to evaluate service delivery approaches that best meet the needs of the community.

Any consideration of relocating staff to existing or new facilities would integrate a cost benefit analysis and an equity impact review, to ensure that equity and social justice considerations were fully evaluated in determining the location/siting of any new service facility.

5. What services does the Vashon office include and how is it operated?

Answer

The Vashon office consists of three areas, one dedicated to KCSO, one designed to handle District Court proceedings and public meetings, and one shared back-office space.

The public meeting space is used by one DPER employee on Tuesdays from 9am until 1pm. The Vashon office accepts paper applications for permits and provides pre-screening services and which are ferried back to Snoqualmie in the afternoon or next business day.

CSA staff also holds office hours at the Vashon site, generally the afternoon of the first Tuesday of the month.

The space designed for District Court use is utilized by the Courts based on the case calendar and it is typically used once a month.

The Sheriff has a dedicated office space at the Vashon Community site. There is no set time for Officers to be in attendance due to other patrol demands.

### Topic 3: Surface Water Management – Josh Baldi, Jenny Ngo – 15 minutes

Written answers from Exec staff for Panel:

1. Write up short (1-2 sentence) project descriptions of the capital projects funded by SWM.

Answer

Please see the attached file description of SWM Funded capital projects (from CIP system).

2. How was the Executive's recommended SWM fee increase of 40% decided (why not 30% or 50% increase)? If the Council wanted to change the percentage of the increase (higher or lower), which are logical increments for the Council to consider, and how would the Executive prioritize what projects/services receive less/more funding?

Answer

Executive's proposed 2019-20 SWM fee increase is ~20% or \$48.56 (\$289 proposed SWM Fee from current SWM Fee of \$240.44). The individual proposals are prioritized per the criteria described during the first panel discussion on October 16, 2018. The amount of dollars required to fund the prioritized proposals is used to determine the percentage of fee increase.

3. Agricultural Drainage Assistance Program. What is the known number of ditch miles that need to be regularly cleaned out (90 miles was mentioned in panel)? – How many miles are cleaned out each year (by the County and by other agencies such as KCD), and how do we get all of the ditch miles cleaned out, and/or a regular schedule so that over time, they are regularly cleaned out?

Answer

Based on the information provided by agricultural property owners about the condition of the drainage and its impact on their property, there are estimated 90 miles of agricultural waterways in the Agricultural Production Districts (APDs) that need to be cleaned out and mitigated (vegetation buffers) on a regular basis. The Agricultural Drainage Assistance Program (ADAP), in cooperation with the King Conservation District (KCD), is funded to clean out approximately 10,000 LF or about 2 miles of agricultural waterway per year. When an agricultural waterway is cleaned out through the program, native plants are installed along the waterway to shade the channel and reduce the growth of reed canary grass, which typically lengthens the time before the channel needs to be cleaned out again.

Many property owners indicate that it has been several decades since clean out has been performed on the waterways. The program would need to collect additional data to determine the scope and costs of an expanded (and accelerated) clean out schedule. Once that data is gathered, the program can start to ramp up its scope over the next two biennium cycles. This assumes similar proportional contributions (about one-third) from KCD, support to increase the required staff and other resources to manage the new program, and absence of any other constraints such as unforeseen regulatory changes or lack of property owner participation. Given the current program's capacity of 2 miles per year, if the goal is to clean up to 90 miles on a 10 year cycle, the program will need to be scaled up to 4 to 5 times from its current size.

4. What are the constraints on use of surface water fee? Do the benefits have to be provided exclusively to unincorporated area residents? Can it be expended within incorporated areas?

**Answer**

[K.C.C. 9.08.040 Purpose](#) states the following in reference to Surface Water Management Fee.

“It is the finding of the county that the Surface Water Management Program is necessary in order to promote public health, safety and welfare by establishing and operating a comprehensive approach to surface and storm water problems which would reduce flooding, erosion and sedimentation, prevent and mitigate habitat loss, enhance groundwater recharge and prevent water quality degradation. This comprehensive approach includes the following elements: basin planning, land use regulation, construction of facilities, maintenance, public education, and provision of surface and storm water management services. It is the finding of the county that the most cost effective and beneficial approach to surface and storm water management is through preventative actions and protection of the natural drainage system. In approaching surface and storm water problems the Surface Water Management Program shall give priority to methods which provide protection or enhancement of the natural surface water drainage system over means which primarily involve construction of new drainage facilities or systems. The purpose of the rates and charges established herein is to provide a method for payment of all or any part of the cost and expense of surface and storm water management services or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such services. These rates and charges are necessary in order to promote the public health, safety and welfare by minimizing uncontrolled surface and storm water, erosion, and water pollution; to preserve and utilize the many values of the county's natural drainage system including water quality, open space, fish and wildlife habitat, recreation, education, urban separation and drainage facilities; and to provide for the comprehensive management and administration of surface and storm water. (Ord. 11615 § 6, 1994: Ord. 10187 § 4, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 5, 1986).”

For additional clarification or questions, it is recommended that PAO provide the answers separately under attorney client privileged communication.

5. What is the level of funding for the Neighborhood Drainage Assistance Program? How are projects chosen? What is the need in unincorporated areas for this program?

**Answer**

The Neighborhood Drainage Assistance Program (NDAP) has a funding level of \$120k/biennium. A cost/benefit process is used to prioritize the projects.

There are 37 potential NDAP projects with an estimated cost of \$1.4 million in the unincorporated areas.

Written answers from Exec staff NOT for discussion:

6. Fish passage says there are 4 TLTs at \$1.478 million. Confirm that cost is just is for staff costs, or does this include other costs (consultants?)?

**Answer**

The overall need of \$1.5M for this effort was based on recent experience with Stormwater condition assessment effort in 2017. It was determined that at least 4 TLTs will be required to cover normal sites, and the balance of the \$1.5M will be available to cover complex sites. The budgeted cost of 4 TLTs in the system is \$968k, and the remaining \$510k is geared to cover 10 to 12 complex sites that will require deploying consulting resources or higher level KC staff at fully burdened project rates.



#### Topic 4: Code Enforcement – Jim Chan, Erin Auzins, Jenny Ngo – 20 minutes

Written answers from Exec staff for Panel:

1. The product catalogs set a closure ret of 120 days for code enforcement cases. Is this realistic for complicated case types?

##### Answer

The County Code requires that DPER make an initial determination to issue an Notice and Order (N&O) within 120 days of receiving a complaint. This is not realistic for the following types of cases:

- Violations that cannot be remedied through a permitting process,
- Severe violations requiring a code interpretation to resolve, and
- Violations where equity and social justice considerations warrant deferring the initial determination.

When an N&O cannot be resolved within 120 days, Permitting will attempt to work with the owner on options, including voluntary compliance agreement, when appropriate, to provide longer deadlines and clear written directions to resolve the violations.

2. Provide the form letters for Vio1, Vio2 and a Notice and Order.

##### Answer

Please see attached.

3. What are the ways that the code enforcement process could be improved? (for example, there have been complaints that the date for mandatory pre-app meetings is sometimes after the deadline to ply in the violation letter). *Council staff have provided the 2015 report resulting from a line of business analysis done for code enforcement.*

##### Answer

Since the 2015 analysis of the code enforcement process, the following improvements have been implemented:

- Expanding quantity of violations dismissed for minimal impact
- Deferring enforcement action on cases without recent complaints
- Assigning a single point-of-contact to facilitate permitting of illegal construction work

The following improvements identified in 2015 pending further consideration:

- Abating minor violations prior to issuing notice and order
- Streamlining/consolidating citation appeal process
- Advertising financial penalties for illegal construction work
- Increasing the civil penalties for home occupation and commercially-zoned property violations

Since 2015, several innovative approaches to improve the process have been implemented or proposed:

- Mt. Anderson: The County worked with the Court and the receiver of the property to arrange abatement of the site with County funding and place the County lien in first position to be repaid upon property sale. This effort abated a decades-long community nuisance.



- Woodinville-area wineries: DPER has proposed and the County and conditionally funded a proactive outreach and education effort to assist existing winery/distillery/adult beverage businesses in the unincorporated County to come into compliance with new regulations when adopted by the County.
- Based on feedback we have been receiving from the public, first hand and through the Ombuds Office, DPER permit review and code enforcement staff, and others, DPER recently completed some changes to the code enforcement policies and procedures. These included:
  - standardizing the requirements for completing and recording a complaint investigation
  - revising the Already Built Construction (ABC) pre-application meeting request form and questionnaire/instructions and removing redundant and unnecessary portions of the same
  - simplifying and clarifying the requirements for preparing building and site plans that are required with the request for an ABC pre-application meeting. The final set of procedures are being completed this week. Code enforcement staff training on these new procedures was completed last week and these revised procedures will be fully implemented by November 1<sup>st</sup>

Specifically regarding the scheduling of mandatory pre-application meetings: Code enforcement sets a date for the pre-application meeting. Any subsequent application submittal deadline is established in relation to the date of the mandatory pre-application meeting.

4. One of the recommendations in the 2015 process was that once a code enforcement case gets to the permit process (starting at the ABC pre-app) then the code enforcement office would be less involved and permit staff would manage the permit review and inspection process. Is this occurring? If not, what is the reasoning?

**Answer**

Permit applications that are filed to resolve a code enforcement case have always been managed by permit review staff and permit inspection staff have always managed the subsequent inspection process. The issue has been the management of the ABC pre-application process from the time the application is filed until the actual application is submitted. In the past, that process was managed by code enforcement staff.

In late 2016, we began a trial program to have a Permit Review Coordinator (PRC) take on the role of single point of contact during the ABC process. After a year of this trial program, we learned that it was not working, prompting the changes that are referenced in the previous question. With these other program changes nearly in place, DPER has just revised the ABC pre-application procedures to make the permanent change to having the PRC manage the ABC process to the point where a complete permit application is filed. As part of these program changes, we have assembled a small technical oversight group that will meet quarterly to see how the ABC pre-application process is working and to recommend changes as necessary.

5. What is the County's authority to actually tear down a house? Have we actually done it?

**Answer**

The authority is under KCC 23 and 16.14 IPMC adoption. Although DPER rarely demolishes homes, DPER has demolished houses and apartment type complexes, less frequently than one per year.

This is usually due to conditions such as extensive fire damage, open-to-entry deteriorated structures that are hazardous and situations where the owner fails to maintain closed to entry. Often these become magnets for vagrants and result in arson fires. We have historically demolished structures used as meth labs, especially when fire damage occurs, and have required demolition in instances where rodent and/or animal hording results in extensive urine and fecal matter that has left the premises unsafe. The animal issues have

typically been handled by the property owners, but could have resulted in a County abatement to demolish if the owners had not stepped forward. Houses in imminent danger of structural collapse or landslide would also be considered for demolition. Portions of houses such as collapsing decks or additions have been abated by DPER.

The only homes demolished have been legally uninhabitable and legally unable to be occupied. Before demolition, DPER typically fences off/closes a structure, if it poses an imminent risk of irreparable harm, issues an N&O, obtains a court order for demolition, and has the KCSO do a walk-thru to ensure vacancy.

6. Does the County hear from people who want additional/more expedient enforcement?

**Answer**

Yes, DPER has received complaints that enforcement doesn't happen or takes too long. Examples:

- Woodinville winery district
- Asphalt piling on Vashon Island
- Pacific Raceways
- Mines and material processing (Mt. Anderson, Shear-Spencer, Pillon)
- Vacant properties involving illegal occupancy, substandard conditions and/or rubbish and debris that also involve KCSO response to drug and weapons violations

## **Topic 5: Roads Capital Program – Dwight Dively, Rick Brater, Nick Bowman – 15 minutes**

Written answers from Exec staff for Panel:

1. Is there any more detail you want to provide on the discussion on feasibility of road funding options provided for Week 1?

The County has taken several actions over the past several years in an effort to help increase revenue and address road funding shortfall. These include the following.

- 2010 – The County established an unincorporated area Transportation Improvement District (TBD), providing for the construction of certain transportation improvements (Ordinance 16724). Although the district was established, it did not approve a funding mechanism or implement any projects.
- 2014 – The County established a countywide transportation benefit district (King County Transportation District) in order to finance the acquisition, construction, operation, maintenance and preservation of public transportation facilities, services and programs, roads and any other projects (Ordinance 17746). The previous unincorporated area TBD created under Ordinance 16742 was dissolved (Ordinance 17754).
- 2014 – The King County Transportation District Sales Tax, Proposition 1 ballot measure was placed on the April 22, 2014 election ballot. The measure was defeated. If approved, the revenue from this measure would have been used to fund bus service, road safety and transportation improvements in King County.

The Bridges and Roads Task Force discussed several other types of revenue options, and recommended further consideration of the following:

- A county-wide tax to be spent on city and county roads. For example, expanding the existing road fund property tax so that it is tied to inflation and not limited to the current one percent annual limit.
- An excise tax that is designed to fairly assess the value of vehicles and better addresses equity issues. For example, a Motor Vehicle Excise Tax (MVET) where a portion of the funds is dedicated to county road services.

In addition, other potential options that could be considered in the future include the following:

- Exempt the Roads levy from the 1% revenue growth limit, or provide a higher limit.
- Allow the County Council, perhaps with a super-majority vote, to increase the Roads levy to any amount up to the \$2.25 rate limit.
- Allow an unincorporated area-only levy lid lift to increase the Roads levy to any amount up to the \$2.25 rate limit.
- Create an authority for a countywide property tax for major unincorporated area roads that serve regional users (e.g., Issaquah-Hobart). The analogy is the levy that supports the Marine Division. Funds would be restricted to use on those roads.
- Change the county gas tax allocation authority to reflect what percentage of the overall tax base is in each county's unincorporated area (other counties typically have a larger proportion of their tax base in unincorporated areas).

- Create an easier tolling mechanism for major unincorporated area roads using the same technology as SR 520, HOT lanes, etc. Unincorporated area residents would have transponders that exempt them from the tolls.
- Revise the local gas tax option to be easier to implement by counties and to include an allocation formula weighted more heavily to unincorporated area uses.
- Continue to argue for collecting rent from the County's right of way in the unincorporated area.

#### **Answer**

As noted in last week's discussion, the only tools currently available to the County are the unincorporated area TBD and the rent for the right-of-way (assuming this ultimately is approved by the courts). All of the other ideas require approval by the Legislature. Options that only generate revenue from the unincorporated area are probably the most feasible politically, but fail to address the inequities about road users from other geographic areas and the lack of a regional funding source to accompany the Growth Management Act. Options that collect revenue countywide address these policy concerns but are more challenging politically unless some of the revenue is apportioned to cities.

Another complication is that many other urban counties do not have a funding problem for their road systems because they still have large tax bases in the unincorporated area. While rural counties have funding challenges, almost none of the tools that have been discussed would be of much help because their tax bases are so small, even if cities were included. Thus, King County likely will have few allies on this issue. It may be possible to get legislators to understand the unique challenges faced by King County and craft options that only apply in counties with our characteristics.

2. Does the Executive have a position on what should go in state legislative agenda on this topic?

#### **Answer**

Not at this time. This issue needs discussion with the Council. Some of the options, such as a higher revenue growth limit on property taxes, are also part of options to improve General Fund revenues. County leaders will need to discuss whether to focus on a package of revenue options that could benefit multiple funds and/or to have proposals that are specific to the Roads Fund.

3. At current funding levels, how many road miles/bridges would we have to close by 2050?

#### **Answer**

The analysis performed for the Roads Strategic Plan estimated that without additional revenue 35 bridges are at risk of closure over the next 25 years and over 70 miles of roadway could be restricted or closed. This estimate needs updating in order to answer the question accurately, however, the analysis required to update these numbers will take more time than available prior to the October 23 panel meeting. The updated numbers are anticipated to increase due to ongoing aging and deterioration of the county's bridge and road system and the projected decrease in available capital funding.

<b>KCSO Proposals Not Included in Executive's Proposed Budget</b>			
<b>Decision Package Adjustment Detail</b>	<b>Expenditures</b>	<b>Revenues</b>	<b>Reg FTE</b>
<b>Direct Service Changes</b>			
(DS_005) Major Crimes Unit Cold Case Detective Add one Regional Cold Case position to the King County Sheriff's Major Crimes Unit (MCU).	368,660	0	1.0
(DS_006) K-9 Sergeant Add one Sergeant who will be solely responsible for supervising the King County Sheriff's Office (KCSO) Canine (K9) Unit. This will reduce supervisory span of control, leading to decreased liability risk and increased management accountability and oversight.	456,628	0	1.0
(DS_007) Registered Sex Offender (RSO) Unit Sergeant Request adds a full time sergeant to the RSO unit.	439,628	0	1.0
(DS_008) Neighborhood Patrol Officers Ongoing staffing study to analyze patrol staffing needs and recommend strategies for deploying personnel.	6,932,390	0	18.0
(DS_009) Gang Intervention, Youth and Family, and Property Management Unit Add three positions to focus on youth and family issues, gang intervention, and crimes involving firearms. <b>(NOTE: Included in Exec's budget at 2.0 FTEs)</b>	1,224,187	0	3.0
(DS_010) Dedicated Family Crimes Unit Sergeant Add a sergeant to oversee the Domestic Violence Investigation Unit (DVIU), Special Support Enforcement Unit (SSEU), Elderly Victim's Criminal Investigation (EVCI) Detective and Community Service Officer (CSO).	439,628	0	1.0
(DS_011) Elderly Victims Criminal Investigations Detective Add a detective to our Major Investigation Section (MIS) to specialize and investigate crimes which target some of the most vulnerable members of our community.	327,618	0	1.0
(DS_012) Task Force Detectives In addition to the Task Force Officer currently with the ATF, KCSO is being asked to support the FBI's Joint Terrorism Task Force and the Drug Enforcement Agency Task Force.	655,235	0	2.0
(DS_013) Precinct Sergeant Funding Fund an unincorporated Sergeant's position to improve management and supervision at a high risk worksite.	415,586	65,737	1.0
(DS_015) Marshall and Security Screener Add positions to enhance service levels at all worksites.	403,610	0	2.0
<b>Administrative Service Changes</b>			
(AC_001) Background Detective Add Background detective position.	368,560	178,752	1.0
(AC_003) Legal Unit AS II Add Legal Unit Administrative Specialist II position.	186,714	102,450	1.0
(AC_004) IT Supervisor I Add IT Supervisor I position.	390,277	179,427	1.0

<b>Decision Package Adjustment Detail</b>	<b>Expenditures</b>	<b>Revenues</b>	<b>Reg FTE</b>
(AC_005) Contracting Unit PPMII Add Contracting Unit PPMII position.	290,173	152,811	1.0
(AC_006) PMU Evidence & Supply Specialist Add PMU Evidence & Supply Specialist	207,807	116,418	1.0
(AC_007) Training Unit Deputy Add Training Unit Deputy position.	354,189	189,598	1.0
(AC_011) Records Unit Records Specialist Add Records Unit Records Specialist position.	241,224	116,711	1.0
(AC_013) Functional Analyst II Add Functional Analyst II position to KCSO IT.	258,677	136,288	1.0
(AC_015) 2 Public Disclosure PPMII's Add 2 PPMII positions to Public Disclosure Unit.	582,225	316,300	2.0
(AC_016) SWAT and Bomb Unit Grant Match SWAT and Bomb Unit grant match.	147,216	0	0.0
(AC_018) MIDD CIT ASII Add MIDD CIT ASII position.	306,205	184,983	1.0

### Topic 3: Surface Water Management:

#### Question: 1. Write up short (1-2 sentence) project descriptions of the capital projects funded by SWM.

Division	Project Number	Project Name	Description
ROADS	1129586	RSD CWP DRAINAGE PRESERVATION	Countywide Program Drainage Preservation - This program funds replacement and preservation of aging drainage systems and associated roadway features in compliance with current codes and standards. Projects include replacing failed systems as well as implementation of new pipe or catch basins to collect water that is adversely affecting the road system or private property.
ROADS	1135045	RSD CWP CLVRT RPLCMT FISH PASS	Countywide Program Culvert Replacement and Fish Passage - Increase the safety and condition of the road system and enhance fish passage by replacing culverts that are in poor or failing condition, or undersized, with new culverts of fish passable design.
WATER AND LAND RESOURCES	1034282	WLER VASHON ECOSYSTEM RESTORAT	Vashon Ecosystem Restoration - This program undertakes actions to protect or restore aquatic ecosystems in the unincorporated portions of the Vashon-Maury Island Watershed. The projects are primarily identified through salmon conservation planning, Surface Water Management basin planning, and other investigation efforts by the basin stewards. Typical actions include reconnecting side-channel habitat to the mainstem river, removing levees and other forms of bank hardening, eliminating man-made barriers to fish migration (such as blocked culverts), increasing riparian forest cover to improve water quality, and recreating log jams to increase the dynamic complexity of river flows.
WATER AND LAND RESOURCES	1033882	WLER ECO RESTORE & PROTECT	Ecological Restoration and Protection Program - This project undertakes actions to restore and preserve important habitat ecosystems and/or protect property from events such as flooding, erosion, adverse water quality, vandalism or the deterioration of habitat. The highest priority projects in this program are those which protect or restore habitat for endangered species to maintain the health of the habitat. This includes projects for recon and feasibility analyses of proposed future projects; preserve and protect funds to protect acquired property from misuse by installing fences, bollards or removal of structures; project management improvements, including development and implementation of project management standards/procedures, payment of fees for use of PRISM and project audits; and adaptive management actions following project construction to ensure that project meet project goals and objectives, including protection private property and public safety.
WATER AND LAND RESOURCES	1034167	WLER WRIA 7 ECOSYSTEM RESTORATN	Water Resource Inventory Area 7 Ecosystem Restoration - This program undertakes actions to protect or restore aquatic ecosystems in the unincorporated portions of the Snoqualmie Watershed. The projects are primarily identified through WRIA 7 salmon conservation planning, Surface Water Management basin planning, and other investigation efforts by the Snoqualmie basin steward. Typical actions include reconnecting side-channel habitat to the mainstem river, removing levees and other forms of bank hardening, eliminating man-made barriers to fish migration (such as blocked culverts), increasing riparian forest cover to improve water quality, and adding large wood to increase instream habitat complexity.
WATER AND LAND RESOURCES	1034171	WLER WRIA8 ECOSYSTEM RESTORATN	Water Resource Inventory Area 8 Ecosystem Restoration - This program undertakes actions to protect or restore aquatic ecosystems in the unincorporated portions of the Cedar/Lake Washington Watershed. The projects are primarily identified through WRIA 8 salmon conservation planning, Surface Water Management basin planning, and other investigation efforts by the Cedar/Lake Washington watershed steward. Typical actions include reconnecting side-channel habitat to the mainstem river, removing levees and other forms of bank hardening, eliminating man-made barriers to fish migration (such as blocked culverts), increasing riparian forest cover to improve water quality, and adding large wood to increase instream habitat complexity.
WATER AND LAND RESOURCES	1034245	WLER WRIA9 ECOSYSTEM RESTORATN	Water Resource Inventory Area 9 Ecosystem Restoration - This program undertakes actions to protect or restore aquatic ecosystems in the unincorporated portions of the Green/ Duwamish Watersheds. The projects are primarily identified through WRIA 9 salmon conservation planning, Surface Water Management basin planning, and other investigation efforts by the Middle Green river basin steward. Typical actions include reconnecting side-channel habitat to the mainstem river, removing levees and other forms of bank hardening, eliminating man-made barriers to fish migration (such as blocked culverts), increasing riparian forest cover to improve water quality, and adding large wood to increase instream habitat complexity.

Division	Project Number	Project Name	Description
WATER AND LAND RESOURCES	1034280	WLER WRIA10 ECOSYSTM RESTORATN	Water Resource Inventory Area 10 Ecosystem Restoration - This program undertakes actions to protect or restore aquatic ecosystems in the unincorporated portions of the White River Watershed. The projects are primarily identified through WRIA 10 salmon conservation planning, Surface Water Management basin planning, and other investigation efforts by the WRIA10 basin stewards. Typical actions include reconnecting side-channel habitat to the mainstem river, removing levees and other forms of bank hardening, eliminating man-made barriers to fish migration (such as blocked culverts), increasing riparian forest cover to improve water quality, and adding large wood to increase instream habitat complexity.
WATER AND LAND RESOURCES	1034287	WLER SMALL HABITAT RESTORATION	Small Habitat Restoration Program - The mission of SHRP is to build small low-cost habitat restoration projects to enhance and restore streams and wetlands and riparian habitat. Projects include stabilizing eroding streambanks, restoring fish access to upstream habitat, installing livestock fences, controlling invasive weeds, planting native vegetation and providing technical assistance to landowners and agencies. Projects are implemented in the White, Green, Puget Sound, Cedar-Sammamish-Lake Washington and Snoqualmie River basins and along Puget Sound.
WATER AND LAND RESOURCES	1111168	WLFAC CAPITAL PROJECT OVERSIGH	Capital Project Oversight - This project is for costs associated with the County Auditor's Office capital projects' oversight (CPO) with the mission of controlling cost overruns and unforeseen expansion of project scopes, schedules, and budgets on King County's large capital construction projects. The goals for the program include: (1) provide effective independent oversight; (2) focus the oversight on high-risk projects; (3) increase the likelihood of project success; (4) identify problems in a more timely manner; (5) provide clear, succinct reports; and (6) facilitate decision-making by the council.
WATER AND LAND RESOURCES	1129370	WLSWC STEWARDSHIP WATERQUALITY	Stormwater Stewardship Water Quality - This project provides match funding (partial reimbursement) for participants to implement agricultural best management practices as detailed in the Livestock Management and Critical Areas Ordinances. The cap per property is currently being analyzed. These cost share grants are awarded to landowners implementing practices included in a farm plan from the King Conservation District, USDA Natural Resources Conservation Service or other approved provider. A plan is not necessary, but it is preferred that the applicant work with a technical service agency partner. Typical Best Management Practices include manure and crop residue composting structures, manure management systems, buffer fencing for streams and wetlands, riparian plantings, roof runoff management, and high tunnels (simple greenhouses). King County conducts periodic outreach to advertise the program and monitors for compliance and effectiveness.
WATER AND LAND RESOURCES	1129371	WLSWC GENERAL	Stormwater General Program - This program provides funding for ongoing support services to Stormwater Capital Improvement and Preservation projects and programs, and oversees grant opportunity to fund capital projects. CIP support services include the ongoing implementation and improvement of the project management to comply with county requirements, provide general supports to CADD and Survey.
WATER AND LAND RESOURCES	1129377	WLSWC EMERGENT NEED CONTG	WLSWC Emergent Need Contingency - This project provides a mechanism for funding existing Stormwater capital projects that has insufficient appropriation due to unforeseen circumstances and unanticipated project costs.
WATER AND LAND RESOURCES	1129379	WLSWCFS FEASIBILITY STUDIES	Stormwater Feasibility Studies Program - This program funds studies that identify and assess the feasibility of potential CIP projects. Work in the program includes investigating and evaluating site conditions; and performing preliminary analyses of alternatives. The program is increasing to facilitate a more proactive approach to asset management being implemented for stormwater facilities. This new approach focuses on implementing asset preservation projects to replace or rehabilitate critical facility components before they fail rather than after they fail, thus avoiding the extra costs and damages that occur with failure.



Division	Project Number	Project Name	Description
WATER AND LAND RESOURCES	1129380	WLSWCAD AGRICULTURE DRAINAGE	Agricultural Drainage Assistance Program (ADAP) - This program provides assistance to farmers to improve drainage on their property. The ADAP provides support in the form of labor, supplies, and technical assistance to meet many of the permit requirements related to drainage projects such as de-fishing and native buffer planting. The benefits are increased productivity by bringing areas that were too wet to farm into production or extending the growing season for marginally wet properties. The proposed add in the ADAP budget for Farm Fish Flood (FFF) will facilitate the expansion of the ADAP program as part of the FFF process, provide scoping and project initiation/possible completion for a floodgate and/or pump pilot project as well as provide scoping and project initiation/possible completion for a large dredge and/or culvert pilot project.
WATER AND LAND RESOURCES	1129381	WLSWCND NEIGHBORHOOD DRAINAGE	Neighborhood Drainage Assistance Program (NDAP) - This program's objectives are to reduce flooding on public and private property. The program also assists citizens in resolving smaller neighborhood problems of localized flooding, erosion, sedimentation, and water quality. These problems are typically identified through citizen drainage complaints or inspections. Actions typically include installing pipes and catch basins, upsizing culverts, removing accumulated sediment, stabilizing drainage channels. The actions may include providing technical assistance to property owners and small-scale drainage improvements.
WATER AND LAND RESOURCES	1129383	WLSWCDF NATURAL DRAINAGE FLOOD	Stormwater Natural Drainage System Flood Program - Projects within this program address chronic drainage and flooding problems associated with the natural drainage system, such as stream, lakes, and wetlands. Projects will include constructing new facilities, improving/expanding existing facilities, removing sediment, controlling vegetation, or other work in the natural system to improve drainage or minimize flooding.
WATER AND LAND RESOURCES	1129385	WLSWCWQ WATER QUALITY	Stormwater Water Quality Program - This program will apply Best Management Practices to manage stormwater runoff and improve water quality and stream health in unincorporated King County. The work includes "stormwater retrofitting" the older developed areas that are lack of stormwater flow control and/or water quality facilities; addressing erosion from stormwater pipe outlets.
WATER AND LAND RESOURCES	1129530	WLER EMERGENT NEED CONTINGENCY	Ecological Restoration Emergent Need Contingency - This project provides a management reserve for ecological capital design and construction projects. The amount of reserve (Contingency) is based upon the amount of construction funding planned for the current budget year. This project provides contingency funds to cover unanticipated unplanned program or project costs.
WATER AND LAND RESOURCES	1129388	WLSWCA ASSET PRESERVATION	Stormwater Asset Preservation Program - This program preserves or replaces the existing aging stormwater facilities/assets owned by Water and Land Resources Division (WLRD). Work includes the rehabilitation, restoration, and replacement of the facilities and/or their components (e.g. pipes, catch basins, manholes, etc.) to extend the life, improve and restore the function before or after they have failed or partially failed. Projects will be identified and prioritized through WLRD's stormwater asset management planning.
WATER AND LAND RESOURCES	1117559	WLSWC FAIRWOOD 11 PIPE PHASE 2	Stormwater Fairwood 11 Conveyance Pipe Replacement - This project is a capital improvement project to retrofit an existing King County regional storm water flow control facility, Facility DR0516. The facility controls flow discharges of Molasses Creek in to a 2000 feet underground conveyance pipeline which directs flow to open ravine on the south slope of Cedar River valley near Renton. The pipe to be replaced also performs in line flow control of Molasses Creek.
WATER AND LAND RESOURCES	1135075	WLER FISH PASSAGE PROGRAM	Water Land Ecological Restoration Fish Passage Program - This program will move forward with feasibility, design, and construction that will replace culverts that currently block fish passage with new culverts that fully restore fish passage and thereby allow fish to access important upstream habitat necessary for the long-term sustainability.

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## VIOLATION LETTER #1 TEMPLATE



### King County

#### Department of Permitting and Environmental Review

35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266  
206-296-6600 TTY Relay: 711

[www.kingcounty.gov](http://www.kingcounty.gov)

DATE

NAME1

ADDRESS1

ADDRESS2

RE: King County Code Violation Code Enforcement Case #E

At: Zoning:

Dear Sir or Madam;

This agency has received a complaint alleging that the following violation(s) exist on the subject property:

While some complaints are unfounded or exaggerate conditions, many are accurate and bring important code violations to our attention. If your property is in violation, immediate steps must be taken to bring the property into compliance.

An inspection of your property will be conducted to confirm any violations. If your property is found to be in compliance at that time, our case will be closed.

If your property is found to be in violation, and we have not received a response to this letter, our office will prepare legal notice directing you to immediately resolve the violation(s). The legal notice will subject you to civil penalties, which will begin immediately upon issuance of the order. If the violation(s) remain unresolved, the civil penalties could amount to several thousand dollars, and you may also be subject to an abatement process in which a contractor could correct the violation(s). The civil penalties and cost of that abatement would be your responsibility and may be filed as liens against your property.

To avoid this legal notice, please contact me at (206) between 9:30 am - 11:30 am within 10 days of the date of this letter to discuss this complaint, and to schedule a date and time if you wish to be present for the inspection. You will then have an option of entering into a compliance schedule, which would set a deadline for you to correct the violation(s).

You can reach me at: 206) 477-XXXX. If I am unavailable at the time you call, leave your name, case number, and a daytime phone number complete with area code on the voice mail and I will return your call as soon as possible. You may also respond by Email to; [XXXX@kingcounty.gov](mailto:XXXX@kingcounty.gov).

Thank you for your cooperation.

Officer  
King County Code Enforcement

Enclosure

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## VIOLATION LETTER #2 TEMPLATE



### King County

#### Department of Permitting and Environmental Review

35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266  
**206-296-6600** TTY Relay: 711

[www.kingcounty.gov](http://www.kingcounty.gov)

Date

NAME

ADDRESS

Vashon, WA 98070

RE: King County Code Violation Code Enforcement Case #E0

At: Zoning:

Dear NAME:

An inspection of the subject property and/or review of the file has confirmed the following violation(s) of the King County Code exists on the subject property.

(Insert violations from template here)

To correct these violation(s):

(Insert corrections from the template here; include compliance dates in the corrections)

Our office will follow up to determine compliance after the compliance date above. If the violations are not corrected at the time of the follow up, our office has the authority to and will issue a legal notice which requires compliance by a specific date. The legal notice, also known as a Notice and Order, subjects you to civil penalties and is recorded against your property title. To avoid the Notice and Order you have the option of entering into a Voluntary Compliance Agreement (VCA) to achieve compliance. Similar to the Notice and Order, the VCA is a legal document in which you acknowledge that you have violations on your property and agree to bring them into compliance by a specific date. The VCA can also subject you to civil penalties and is recorded against your property title.

If you are unable to resolve the violations by the dates agreed upon in a VCA or required by a Notice and Order you may be subject to an abatement process in which a contractor, acquired by the county, would correct the violation(s). The civil penalties, costs incurred by the county to pursue code compliance, and the cost of that abatement would be your responsibility and may be filed as liens against your property

It is important you respond immediately to this letter. To make an appointment to discuss this matter further, please contact me at (206) XXX-XXXX. If I am unavailable, leave your name, case number, and phone number on the voice mail and I will return your call as soon as possible. You may also respond by E-mail at [EMAIL](#). Thank you for your cooperation.

Officer LAST NAME

King County Code Enforcement

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## NOTICE AND ORDER TEMPLATE

**King County  
Department of Permitting  
and Environmental Review  
Code Enforcement  
35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266**

**V.**

**NOTICE OF KING COUNTY CODE  
VIOLATION: CIVIL PENALTY ORDER:  
ABATEMENT ORDER: DUTY TO NOTIFY**

**Case Number:**

Zoning:

Address:

Account:

### Legal Description:

YOU HAVE BEEN FOUND TO HAVE COMMITTED A CIVIL CODE VIOLATION AND TO BE A PERSON RESPONSIBLE FOR CODE COMPLIANCE, AND YOU ARE HEREBY NOTIFIED AND ORDERED PURSUANT TO KING COUNTY ORDINANCE 14309, AS AMENDED, OF THE FOLLOWING:

### CIVIL CODE VIOLATIONS (Including KCC Section 23.02.010B)

The King County Department of Permitting and Environmental Review has found the above- described location is maintained or used in violation of the King County Code (KCC). THEREFORE, YOU ARE ORDERED TO CORRECT VIOLATIONS LISTED BELOW IN ACCORDANCE WITH LISTED CODE PROVISION AND CODES ADOPTED UNDER THE AUTHORITY OF TITLE 16 OF THE KING COUNTY CODE AS AMENDED BY ORDINANCE 15802 AND INCLUDING BUT NOT LIMITED TO CHAPTER 21A.50 AND TITLE 23 OF THE KING COUNTY CODE; REVISED CODE OF WASHINGTON (RCW) 19.27.020, 19.27.031, 19.27.040, 19.27.074, AND THE WASHINGTON ADMINISTRATIVE CODE (WAC) 51-40-003:

**TO BRING THIS PROPERTY INTO COMPLIANCE:**

**\*\* ANY PERMITS REQUIRED TO PREFORM THE CORRECTIVE ACTION MUST BE OBTAINED FROM THE PROPER ISSUING AGENCY. \*\***

FAILURE TO COMPLY WITH THIS NOTICE AND ORDER MAY SUBJECT YOU TO ADDITIONAL CIVIL PENALTIES, ABATEMENT AND/OR MISDEMEANOR ACTIONS, AND COULD LEAD TO THE DENIAL OF SUBSEQUENT KING COUNTY PERMIT APPLCATIONS ON THE SUBJECT PROPERTY.

**CIVIL PENALTY/NOTICE OF LIEN (Including KCC Section 23.24.070):**

You shall correct each violation by the above dates or you will incur daily civil penalties against you according to the following schedule:

Violation 1: \$ per day for the first 30 days, then \$ per day each day thereafter.

Violation 2: \$ per day for the first 30 days, then \$ per day each day thereafter.

In addition re-inspection fees of \$150.00 (1st), \$300.00 (2nd) and \$450.00 (3rd) may be assessed for one to three compliance inspections if the property is not found to be in compliance at the time of the inspection (KCC 23.32.010). Any costs of enforcement including legal and incidental expenses, which exceed the amount of the penalties, may also be assessed against you.

This Department shall periodically bill you for the amount incurred up to and through the date of billing. PERIODIC BILLS ARE DUE AND PAYABLE 30 DAYS FROM RECEIPT. If any assessed penalty, fee or cost is not paid on or before the due date, King County may charge the unpaid amount as a LIEN against the real property of all persons responsible for code compliance and as a JOINT AND SEVERAL PERSONAL OBLIGATION of all persons responsible for code compliance.

**CRIMINAL MISDEMEANOR/NON-COMPLIANCE WITH FINAL ORDER (KCC Section 23.02.030)**

Any person who willfully or knowingly causes, aids or abets a civil violation by any act of commission or omission is guilty of a misdemeanor. Upon conviction, the person shall be punished by a fine of not to exceed one thousand dollars and/or imprisonment in the County jail for a term not to exceed 90 days. Each week (7 days) such violation continues shall be considered a separate misdemeanor offense. **Failure to correct cited violations may lead to denial of subsequent King County permit applications on the subject property.**



**NOTIFICATION OF RECORDING (KCC Section 23.24.040)**

A copy of this Notice and Order shall be recorded against the property in the King County Office of Records and Elections. King County shall file a Certificate of Compliance when the property is brought into compliance.

**ABATEMENT WORK/NOTICE OF LIEN (Including KCC Section 23.24.030 and RCW 35.80.030.1H)**

King County may proceed to abate the violation(s) and cause the work to be done, and charge the costs thereof as a lien against the real property of all persons responsible for code compliance and as a joint and several persons obligation of all persons responsible for code compliance.

**APPEAL (Including KCC Chapter 23.36)**

Any person named in the Notice and Order or having any record or equitable title in the property against which the Notice and Order is recorded may appeal the order to the Hearing Examiner of King County. A statement of appeal must be received in writing by DPER within twenty-four (24) days **by DATE** of the date of issuance of the Notice and Order. A statement of appeal form is included in this packet. You are not required to use the enclosed form. **FAILURE TO APPEAL WITH THE SPECIFIC REASONS WHY THE NOTICE AND ORDER SHOULD BE REVERSED OR MODIFIED MAY RESULT IN A MOTION TO HAVE THE APPEAL DISMISSED BY THE HEARING EXAMINER. FAILURE TO FILE A TIMELY STATEMENT OF APPEAL WITHIN THE DEADLINES SET FORTH ABOVE RENDERS THE NOTICE AND ORDER A FINAL DETERMINATION THAT THE CONDITIONS DESCRIBED IN THE NOTICE AND ORDER EXISTED AND CONSTITUTED A CIVIL CODE VIOLATION, AND THAT THE NAMED PARTY IS LIABLE AS PERSON RESPONSIBLE FOR CODE COMPLIANCE.**

**DUTY TO NOTIFY (KCC Section 23.24.030N)**

The person(s) responsible for code compliance has the DUTY TO NOTIFY the Department of Permitting and Environmental Review- Code Enforcement of ANY ACTION TAKEN TO ACHIEVE COMPLIANCE WITH THE NOTICE AND ORDER.

**DATED THIS DATE**

Sheryl Lux  
Code Enforcement Product Line Manger

BEFORE THE HEARING EXAMINER

Notice and Statement of Appeal

Date: \_\_\_\_\_

Case Number: \_\_\_\_\_

Address of Violation:

\_\_\_\_\_  
\_\_\_\_\_

Appeal of:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

Statement of the legal interest(s) of each of the appellant(s) in the building, structure, premises or land:

Include a copy or clearly identify the decision of the Department of Permitting and Environmental Review that is being appealed:

Identify the alleged errors in the decision:

State specific reasons why the decision should be reversed or modified:

State the harm suffered or anticipated by the appellant:

Statement of the relief sought, including specific nature and extent:

\_\_\_\_\_  
Signature(s) of Appellant(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Official mailing address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please return this form to: King County Department of Permitting and Environmental Review  
Attn: Code Enforcement Section  
35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266

NOTE: In accordance with KCC 20.24.090, the appeal must state with specificity the decision being appealed and the reason why the appealed decision should be reversed or modified. **FAILURE TO RESPOND WITH SPECIFIC REASONS MAY RESULT IN A MOTION TO HAVE THE APPEAL DISMISSED BY THE HEARING EXAMINER.**

October 19, 2018:NS

# **Proviso Report: Code Enforcement and Abatement Process Evaluation**

Response to the 2015-16 Budget Proviso in King County Ordinance 17941  
Section 85, P1, Pages 54-55

**Prepared by the Department of Permitting and Environmental Review  
and Performance, Strategy and Budget**

**September 30, 2015**



**This report responds to the following proviso in King County’s 2015-16 Budget Ordinance 17941, Section 85, P1, pages 54-55:**

**“P1 PROVIDED THAT:**

*Of this appropriation, \$250,000 shall not be expended or encumbered until the executive transmits a report on a completed code enforcement and abatement process evaluation and a motion that approves the report and the motion is passed by the council. The motion shall reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion.*

*The report shall include, but not be limited to:*

*A. The results of a process evaluation focused on streamlining the code enforcement and abatement processes, in order to shorten the time from initial complaint through resolution with an emphasis on improving the experience for affected property owners, tenants, and neighbors;*

*B. Identification of process improvements and efficiencies through operational or code changes; and*

*C. Identification of cost savings that can be used to provide code enforcement and abatement services consistent with historic levels.*

*The executive must file the report and motion required by this proviso by October 1, 2015, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee, or its successor.”*

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## Executive Summary

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In response to a budget proviso, the Department of Permitting and Environmental Review (DPER) and the Office of Performance, Strategy and Budget (PSB) examined code enforcement processes to identify efficiency and service improvements and cost savings.

The process evaluation identified four challenges to efficient and timely code enforcement:

- Excessive backlog of non-compliant cases awaiting legal action
- No reasonable code compliance option for some violators
- No teeth in existing process or penalties to incentivize timely compliance by some violators
- Due process for legal notification and action is time-consuming and expensive for the County.

Since the large current backlog and due process challenges impact most code enforcement cases, the search for improvements focused on those two problems. Many changes were considered, the underlying premise of which is that code enforcement is a discretionary service provided by King County, not a mandatory service. *Most change proposals involved creating early off-ramps for cooperative violators to obtain compliance or resolution.*

Seven proposals were deemed feasible for implementation by the end of the current biennium:

- Expand the definition of de minimis code violations that may be dismissed without enforcement action.
- Defer enforcement action on cases without recent complaints.
- Abate violations prior to issuing notice and order.
- Streamline/consolidate the citation appeal process.
- Assign a single point-of-contact to facilitate permitting of illegal construction work.
- Disclose potential civil penalties for illegal construction work with notice of violation.
- Increase civil penalties for home occupation and commercially-zoned property violations.

Some of these proposals will require amendment of the King County Code. Others will require reallocation of resources and priorities within DPER. The earliest implementation date for any proposal would be January of 2016.

Future study will be needed to streamline the due process requirements of legal notification and action for the most severe of code violations.

## **A. Strategic Context and Process Evaluation**

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### ***Purpose and Scope of Report***

During its review of the 2015/2016 Executive Proposed Budget, the King County Council raised concerns about the adequacy of resources dedicated to the enforcement of building and land use code in unincorporated King County. To address this concern, Council added a proviso to the code enforcement budget of the DPER stipulating that the executive:

- A. conduct a process evaluation focused on streamlining the code enforcement and abatement processes, in order to shorten the time from initial complaint through resolution with an emphasis on improving the experience for affected property owners, tenants, and neighbors;
- B. identify process improvements and efficiencies through operational or code changes; and
- C. identify cost savings that can be used to provide code enforcement and abatement services consistent with historic levels.

DPER and PSB engaged in a line of business (LOB) planning effort to satisfy the requirements of the proviso while also providing additional information to inform planning, budgeting, and monitoring by DPER. PSB convened a LOB planning group with representatives from PSB, DPER, the Prosecuting Attorney's Office (PAO), and Council staff to perform this task. This planning group met biweekly beginning in February 2015 and examined code enforcement processes, root problems, and ways to address those problems. This report presents the results of this group's work; in addition to the information requested by Council, it also includes elements of the line of business planning process that go beyond the proviso requirements.

The steps of the LOB planning effort were sequentially conducted, and their findings related hereafter in this section of the report, as follows:

- Articulation of the code enforcement mission and budget issues;
- Description of desired code enforcement outcomes;
- Identification of code enforcement customers;
- Identification of code enforcement products and articulation of processes;
- Analysis of program strengths, weakness, opportunities, and threats;
- Forecast of program capacity and costs; and
- Identification of key problems.

### ***Code Enforcement Mission and Budget***

The primary function of DPER's code enforcement staff is to investigate and resolve violations of county code in unincorporated King County, with respect to building and land use issues. Caseload is driven by citizen complaints, which typically average about 1,000 per year. Code



enforcement officers spend the majority of their time working to resolve the specific violations alleged in these complaints. By enforcing county code and resolving violations, DPER contributes to the quality of life in unincorporated King County and supports King County Strategic Plan objectives to:

- shape a built environment that allows communities to flourish;
- preserve the unique character of our rural communities in collaboration with rural residents;
- protect and restore water quality, biodiversity, open space, and ecosystems;
- encourage sustainable agriculture and forestry;
- improve our customers' satisfaction with King County; and
- expand opportunities to seek input, listen, and respond to residents.

DPER's enforcement of building and land use code in unincorporated King County is supported by the General Fund and budgeted in DPER's General Public Services appropriation unit (A32530). The Code Enforcement section currently consists of a section manager, an abatement manager, five code enforcement officers, and an administrative specialist. Code Enforcement staffing has declined considerably due to annexations in recent years; as recently as 2008 the section was budgeted for 11 code enforcement officers. In addition to the work performed by direct staff to research and pursue action on reports of code violations, DPER relies on support from civil attorneys in the Prosecuting Attorney's Office (PAO) when code enforcement cases enter the legal process.

In addition to the General Fund support for code enforcement, King County Code (4A.200.200) establishes the Abatement Fund, which collects revenue from civil penalties, cleanup restitution payments, and the recovery of code compliance and abatement costs. This fund provides direct funding for contracted abatement work, the abatement manager position, and services by the PAO. In recent years, however, these expenditures have exceeded revenues to the Abatement Fund resulting in its decline. At the end of the 2013/2014 biennium the fund balance was \$351,146, of which the cash balance available to fund abatement work and the abatement manager position was only \$115,402. (The non-cash portion of the fund balance, \$235,744, was receivable penalties and charged certified to the tax rolls.)

In an effort to reduce costs and prevent complete depletion of the Abatement Fund, the 2015/2016 Executive Proposed budget proposed restricting PAO involvement in code enforcement to cases with serious safety or environmental concerns and eliminating Abatement Fund support for PAO charges. These changes raised concerns among councilmembers that residents of unincorporated King County would experience a decline in the quality of code enforcement service, leading Council to direct DPER to look for ways to improve code enforcement processes so that service levels could be maintained within existing resources.

## ***Outcomes***

The LOB planning group began the code enforcement process evaluation by exploring the strategic context within which code enforcement operates. As a first step in this process, the group identified the desired outcomes for code enforcement in the short term, medium term, and long term. The planning group kept these desired outcomes in mind throughout the examination of the code enforcement process.

Short term – Resolve violations in timely manner; educate before violation occurs; treat people in a fair and equitable manner.

Medium term – Cultivate respect for the law in King County; provide fiscal stability for code enforcement and abatement.

Long term – Sustain the natural environment; preserve livability and public safety in King County.

## ***Customers***

The planning group agreed that although complainants and the community at large are stakeholders and beneficiaries of the code enforcement process, the violators are the customers of Code Enforcement because the products that are made by code enforcement staff are intended for them. The fact that the violators generally do not want to be code enforcement customers adds complexity to the process and makes the job of code enforcement officers more difficult.

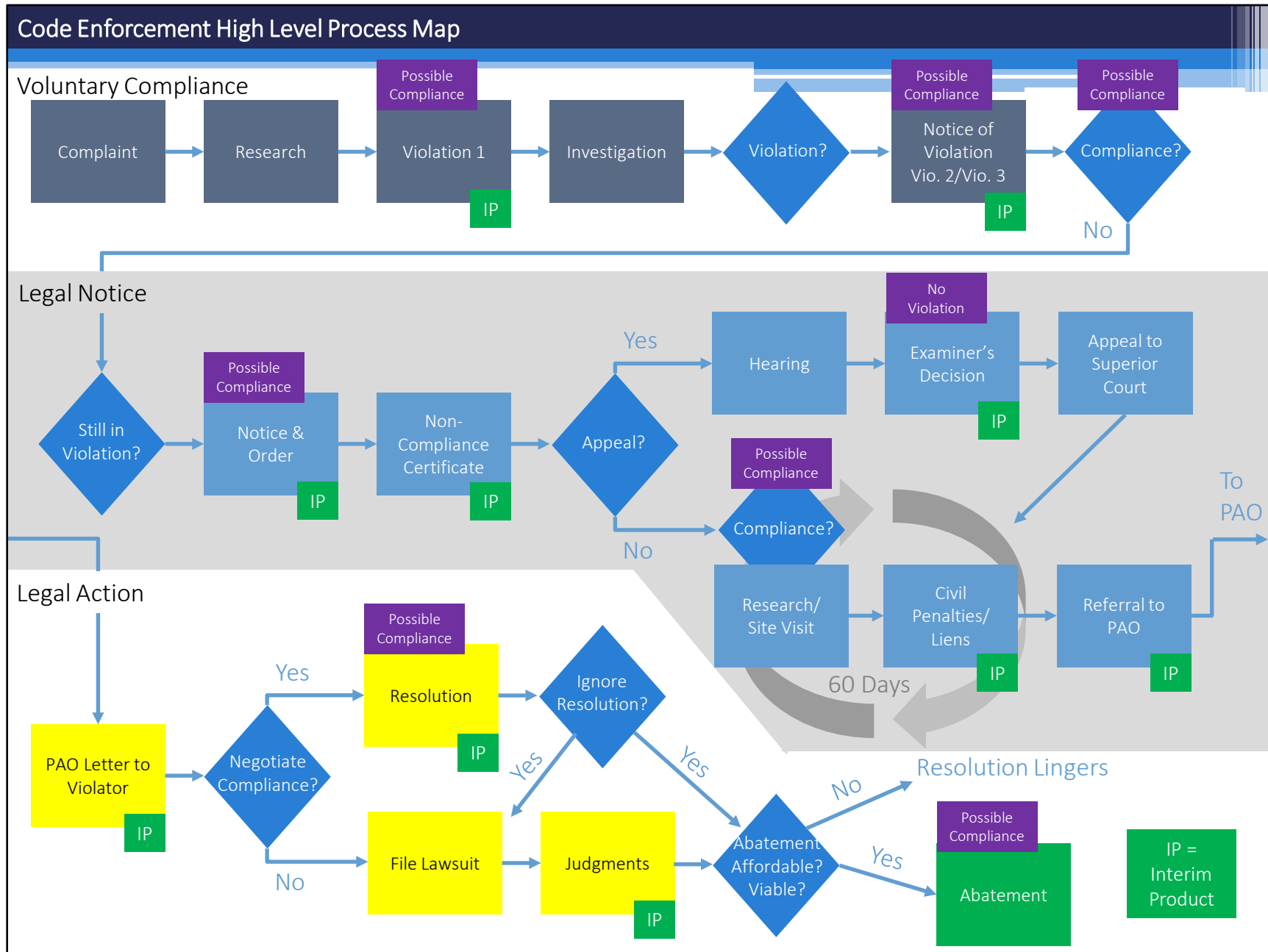
## ***Products and Processes***

As shown in the process map on the following page (Exhibit 1), code enforcement products are divided into three product families defined by the point in the process where the case is resolved. Approximately 93 percent of code enforcement cases are resolved in the voluntary compliance phase, another 4 percent in legal notice phase, and 3 percent in the legal action phase. (This distribution of outcomes is depicted in greater detail in Appendix A.)

Products within the voluntary compliance phase include:

- The initial violation letter informing the customer that a violation has been reported,
- Subsequent research and investigation by code enforcement officers to verify that the reported violation has occurred, and
- One or two follow-up violation letters informing the customer that a violation has been confirmed and the steps that must be taken to correct it.

## Exhibit 1: Code Enforcement Process Map



The legal notice phase begins when DPER issues a notice and order – a legal notice of violation that is attached to the title of the property. According to code, notice and order should be issued 120 days after a complaint is reported if it has not yet been resolved, but in practice code enforcement cases frequently remain as backlog in the voluntary compliance phase well beyond this 120-day target. Notice and orders may be appealed to the Hearing Examiner and following that to Superior Court. After all appeals have been exhausted, civil penalties may be assessed, which the violator may also appeal.

Eventually, DPER may refer a code enforcement case to the PAO, which sends a letter to the violator and attempts to come to a negotiated resolution resulting in a settlement agreement. If the violator refuses to negotiate resolution or does not comply with the terms of the settlement agreement, PAO may file a civil suit in Superior Court and seek a judgment or injunction, which is nearly always resolved in the County's favor. Once the County has a favorable judgment, it may perform abatement work on the property if funding is available; if not, the injunction clouds the property's title and the violation must typically be addressed before the property can be sold.

### ***SWOT Analysis***

As part of the examination of code enforcement's strategic context, the planning group conducted an analysis of code enforcement's strengths, opportunities, weaknesses, and threats (SWOT). The results (Exhibit 2) in turn informed problem identification and alternatives analysis.

### **Exhibit 2: Code Enforcement SWOT Analysis**

#### **Strengths (internal)**

- Code Enforcement officers are scrupulous and excellent at following process
- Code Enforcement officers have professional responsibilities and wealth of experience
- 93% of cases are either voided or closed through voluntary compliance
- Excellent coordination between Code Enforcement and the PAO
- Code Enforcement provides emergency response for major environmental violations
- Code Enforcement has found way to adjust to fewer resources
- Vast majority of cases upheld on appeal
- Code Enforcement has Collaborative relationships with Environmental Health, Local Hazardous Waste Management Program, Solid Waste Division
- Code Enforcement officers work well together despite highly stressful situation
- Little staff turnover in Code Enforcement
- Strong system supporting fines and fee processing

**Weaknesses (internal)**

- Lengthy and complicated process
- Lack of standard work or uniformity in how Code Enforcement officers do their work
- Difficult to track code enforcement cases in Accela
- Don't always have good communication with other agencies
- Lack of clarity among Code Enforcement staff on who is customer prior to Line of Business analysis
- Internal DPER coordination doesn't always work
- Longstanding and unchallenged culture of being driven by complaints
- Priorities change at the drop of a hat
- Not effectively getting outreach and education to public to reduce invalid complaints

**Opportunities (external)**

- Council and Exec staff more focused on code enforcement than permitting
- Better explain successes
- Improve relationships with staff in other County agencies
- Line of Business can tell code enforcement story internally and externally
- Line of Business will identify data to track
- Cost-benefit analysis could justify case for more funding
- ESJ analysis can complement focus on money
- Can we increase justice and reduce bureaucracy?
- Improve/redesign cumbersome process and develop a rational process
- Presently, DPER vastly overdoes due process
- Make more use of support from other agencies such as DCHS
- Synchronize with regional partners

**Threats (external)**

- Limited staff/resources
- Complicated
- Customers don't want Code Enforcement service
- External politics or people can shift priorities
- Third-parties express conflicting opinions about process
- Huge variation in types of cases, complaint-driven process by its nature produces uneven enforcement
- Single case can be so big it drains resources
- Changing process will require legislative action
- Nature of cases and reputation of Code Enforcement varies by rural v. urban

### ***Capacity Forecast and Cost Model***

In order to establish a baseline from which to measure the impact of changes to code enforcement processes, DPER developed a product cost model and 10-year capacity and demand forecast for code enforcement, extrapolated from current operations. The product cost model for 2014, measured by cases resolved, is shown in Exhibit 3. Current code enforcement processes devote the majority of officer time and resources to voluntary compliance. Cases requiring legal notice and action use much more resources *per case*, but their small volume requires only 17 percent of total Code Enforcement resources.

**Exhibit 3: DPER Code Enforcement Product Cost - 2014**

<b>DPER Product Cost</b>	<b>Annual Cases Closed</b>	<b>Officer Hours per Case</b>	<b>Annual Officer Hours</b>	<b>Average Cost per Case</b>	<b>Total Cost</b>	<b>Percentage of Total Cost</b>
Voluntary Compliance	1,023	7.4	7,570	\$1,538	\$1,573,026	83%
Legal Notice	46	12.0	552	\$2,494	\$114,701	6%
Legal Action	37	28.0	1,036	\$5,818	\$215,272	11%
Total	1,106		9,158		\$1,903,000	100%

Although more than 90 percent of cases achieve compliance voluntarily every year, many cases require more than 120 days from initial notice of violation to compliance.<sup>1</sup> These are the cases that comprise the heavy code enforcement case backlog. As shown in Exhibit 4, the current backlog exceeds 800 cases, in contrast to 149 cases in legal notice, 210 cases in legal action, and 142 cases not yet past the 120-day threshold for notice and order.

In recent years, Code Enforcement has kept pace with the volume of new complaints, closing as many cases as it opens every year. ***But absent process improvements or substantial annexation, DPER expects the backlog to remain static.*** The 10-year forecast extrapolated from current conditions, as shown in Appendix B, depicts this outcome.

### ***Problem Identification***

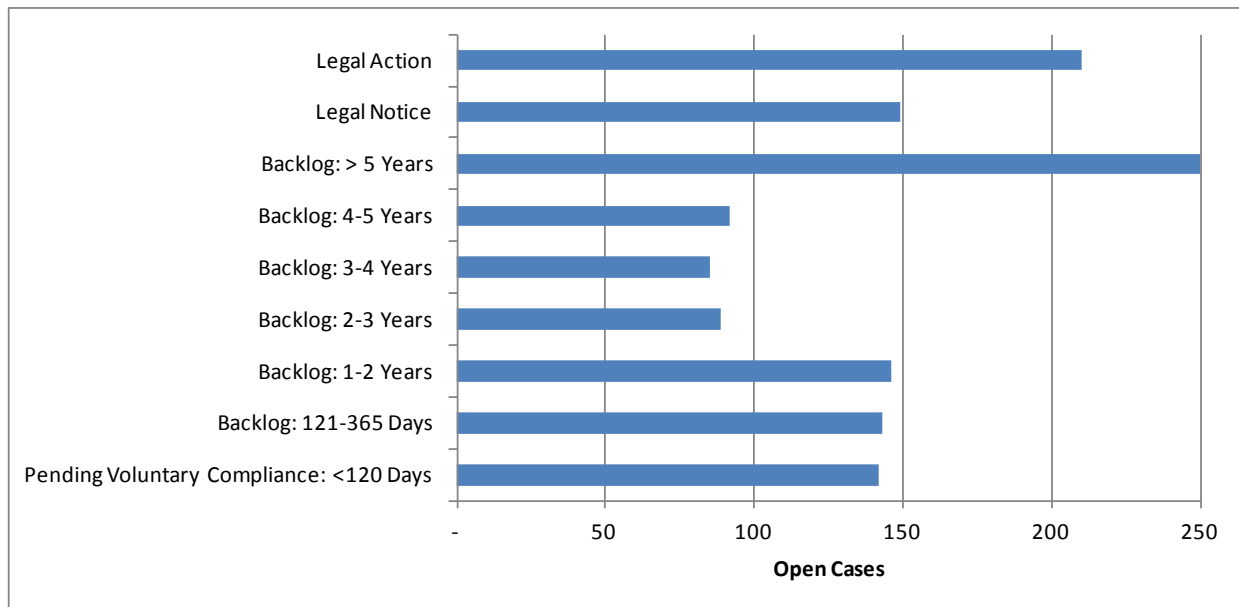
As the next stage of the code enforcement line of business planning process, the planning group drew on findings from the strategic context phase and used cause-effect analysis to identify underlying root problems. To complete this exercise, the planning group identified contributing factors to the underlying problem that cases take too long to resolve and organized them into the following themes: measurement, machines, people, environment, materials, and methods. The

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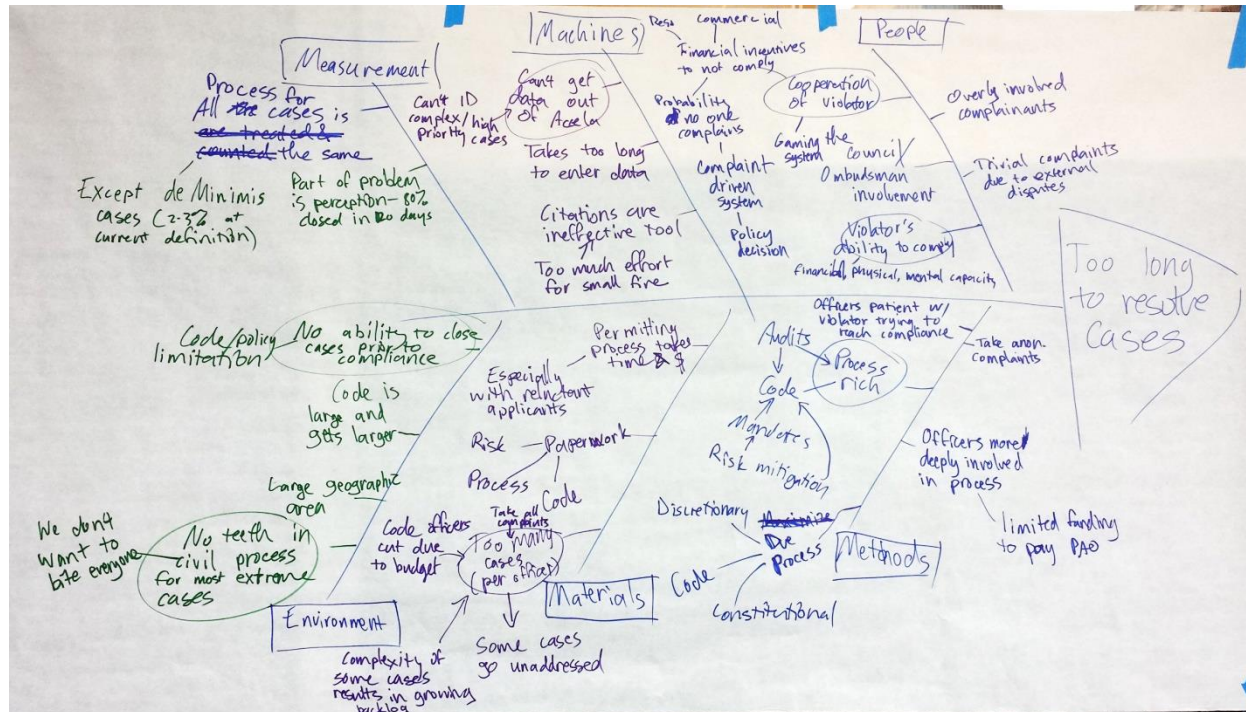
<sup>1</sup> The distribution of case outcomes is shown in Appendix A.

planning group then began to look for patterns and identify the issues that other problems could be traced back to, outlined in Exhibit 5.

**Exhibit 4: Current Code Enforcement Backlog**



**Exhibit 5: Code Enforcement Fishbone Diagram of Root Problems**



After organizing the root causes of the lengthy resolution time for code enforcement cases in this way, the planning group identified four underlying issues to explore further:

1. **Excessive Backlog** – At the time of the analysis, there were 805 open cases in the voluntary compliance phase that were older than 120 days and had not gone to notice and order. This equals 80 percent of the total volume of new complaints received in a year. According to code, cases are to be resolved or have a notice and order issued 120 days after being opened. This backlog overhang prevents Code Enforcement staff from quickly processing all incoming cases so that they do not also become backlog, and diverts staff time that should be devoted to resolving cases in the legal notice and legal action phases.
2. **No Teeth** – In some extreme cases, the civil penalties and legal sanctions are insufficient to compel compliance. For example, a business owner may consider civil penalties a cost of doing business or determine that there is minimal consequence to not paying fines. In either case, the owner is unwilling to act to address the underlying code violation.
3. **No Reasonable Solution** – In some cases no reasonable solution to the code violation is apparent. This includes cases where the owner is cooperative but lacks the ability to comply due to financial, physical, or mental health limitations; cases where already-built construction is in clear violation of code, but the County does not have the will, desire, or resources to abate (i.e., tear it down); and cases that are in substantial compliance but that enforcement officers cannot close because there is no mechanism to declare the property owner's effort "good enough." These cases may stay open indefinitely without resolution.
4. **Process Heavy** – The complex procedures that underlie code enforcement, many of which are in King County Code alone, allow property owners who are out of compliance to drive the process. The violator's willingness and ability to cooperate determines how long the process takes, resulting in a misallocation of limited resources. Code enforcement officers currently spend a disproportionate amount of time on cases that have remained in the system for years without resolution, and thus do not have the time available to resolve less complex cases involving potentially cooperative violators.

After discussing these problems in great detail, the planning group recognized that the problems described in "No Teeth" and "No Reasonable Solution" involve a relatively small number of cases. Therefore, focusing efforts on solving these problems may not be the most efficient way to reduce case processing time overall, despite the fact that these problems describe some of the most extreme and troublesome cases. With this in mind, the planning group recommended focusing efforts on addressing the "Excessive Backlog" and "Process Heavy" issues.

The planning group presented this approach to the County Executive on June 2, 2015. While the Executive supported the focus on backlog reduction and process simplification, he also stressed, firstly, that code requirements that do not contribute to environmental protection or quality of life



should be revised or deleted, and secondly, that DPER should use all available sanctions to compel compliance from recalcitrant violators, provided there is political support for such action. The former point of emphasis by the Executive was a legislative/policy issue beyond the scope of both the process evaluation required by the budget proviso and the LOB planning effort, and was thus deferred for future review. The latter emphasis by the Executive addresses the insufficiency of sanctions to compel compliance (“No Teeth”).

## B. Recommended Improvements

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In seeking improvements to code enforcement processes, the planning group was mindful that civil code enforcement action is an optional service, not a mandated service. The proposals presented in this report reflect the aim of achieving the best outcomes possible within existing resources, in contrast to committing comparable resources to all cases. The proposals are compatible with and complementary to the Community Justice Project (CJP) and other County efforts to reallocate resources to high-priority problem-solving. The CJP obtains rapid results by coordinating and expediting the efforts of the PAO, King County Sheriff's Office, and DPER to locate owners of property with serious code violations conducive to crime, and to bring full law enforcement and legal pressure to bear, including removal of squatters and abatement. The proposals presented here, by reducing officer time spent resolving less severe violations, would similarly allow more Code Enforcement resources to be devoted to higher-priority cases or other County initiatives.

Many improvements were considered by the planning group. Not all were deemed capable of implementation within the current biennium. The full list of improvements considered is found in Appendix C.

### Exhibit 6: Summary of Proposals and Problems

Proposal	Excessive Backlog	No Teeth	No Reasonable Solution	Process Heavy
1. Expand quantity of violations dismissed for minimal impact	✓			
2. Defer enforcement action on cases without recent complaints	✓		✓	
3. Abate prior to issuing notice and order	✓			
4. Streamline/consolidate citation appeal process	✓			✓
5. Assign single point-of-contact to facilitate permitting of illegal construction work	✓			
6. Advertise financial penalties for illegal construction work	✓			
7. Increase civil penalties for home occupation and commercially-zoned property violations		✓		

Seven proposals for improvement are presented here as potentially actionable within the next year. The proposals generally enhance administrative tools to expedite resolution of most cases prior to legal notification, thereby reducing the current backlog of unresolved cases. Two of the proposals also aim to improve the experience of affected property owners in other ways as well,

by making the remedial permitting process less intimidating (proposal #5) or by instigating abatement without referral to a court-mediated process (proposal #3). The seven proposals and the problems they address are listed in Exhibit 6.

The following sections of this report describe each proposal in detail, the specific problem it addresses, its suggested code or procedural changes, the target outcomes, impacts, and ESJ considerations.

#### *Proposal 1: Expand quantity of violations dismissed for minimal impact*

Currently, about 2 to 3 percent of complaints stem from violations determined by code enforcement officers to have minimal impacts on property, public safety, or the environment. Code Enforcement responds to de minimis violations by notifying the property owner of the violation, but taking no further enforcement action. Additionally, Code Enforcement may cease enforcement where substantial compliance has been obtained with only de minimis code violation(s) outstanding.

#### *Proposed Change*

The King County Code provides authority to dismiss de minimis violations (KCC 23.02.040 A8), allowing the County to prioritize the use of code enforcement resources for more serious violations. This plan would reduce the backlog of open cases, and reduce the quantity of new cases subject to code enforcement action, by expanding the types and extent of minor violations considered de minimis. Exhibit 7 compares the current and proposed revisions to de minimis criteria.

King County Code does not require amendment to revise de minimis thresholds. Codification of de minimis thresholds could, moreover, establish legal precedents that constrain future code enforcement policy choices.

#### *Target Outcomes*

The plan aims to increase the quantity of violations considered de minimis from 2 to 3 percent to 5 percent of new complaints and to reduce the current backlog by about 2 percent.

#### *Impacts and ESJ Considerations*

Some complainants will likely express dissatisfaction with the higher threshold for code enforcement follow-up, but allocation of County resources to more serious violations is inherently fairer to the community and affected properties.

## Exhibit 7: Current and Proposed De Minimis Criteria

Current Criteria	Proposed Criteria
<b>All Violation Types</b>	
<ul style="list-style-type: none"> <li>No more than one of the following violation categories exist</li> </ul>	<ul style="list-style-type: none"> <li>Violations do not pose a hazard to public or environment, per KCC 23.02.050 A1</li> <li>No more than two of the following violation categories exist</li> </ul>
<b>Illegal Construction Work</b>	
<ul style="list-style-type: none"> <li>No critical area, shoreline, or floodplain</li> <li>No hazardous area defined per KCC 23.02.050</li> <li>Less than 200 SF of occupied space</li> <li>No violation of plat restrictions or CUP</li> <li>No setback encroachment</li> <li>Construction not currently underway</li> <li>No hazardous structure or open entry issue</li> </ul>	<ul style="list-style-type: none"> <li>No critical area or buffer impacts</li> <li>No hazardous area defined per KCC 23.02.050</li> <li>Less than 200 SF of occupied space or 300 SF storage or Ag space</li> <li>No violation of plat restrictions or CUP</li> <li>Less than 18" setback encroachment</li> <li>Construction not currently underway</li> </ul>
<b>CUP, UPD, SUP, Plat Condition (no changes)</b>	
<ul style="list-style-type: none"> <li>No material impact on adjacent property or neighborhood (noise, light, drainage, screening, traffic or signage)</li> <li>No impact on critical area, no clearing/grading violation, and no life safety issues (emergency access, etc)</li> </ul>	
<b>Fence</b>	
<ul style="list-style-type: none"> <li>Fence on a retaining wall, but structural failure is not imminent</li> <li>No razor wire in "R" zone</li> <li>Less than 1 foot over-height</li> <li>Not a sight triangle infringement, pool enclosure or other hazard</li> </ul>	<ul style="list-style-type: none"> <li>Not a sight triangle infringement, pool enclosure or other hazard</li> <li>Less than 1 foot over-height</li> </ul>
<b>Home Occupation (no changes)</b>	
<ul style="list-style-type: none"> <li>Less than 20% of residence used</li> <li>Fewer than 3 non-resident employees</li> <li>Less than half-acre lot with less than 500 sf used for business</li> <li>0.5 to 1 acre lot with less than 1000 sf used for business</li> <li>1-5 acre lot with less than 2000 sf used for business</li> <li>Over 5 acre lot with less than 3000 sf used for business</li> <li>No signage larger than 25 SF</li> <li>In rural area, fewer than 5 cars stored outside</li> <li>If auto repair business in rural area, storage is outside of setbacks</li> <li>In rural area, outside vehicles or storage is behind 6-foot view of obstructing fence</li> <li>In urban area, outside vehicles less than one ton and have no impact on neighborhood</li> </ul>	
<b>Inoperative Vehicle</b>	
<ul style="list-style-type: none"> <li>Fewer than 3 inoperative vehicles in urban zone or less than 1 acre in RA, Ag, or F zone, and no hazard per KCC 23.02.050</li> <li>Fewer than 4 inoperative vehicles in RA, Ag, or F zone with more than 1 acre, with adequate parking, and no hazard per KCC 23.02.050</li> <li>Fewer than 5 dismantled vehicles at a legal home occupation and properly fenced</li> </ul>	<ul style="list-style-type: none"> <li>Fewer than 3 inoperative vehicles in on lots less than 1 acre and no hazard per KCC 23.02.050</li> <li>Fewer than 5 inoperative vehicles on lots with more than 1 acre, with adequate parking (on impervious surface), and no hazard per KCC 23.02.050</li> </ul>

Current Criteria	Proposed Criteria
<b>Junk/Debris</b>	
<ul style="list-style-type: none"> <li>No hazardous or unsanitary material</li> <li>Vacant site with less than one pick-up load per acre, not visible to neighbors or public</li> <li>Vacant site with more than one pick-up load per acre but no adverse impact on community, not visible to neighbors or public</li> <li>Developed site with less than one pick-up load per acre, not visible to neighbors or public</li> <li>Visible to public or neighbor, but only small amount of litter or salvage, no CA involved, and no adverse impact on community</li> </ul>	<ul style="list-style-type: none"> <li>No hazardous or unsanitary material</li> <li>Not easily visible to general public <ul style="list-style-type: none"> <li>Lots ½ acre or less - one pick-up truckload (~ 57 cubic feet).</li> <li>Lots over ½ acre - three pick-up truck loads per acre. (~ 6 cubic yards)</li> </ul> </li> <li>Easily visible to general public <ul style="list-style-type: none"> <li>On vacant lot – one 96 gallon trash can load</li> <li>On a Developed site – one 20 gallon trash (tall kitchen) bag load</li> </ul> </li> </ul>
<b>Sign</b>	
<ul style="list-style-type: none"> <li>Not in ROW, no hazard or sight distance problem</li> <li>Prohibited sign, but no distracting features or no neighborhood impact</li> <li>In A, F, or M zone, but less than 6 sf</li> <li>In NB, CB, RB, O or I zone, could be permitted, and less than 6 sf</li> <li>In R, RA, or UR zone and less than 25 sf</li> <li>Non-residential use sign and less than 25 sf</li> <li>Home occupation and less than 25 sf</li> </ul>	<ul style="list-style-type: none"> <li>Not in ROW, no hazard or sight distance problem</li> <li>Prohibited sign – One sign less than 25 sq. ft. with no distracting features</li> <li>Home occupation sign - less than 32 sf</li> <li>Wall sign less than 20% of building façade.</li> <li>Two or less signs, 6 feet or less in height and less than 25 sq. ft. in size</li> </ul>
<b>Small Household Pets Kept in the Dwelling</b>	
<ul style="list-style-type: none"> <li>Caged or contained</li> <li>Fewer than 4 unaltered dogs/cats</li> <li>Fewer than 7 dogs</li> <li>No hazard</li> </ul>	<ul style="list-style-type: none"> <li>Unaltered dogs/cats - fewer than 4</li> <li>Altered dogs/cats - unlimited</li> <li>No hazards</li> </ul>
<b>Small Household Pets Kept Outdoors</b>	
<ul style="list-style-type: none"> <li>Unaltered animals kept on leash/contained</li> <li>&lt;20,000 sf and &lt; 5 animals</li> <li>20,000-35,000 sf and &lt; 6 animals</li> <li>&gt;35,000 sf and &lt; 9 animals</li> </ul>	<ul style="list-style-type: none"> <li>Unaltered animals kept on leash/contained</li> <li>2 pets over allowed with maximum of 25 pets</li> <li>No observable hazards</li> </ul>
<b>Sub-Standard Dwelling – RV (no changes)</b>	
<ul style="list-style-type: none"> <li>No sewage on ground, not in critical area, and no hazard per 23.02.050</li> <li>In Urban area only 1 RV</li> <li>In rural area fewer than 3 RVs</li> </ul>	
<b>Sub-Standard Dwelling – Housing (no changes)</b>	
<ul style="list-style-type: none"> <li>No hazard per 23.02.050</li> <li>No structural, electrical, plumbing violations</li> <li>No rat infestation, and no unsanitary condition per UHC 1001.11</li> <li>No life safety issues</li> <li>Mold, dampness, winter heating, ventilation, weather protection issues, but owner occupied</li> </ul>	
<b>Livestock</b>	
<ul style="list-style-type: none"> <li>No critical area involved, and only minimal impacts</li> </ul>	<ul style="list-style-type: none"> <li>No critical area involved, and only minimal impacts</li> <li>Two or less animal units above allowed</li> </ul>

## *Proposal 2: Defer enforcement action on cases without recent complaints*

The current backlog of cases open more than 120 days numbers more than 800 cases. Code Enforcement estimates that a high percentage of these cases have not had further complaints of violation after the initial report. While the code compliance may not be obtained, the County lacks sufficient resources to issue notice and orders or follow-up with legal action. Such cases can linger on for years without resolution.

### *Proposed Change*

In lieu of issuing notice and orders and pursuing legal action, code enforcement would encourage violators to voluntarily enter settlement agreements which would be recorded on the property title, recognizing the code violation(s). A notice would also be placed on the parcel in Accela. Enforcement action would then cease until future development proposals or complaints are received, subsequent hazards are identified, or the property transfers ownership or is re-financed, at which time compliance would be required. Enforcement cases would be eligible for deferred enforcement only if neighboring property damage, life-safety, or extensive environmental degradation were not present or at risk, no complaints had been received for four months, a notice and order had not been issued, and the person responsible for code compliance was not a repeat offender. The PAO suggests that objective criteria for deferred enforcement be explicitly defined by formal rule.

Individual case-specific settlement agreements would be used to implement this approach, enabling renewed enforcement action in the event of new complaints, violations, or emerging hazards, and allowing recording of the document to alert potential purchasers of the existing violations.

### *Target Outcomes*

This plan allows staff to defer enforcement of cases that would otherwise remain open and require attention. Code enforcement estimates that this plan could eliminate 10 percent of its total backlog within 3 years. Staff time required to issue notice and orders would also be reduced. As new cases approach the 120-day deadline to obtain compliance voluntarily, this approach could be useful to resolve many of them before they become backlogged.

### *Impacts and ESJ Considerations*

*A typical code enforcement case affected by this proposal would be a deck on a residential home built illegally into the minimum required setback from a property boundary. Some complainants will likely express dissatisfaction with the higher threshold for immediate code*

enforcement action, but allocation of County resources to more serious or impactful violations is inherently fairer to the community and affected properties.

*Proposal 3: Abate prior to issuing notice and order*

Code enforcement works with violators whenever possible to bring them voluntarily into compliance. Abatement by the County is typically pursued after notice and order has been issued and legal action commenced. Small, easily-abated violations thus may linger for protracted periods, adding to backlog. At present, about 140 cases of the following violation types could easily be abated by the County:

- Junk, debris, and inoperative vehicles, which could be hauled away
- Some substandard dwellings, which could be boarded up to deny access
- Some hazardous trees, which could be removed
- Some unsafe structures or premises, such as dilapidated sheds
- Some small accessory structures, such as misplaced fences

These cases have not been issued notice and orders due to resource limitations, and have no immediate prospect for abatement.

*Proposed Change*

Shift enforcement policy toward early abatement by the County on behalf of violators, rather than prompting violators to self-abate by issuing notice and order or commencing legal action. Including a hold harmless clause in a voluntary compliance or settlement agreement would enable abatement without legal notice. Payback to the County would occur in 3 to 4 years via certification to property taxes. The plan resembles the Community Justice initiative for its immediacy of County action to resolve problems. The advancement of abatement in the code enforcement process is depicted in Exhibit 8.

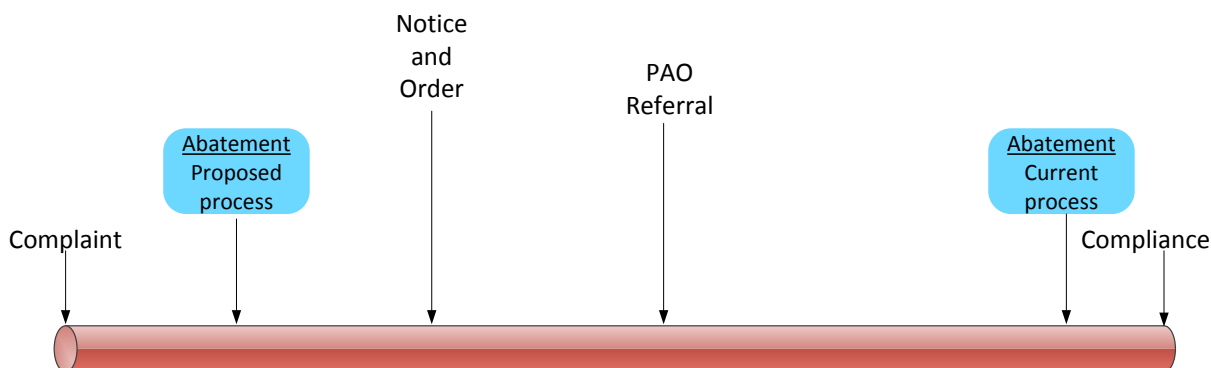
*Target Outcomes*

The abatement fund has sufficient resource to conduct 10 to 12 such low-cost abatements without court proceedings; 10 to 12 fewer notice and orders would need to be issued, and about 1 percent of the total backlog could be reduced within 3 years.

*Impacts and ESJ Considerations*

The proposed change would reduce the time to compliance for the limited number of cases abated. Removal of debris and repair/removal of damaged/unsafe structures, for those violators willing to cooperate, does not present obvious fairness issues.

## Exhibit 8: Advancement of Abatement in Code Enforcement Process



### *Proposal 4: Streamline/consolidate citation appeal process*

Citations are the simplest means to penalize and discourage code violations that cannot result in a notice on title. Examples of such violations include:

- Development signs in non-approved locations on road right-of-ways
- Failure to meet deadlines in the permitting process to rectify illegal construction
- Parking in a fire lane
- Parking on non-improved surfaces (lawn)
- Placement/construction of structures (storage sheds or playhouses < 200 sq. ft.) in setbacks
- Repeat occupancy of substandard structures or vehicles
- Repeat violations of accumulation of junk and debris or inoperable vehicles

The King County Code provides the right to appeal the dollar amount of civil penalties assessed by citation (KCC 23.20.070) and to appeal the basis of the citation itself (KCC 23.20.080).<sup>2</sup> The Code also provides the right to request a waiver of newly assessed civil penalties (KCC 23.32.050) and appeal of the penalty waiver decision (KCC 23.32.100). Such appeals may be heard in separate hearings, thereby spreading the current citation and appeal process over 19 steps. The estimated minimum elapsed time from issuance of the citation to abatement is approximately eighteen months, involving thirty hours of officer time and three or four hearings. The added cost and time required to conduct hearings limits the use of citations as an effective enforcement tool to very few cases.

### *Proposed Change*

The proposed change would streamline the current citation process by using the same civil penalty waiver/appeal process as exists for all other civil penalties and removing the need for

<sup>2</sup> King County Code sections are attached in Appendix D.



a legal notice prior to requesting an injunction to abate. Compared to the current process, the streamlined version has only half the steps, as shown in Exhibit 9. Amendment of Title 23 would be required by this proposal.

**Exhibit 9: Current and Proposed Citation and Appeal Processes**

<b>Current Stepwise Process</b>	<b>Proposed Stepwise Process</b>
1. Citation issued with civil penalty	1. Citation issued with civil penalty
2. Citation penalty appealed (mitigated appeal)	2. Citation appealed
3. Hearing Examiner upholds penalty amount	3. Hearing Examiner upholds violation and penalty amount
4. Penalty invoiced to violator	4. Penalty invoiced to violator
5. Waiver request is submitted, but denied by DPER per Hearing Examiner's order	5. Waiver request submitted, but denied by DPER per Hearing Examiner's order
6. Violator appeals waiver decision	Proposed process eliminates steps 6-15 in the current process
7. Hearing Examiner upholds penalty amount again	
8. Notice and order issued to require compliance	
9. Notice and order is appealed	
10. Hearing Examiner denies appeal and sets new compliance deadlines	
11. Penalty is assessed for failure to comply	
12. Penalty is invoiced	
13. Waiver request is submitted but denied by DPER	
14. Violator appeals waiver decision	
15. Hearing Examiner denies appeal	
16. Case referred to PAO for abatement	6. Case referred to PAO for abatement
17. Judgement and injunction granted	7. Judgement and injunction granted
18. Violation abated	8. Violation abated
19. Abatement costs certified to taxes	9. Abatement costs certified to taxes

*Target Outcomes*

Under the streamlined process, the estimated minimum elapsed time from issuance of the citation to abatement is approximately nine months, involving thirteen hours of officer time and two hearings. Code Enforcement would expect to issue citations for fewer than 5 percent of violations in the first year after the code change and see the quantity of citations decline in subsequent years as recidivism diminishes.

## *Impacts and ESJ Considerations*

The proposed change would consolidate the exercise of appeal rights in a single hearing process, but would not abridge their scope. In the short term, increasing use of citations could increase Code Enforcement commitments to attend consolidated appeal hearings, but in the long-run could reduce recidivism and complaints. The Solid Waste Division issues citations under KCC Title 23. No impacts from proposed streamlining are anticipated by it.

### *Proposal 5: Assign SPOC to facilitate permitting of illegal construction work*

Of new complaints every year, 48 percent involve construction work without a permit; 73 percent of the backlog involves this type of violation. Code compliance requires either removing the construction or permitting it.

Violators have reported that the permitting requirements are hard to understand and the process intimidating. In 2012, the department reorganized into product lines to better serve distinct customer classes (e.g. residential, commercial, and resource). No departmental permitting staff is specially assigned to assist permit customers who have done construction work without a permit, however. Violators begin the permitting process by attending a department meeting with two to four permitting staff and the violator's assigned code enforcement officer. Follow-up as needed is thereafter decentralized among the various staff reviewing an application. Enforcement cases can linger on for long periods while non-responsive violators delay permit completion.

### *Proposed Change*

This plan increases procedural assistance for violators who are willing to complete the permitting process. The essential elements of the plan are as follows:

Code enforcement transfers cases to a single point-of-contact at DPER responsible for the permitting of construction work without a permit. In lieu of a formal pre-application conference attended by 2 to 4 departmental permitting staff and the assigned code enforcement officer, the violator meets with the single point-of-contact. The single point-of-contact communicates permitting requirements to the violator, coordinates departmental reviews, follows-up with the violator to facilitate progress toward permit completion, and ensures that the permitted construction resolves the original code violation. The single point-of-contact is responsible for referring non-responsive violators to code enforcement to issue notice and orders with the potential for increasing civil penalties.

Just as a single code enforcement officer manages all abatement activity conducted by DPER, one permitting services professional would serve as the single point-of-contact for all cases referred from code enforcement.

### *Target Outcomes*

In conjunction with proposal #6, Code Enforcement expects this proposal would help resolve about 40 percent of the backlog within three years.

### *Impacts and ESJ Considerations*

*Most of the cases affected by this proposal involve unpermitted construction of additions or remodels of single family dwellings.* Dedication of a single point of contact assigned to case resolution would enable the department to provide more assistance to those customers who need it most. Consistency of information provided to the violator would also be improved by a single point of contact. Single point-of-contact duties are estimated to require 0.33 FTE. Code Enforcement would redirect resources from pre-application conferences to backlog reduction, about 170 hours per year.

### *Proposal 6: Disclose potential civil penalties for illegal construction work with the notice of violation*

Of new complaints every year, 48 percent involve construction work without a permit; 73 percent of the backlog involves this type of violation. Code compliance requires either removing the construction or permitting it.

Little incentive is provided by Code Enforcement to complete the permitting process in a timely fashion. Violators are not informed of civil penalties that could be charged for non-compliance, and Code Enforcement seldom issues notice and order after permit applications have been submitted. Enforcement cases can linger on for long periods while non-responsive violators delay permit completion.

### *Proposed Change*

Code Enforcement would disclose to violators in the initial notice of violation that a notice and order may be issued and civil penalties assessed if permitting requirements are not satisfied within a reasonable timeframe. The initial notice would also refer violators to the department's website, which would describe the range of potential civil penalties, as shown in Exhibit 10.

## Exhibit 10: Civil Penalties

Current Penalties for All Violations	Non-	1st Re-	2nd Re-	3rd Re-	Total Penalty and Fees
	Compliance Penalty	inspection	inspection	inspection	
15 Days After Compliance Deadline	\$375	\$150	NA	NA	\$525
30 Days After Compliance Deadline	\$750	\$150	\$300	NA	\$1,200
45 Days After Compliance Deadline	\$1,500	\$150	\$300	\$450	\$2,400
60 Days After Compliance Deadline	\$2,250	\$150	\$300	\$450	\$3,150

### *Target Outcomes*

In conjunction with proposal #5, Code Enforcement expects this proposal would help resolve about 40 percent of the backlog within three years.

### *Impacts and ESJ Considerations*

*Most of the cases affected by this proposal involve unpermitted construction of additions or remodels of single family dwellings. Cooperative violators will pay less or no civil penalties, while uncooperative violators will pay more. To the extent effective, the proposed change would reduce code enforcement resources required to follow-up with non-responsive violators and increase the number of permits obtained.*

### *Proposal 7: Increase civil penalties for home occupation and commercially-zoned property violations*

About 60 percent of zoning violations reported each year involve home occupation or commercially-zoned property. Current civil penalties are not linked to the scale of commercial operations, and often constitute an immaterial cost of business to the violator. Current civil penalties are shown in Exhibit 10, above.

Lacking incentive to comply with code, these cases linger and generate high-profile complaints. Examples of high-profile home occupation violators include:

- Rengo (See Appendix E for a recent media report)
- Fox Hollow Farms
- Wedding venues, e.g. Moon Mansion
- Tree houses
- Wine-tasting rooms (See Appendix F for a recent media report)

Examples of high-profile commercial violators include:

- Pacific Raceways
- Pacific Topsoils

- Spencer/Shear
- Mount Anderson

### *Proposed Change*

Increasing civil penalties for businesses operating in violation of zoning code will more likely induce them to obtain compliance before a notice and order is issued or within the deadline specified by the notice and order. To be credible, the civil penalties would be scaled to the business operation, so that the penalties for violations on commercially-zoned property are greater than for violations related to residential rental property or home industry. The Hearing Examiner in the past has upheld large civil penalties on home occupations and businesses on commercially-zoned properties.

Exhibits 11 and 12 show the civil penalties multiplied by 10 and by 100. Of these two options, the x10 fees would better suit home occupation violations, while the x100 would better suit the commercial. Multiple violations may occur on a single property, resulting in total penalties that are a multiple of the amounts shown in these exhibits.

#### **Exhibit 11: Current Civil Penalties x10**

<b>Residentially-Zoned Home Occupation or Home Industry: Current Penalties x 10</b>	<b>Non-Compliance Penalty</b>	<b>1st Reinspection</b>	<b>2nd Reinspection</b>	<b>3rd Reinspection</b>	<b>Total Penalty and Fees</b>
15 Days After Compliance Deadline	\$3,750	\$150	NA	NA	\$3,900
30 Days After Compliance Deadline	\$7,500	\$150	\$300	NA	\$7,950
45 Days After Compliance Deadline	\$15,000	\$150	\$300	\$450	\$15,900
60 Days After Compliance Deadline	\$22,500	\$150	\$300	\$450	\$23,400

#### **Exhibit 12: Current Civil Penalties x100**

<b>Commercially-Zoned Property, including Ag-related: Current Penalties x 100</b>	<b>Non-Compliance Penalty</b>	<b>1st Reinspection</b>	<b>2nd Reinspection</b>	<b>3rd Reinspection</b>	<b>Total Penalty and Fees</b>
15 Days After Compliance Deadline	\$37,500	\$150	NA	NA	\$37,650
30 Days After Compliance Deadline	\$75,000	\$150	\$300	NA	\$75,450
45 Days After Compliance Deadline	\$150,000	\$150	\$300	\$450	\$150,900
60 Days After Compliance Deadline	\$225,000	\$150	\$300	\$450	\$225,900

Consistent with this proposal, Snohomish County has adopted penalties that are higher for commercial than residential violations. Note also that Snohomish County's maximum penalty for residential violations is three times as much as King County's current maximum penalty amount. The penalties assessed by Snohomish County appear in Exhibit 13.

**Exhibit 13: Snohomish County Penalties for Notices of Violation – SCC 30.85.170**

Non-Commercial Violations		Commercial Violations	
Days Past Compliance Deadline	Penalty Amount	Days Past Compliance Deadline	Penalty Amount
1 to 20	\$500	1 to 14	\$1,500
21 to 40	Add \$1,500 (= \$2,000)	15 to 29	Add \$1,500 (= \$3,000)
41 to 60	Add \$2,000 (= \$4,000)	30 to 44	Add \$3,000 (= \$6,000)
61 to 80	Add \$2,500 (= \$6,500)	45 to 59	Add \$5,000 (= \$11,000)
81 or more	Add \$3,500 (= \$10,000)	60 to 74	Add \$6,000 (= \$17,000)
		75 or more	Add \$8,000 (= \$25,000)

The planning group also suggested exploring other methods for scaling penalties to the scale of business operations or commercial violation, including:

- Adopting unique penalty fees for various categories of business, from small to large penalty amounts corresponding to the typical scale of operations for the businesses in each category,
- Setting penalties as either a percentage of business revenue, or a base penalty fee, whichever is less, or
- Doubling the current penalty amounts for commercial violations every 30 days, instead of the current policy of capping the penalty amount at 60 days.

These options for increasing civil penalties require further evaluation, and are presented only to inform policy discussion, but the dollar amounts do not constitute a final recommendation.

*Target Outcomes*

Well under 10 percent of the violations reported each year would be subject to stiffer civil penalties once a notice and order has been issued. This proposal is thus not expected to materially reduce the current backlog of cases awaiting voluntary compliance or legal notice, however it would provide DPER with a tool to incentivize compliance among the highest profile violators.

*Impacts and ESJ Considerations*

Compliance in some cases could negatively impact employees of businesses required to curtail illegal operations. If the prospect of greater penalties is impactful, the workload of the code enforcement officers could increase as violators seek to negotiate voluntary compliance

agreements. This increase in workload could be partly offset by reduction in cases requiring issuance of notice and order.

## C. Potential for Cost Savings

In total, improvements recommended in the preceding proposals are expected to reduce average time to voluntary resolution per case by 14 percent (from 7.4 hours to 6.4 hours). Most of the gains are expected from facilitating permit completion (proposal #5) or from settlement agreements for less serious violations that defer compliance until future development, property transfer, or re-finance (proposal #2). The economies obtained would enable Code Enforcement to reduce its backlog by 50 percent in three years, and virtually eliminate it in six years. Thereafter, resource savings (estimated at more than \$200,000 annually) could be devoted to a higher level of service for the more serious or impactful violations, or devoted to other County priorities. The backlog reduction and costs savings is shown in Exhibit 14.

**Exhibit 14: 10-Year Forecast and Cost Model with Backlog Reduction and Cost Savings**

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
<b>Year-End Caseload</b>											
Voluntary 1-120 Days	142	142	142	142	142	142	142	142	142	142	142
Voluntary 121-365 Days (backlog)	143	120	100	80	60	40	20	-	-	-	-
Voluntary 1-2 Yrs (backlog)	146	125	100	75	50	25	-	-	-	-	-
Voluntary 2-3 Yrs (backlog)	89	75	60	45	30	15	-	-	-	-	-
Voluntary 3-4 Yrs (backlog)	85	75	60	45	30	15	-	-	-	-	-
Voluntary 4-5 Yrs (backlog)	92	75	60	45	30	15	-	-	-	-	-
Voluntary > 5 Yrs (backlog)	250	210	170	130	90	60	30	-	-	-	-
Legal Notice	149	149	149	149	149	149	149	149	149	149	149
Legal Action	210	210	210	210	210	210	210	210	210	210	210
<b>Total</b>	<b>1,306</b>	<b>1,181</b>	<b>1,051</b>	<b>921</b>	<b>791</b>	<b>671</b>	<b>551</b>	<b>501</b>	<b>501</b>	<b>501</b>	<b>501</b>
<b>Thru-Put</b>											
Complaints Received	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100
Violations Resolved											
Voluntary Compliance	1,017	1,142	1,147	1,147	1,147	1,137	1,137	1,067	1,017	1,017	1,017
Legal Notice	46	46	46	46	46	46	46	46	46	46	46
Legal Action	37	37	37	37	37	37	37	37	37	37	37
<b>Total</b>	<b>1,100</b>	<b>1,225</b>	<b>1,230</b>	<b>1,230</b>	<b>1,230</b>	<b>1,220</b>	<b>1,220</b>	<b>1,150</b>	<b>1,100</b>	<b>1,100</b>	<b>1,100</b>
<b>Average Officer Hours per Unit</b>											
Voluntary Compliance	7.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4	6.4
Legal Notice	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
Legal Action	28.0	28.0	28.0	28.0	28.0	28.0	28.0	28.0	28.0	28.0	28.0
<b>Total Annual Officer Hours (6 FTEs)</b>											
Voluntary Compliance	7,526	7,309	7,341	7,341	7,341	7,277	7,277	6,829	6,509	6,509	6,509
Legal Notice	552	552	552	552	552	552	552	552	552	552	552
Legal Action	1,036	1,036	1,036	1,036	1,036	1,036	1,036	1,036	1,036	1,036	1,036
Other Priorities/Cost Savings	36	253	221	221	221	285	285	733	1,053	1,053	1,053
<b>Total</b>	<b>9,150</b>	<b>9,150</b>	<b>9,150</b>	<b>9,150</b>	<b>9,150</b>	<b>9,150</b>	<b>9,150</b>	<b>9,150</b>	<b>9,150</b>	<b>9,150</b>	<b>9,150</b>
<b>Average Unit Cost per Case</b>											
Voluntary Compliance	\$ 1,539	\$ 1,358	\$ 1,385	\$ 1,413	\$ 1,441	\$ 1,470	\$ 1,499	\$ 1,529	\$ 1,560	\$ 1,591	\$ 1,623
Legal Notice	2,496	2,546	2,597	2,648	2,701	2,755	2,811	2,867	2,924	2,983	3,042
Legal Action	5,823	5,940	6,059	6,180	6,303	6,429	6,558	6,689	6,823	6,959	7,099
<b>Total Cost - DPER Code Enforcement</b>											
Voluntary Compliance	\$ 1,565,202	\$ 1,550,472	\$ 1,588,406	\$ 1,620,174	\$ 1,652,577	\$ 1,670,933	\$ 1,704,351	\$ 1,631,411	\$ 1,586,061	\$ 1,617,783	\$ 1,650,138
Legal Notice	114,804	117,100	119,442	121,831	124,267	126,753	129,288	131,874	134,511	137,201	139,945
Legal Action	215,465	219,775	224,170	228,654	233,227	237,891	242,649	247,502	252,452	257,501	262,651
Other Priorities/Cost Savings	7,529	53,713	47,863	48,821	49,797	65,489	66,799	175,163	256,643	261,776	267,012
<b>Total Projected Cost</b>	<b>\$ 1,903,000</b>	<b>\$ 1,941,060</b>	<b>\$ 1,979,881</b>	<b>\$ 2,019,479</b>	<b>\$ 2,059,868</b>	<b>\$ 2,101,066</b>	<b>\$ 2,143,087</b>	<b>\$ 2,185,949</b>	<b>\$ 2,229,668</b>	<b>\$ 2,274,261</b>	<b>\$ 2,319,746</b>
<b>Assumptions</b>											
Constant level of violations reported and no major annexations											
Constant staffing											
2% annual cost inflation											
All improvement proposals implemented											



## D. Next Steps

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The planning group presented these improvement proposals to the County Executive on September 14, 2015. He authorized DPER to proceed with implementation planning for those proposals that do not require changes to the King County Code. The simplest proposals will be implemented soonest:

- Expand the definition of de minimis code violations that may be dismissed without enforcement action.
- Defer enforcement action on cases without recent complaints.
- Abate violations prior to issuing notice and order.
- Disclose potential civil penalties for illegal construction work with notice of violation.

Implementation of these proposals will require changes in forms, letters, and reporting tools used by Code Enforcement. To ensure reduction of the current backlog, operational performance reports will be also developed to measure thru-put (i.e. volume of complaints opened and cases closed), backlog (i.e. age of cases pending notice and order), and outcomes (i.e. timeframes in which compliance is obtained). This work will take several months to complete with existing resources, but should dovetail with concurrent tier board development guided by PSB.

A more protracted effort, involving some organizational changes at DPER, will be necessary to assign a single point-of-contact to facilitate permitting of illegal construction work. Implementation in 2016 will be contingent upon availability of a suitable staff resource within the department's existing position authority and budget constraints.

Two proposals, streamlining appeals and increasing penalties for home occupation and commercial violations, require Council action. Consultation with the Council on these proposals could occur in 2016.

### *Continuous Improvement*

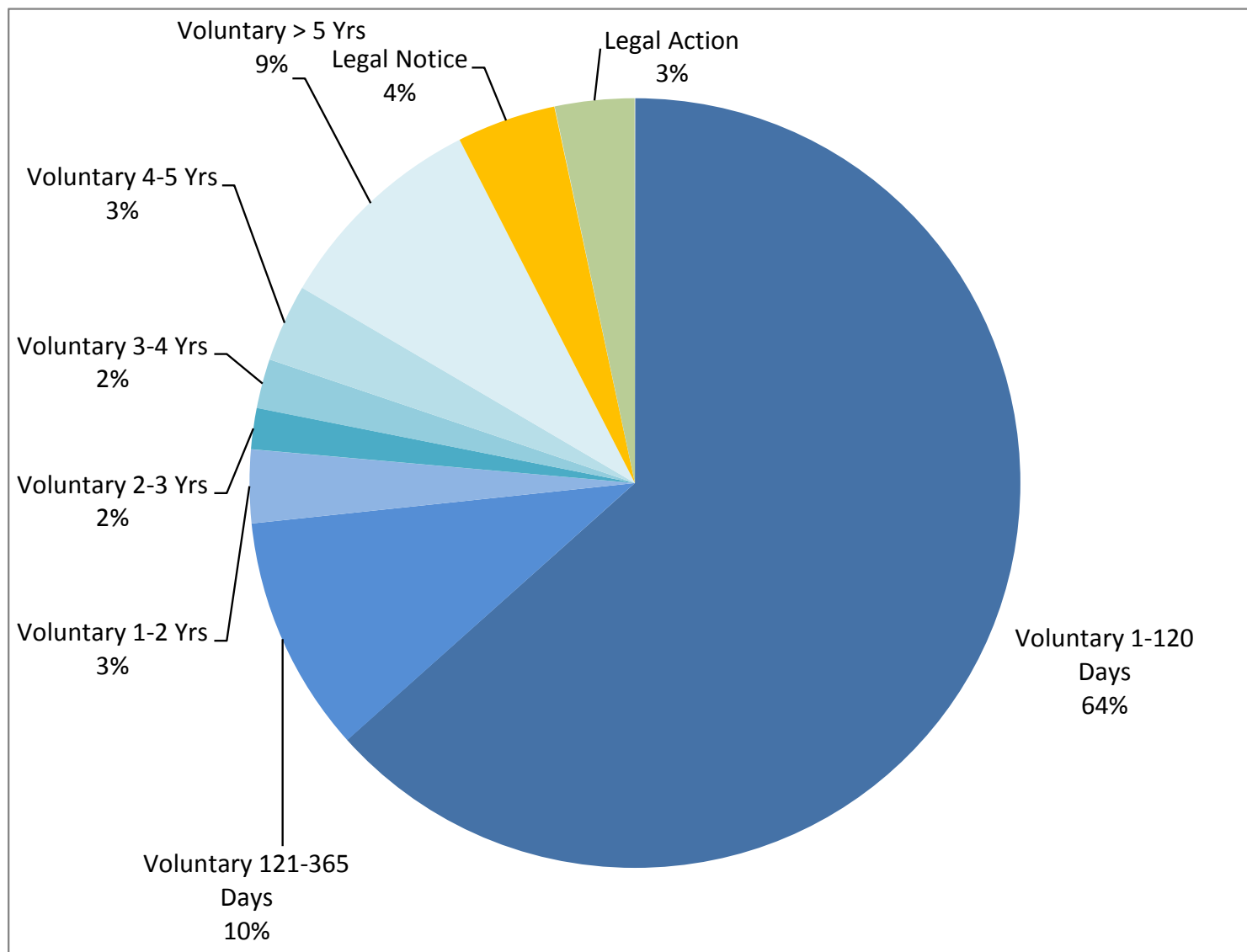
The process evaluation conducted for this proviso report generally focused on policy and procedural changes that DPER can make in 2016 or plan for 2017-18, and on related Code changes in support thereof. The proposed changes would impact principally the excessive backlog of unresolved code enforcement cases that have not been issued notice and orders.

None of the proposals streamline the processes of legal notification or legal action, which are used to resolve about 7 percent of violations. DPER intends in the next biennium to evaluate more closely these process-heavy aspects of code enforcement. Future lines of research were suggested in the Line of Business process evaluation:

- The legal requirements of due process, as codified or practiced by other jurisdictions in Washington State,
- The impact on compliance timelines obtained by expediting legal judgments, or shifting from notice and order to citations and court hearings, and
- Requiring licenses for all businesses in unincorporated King County in order to simplify and accelerate enforcement of commercial violations.

As the backlog is reduced in the years ahead, staff resources could be increasingly devoted to further process improvements.

## Appendix A: Case Outcomes by Resolution Phase



## Appendix B: Baseline 10-Year Forecast, 2015-2025

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
<b>Year-End Caseload</b>											
Voluntary 1-120 Days	142	142	142	142	142	142	142	142	142	142	142
Voluntary 121-365 Days (backlog)	143	143	143	143	143	143	143	143	143	143	143
Voluntary 1-2 Yrs (backlog)	146	146	146	146	146	146	146	146	146	146	146
Voluntary 2-3 Yrs (backlog)	89	89	89	89	89	89	89	89	89	89	89
Voluntary 3-4 Yrs (backlog)	85	85	85	85	85	85	85	85	85	85	85
Voluntary 4-5 Yrs (backlog)	92	92	92	92	92	92	92	92	92	92	92
Voluntary > 5 Yrs (backlog)	250	250	250	250	250	250	250	250	250	250	250
Legal Notice	149	149	149	149	149	149	149	149	149	149	149
Legal Action	210	210	210	210	210	210	210	210	210	210	210
Total	1,306	1,306	1,306	1,306	1,306	1,306	1,306	1,306	1,306	1,306	1,306
<b>Thru-Put</b>											
Complaints Received	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100
Violations Resolved											
Voluntary Compliance	1,017	1,017	1,017	1,017	1,017	1,017	1,017	1,017	1,017	1,017	1,017
Legal Notice	46	46	46	46	46	46	46	46	46	46	46
Legal Action	37	37	37	37	37	37	37	37	37	37	37
Total	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100
<b>Average Officer Hours per Unit</b>											
Voluntary Compliance	7.4	7.4	7.4	7.4	7.4	7.4	7.4	7.4	7.4	7.4	7.4
Legal Notice	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
Legal Action	28.0	28.0	28.0	28.0	28.0	28.0	28.0	28.0	28.0	28.0	28.0
<b>Average Unit Cost per Case</b>											
Voluntary Compliance	\$ 1,539	\$ 1,570	\$ 1,601	\$ 1,633	\$ 1,666	\$ 1,699	\$ 1,733	\$ 1,768	\$ 1,803	\$ 1,839	\$ 1,876
Legal Notice	2,496	2,546	2,597	2,648	2,701	2,755	2,811	2,867	2,924	2,983	3,042
Legal Action	5,823	5,940	6,059	6,180	6,303	6,429	6,558	6,689	6,823	6,959	7,099
<b>Total Cost - DPER Code Enforcement</b>											
Voluntary Compliance	\$ 1,565,202	\$ 1,596,506	\$ 1,628,436	\$ 1,661,005	\$ 1,694,225	\$ 1,728,109	\$ 1,762,672	\$ 1,797,925	\$ 1,833,883	\$ 1,870,561	\$ 1,907,972
Legal Notice	114,804	117,100	119,442	121,831	124,267	126,753	129,288	131,874	134,511	137,201	139,945
Legal Action	215,465	219,775	224,170	228,654	233,227	237,891	242,649	247,502	252,452	257,501	262,651
Other/Savings	7,529	7,679	7,833	7,990	8,149	8,312	8,479	8,648	8,821	8,998	9,178
Total Projected Cost	\$ 1,903,000	\$ 1,941,060	\$ 1,979,881	\$ 2,019,479	\$ 2,059,868	\$ 2,101,066	\$ 2,143,087	\$ 2,185,949	\$ 2,229,668	\$ 2,274,261	\$ 2,319,746
<b>Assumptions</b>											
Constant level of violations reported and no major annexations											
Constant staffing											
No changes in policies, practices or procedures											
2% annual cost inflation											

## Appendix C: Detailed Alternatives Analysis

#	Problem	Alternative	Explanation/Considerations	Change Hypothesis	Code Change	Impact	Effort	Pursue Further	Measure
1	No Teeth	Maximize penalties as an example and to incentivize compliance	Penalties equivalent to the cost of enforcement. Would need more resources to file more N&O. Would not affect backlog because civil penalties occur after N&O.	If penalties are higher than the cost of compliance, compliance will be more attractive.	Yes	Low	Low	Yes; combine with #17	Pre/post timeline comparison may be possible.
2	Backlog	More hand holding through permit process	Code enforcement staff would hand off clients to Permitting SPOC instead of following cases through permitting. Permitting staff would provide a higher level of service than to self-motivated clients (e.g., reminder calls, etc.). Permitting resources could be an issue. Also, don't have to take N&O off the table during permitting process. Handoff at end of in-house meeting. Fresh start with new person could be helpful. Combine with threat of N&O, civil	Code enforcement staff time freed up because they would no longer need to remain directly involved in cases once they enter permitting process.	No	High	High	Yes; combine with #3.	Backlog reduction

			penalties, etc. if don't cooperate.						
3	Backlog	Aggressive fees once cases enter the permit process	Tied to escalating penalties - e.g., if don't meet timelines outlined by permitting officers.	Increase incentive to get through permitting process quickly.	No	High	Low	Yes; combine with #2.	Backlog reduction
4	Backlog	First level notification from community (vio1/vio2)	Skyway Solutions CDA could play a role in facilitating first-level violation notification. It is unclear, however, if the work offloaded by CE staff would be greater than the amount of technical support they would need to provide.	Frees CE resources so that by the time cases are actually filed all they need to do is verify violation and file N&O.	No	Low	Low	Not at this time.	NA
5	Backlog	Different codes for different areas and circumstances	Revise code so that urban/rural parts of unincorporated KC have different code requirements.	Closer fit between community values and code requirements would reduce volume of low-priority cases.	Yes	Low	High	No; use de minimis charts instead; #9	NA
6	Process-Heavy	Simplify citation process	Redesign citation process so that it is more useful for certain violation types, e.g.	Would not get repeat violations	Yes	Low	Low	Yes	Reduction in repeat violations

			one-time violations such as noise complaint, unpermitted events. For example, skip the N&O for cases that have a citation issued because the appeal process would be duplicative.	because they know next one would be worse. Provides a simple way to resolve without legal process. Potential for process simplification, unclear if it would affect backlog.					for noise and unpermitted events.
<b>7</b>	Backlog	Encourage violators to put voluntary notice on title/parcel after 180 days, and defer enforcement thereafter.	Defer action until sale/development/re-finance of property for certain cases.	Would save staff time required by N&O process for those violators that chose this option.	No	High	Low	Yes; combine with #10	Qty of cases that choose this option, enter terminated status.
<b>8</b>	Backlog	Redefine what is good enough compliance/ Palatable	Create alternative resolution category that would allow CE to close cases in substantial compliance. One way	Would allow staff to close cases that would otherwise	No	Low	Low	Yes; combine with #9	Qty cases terminated.

		alternative endings	would be to apply de minimis charts to ongoing cases. Alternate resolution category would likely require code change.	remain open and require attention.					
9	Backlog	Expand de minimis charts	Minimal effort, potential gain likely small. Can be done within existing code.	Would prevent a small number (2%?) of complaints from turning into CE cases.	No	Low	Low	Yes	Qty of cases closed as de minimis that would not have been otherwise.
10	Backlog	One time amnesty	Close cases open for X years, with no complaints for Y years, and no N&O issued. Would need clear criteria. New resolution status would be required. May require council action, at the very least DPER would need to be sure Council was supportive.	Clear portion of existing backlog. Would only be effective if coupled with other measures to prevent backlog from growing again.	Uncertain	High	Low	Yes; combine with #7	Qty of old cases entering terminated status.
11	Backlog	Don't require compliance for some violations	Many of the cases that would be removed would likely already be covered by other solutions.		Yes	?	High	No	NA
12	No Teeth	Make public all inquiries	Unclear if this was a serious alternative to begin with.		No	?	Low	No	NA



		on code enforcement	All inquiries are already public records available upon request.						
<b>13</b>	Backlog	Hold harmless agreement after N&O so case can go straight to abatement.	Already possible within existing code - write into VCA	Would get cases resolved via abatement without court process (to the extent Abatement can afford anything).	No	Low	Low	Yes	Qty of cases abated prior to N&O
<b>14</b>	Backlog	Move to N&O on construction cases even if they enter permitting process	Would get it out of "backlog," but not close case. Would be one way to add pressure.		No	Low	High	Yes; combine with #2 and #3	Backlog reduction
<b>15</b>	Backlog	DPER front cost of permitting consultants, add cost to tax bill.	Could make it part of VCA.	DPER finances permitting costs to make permitting feasible to violator.	No	Low	High	No; too expensive, wrong incentive	NA
<b>16</b>	No Reasonable Solution	Remove N&O so that owner can get a loan to do the work, then put the	Would complicate process, come back to bite them (e.g., property sells while N&O is off but problem is not addressed).		No	Low	High	No	NA

		N&O back on.							
17	No Teeth	Different penalty scales for residential/commercial.	Make penalty for commercial cases high enough to incentivize compliance.	Commercial penalties are frequently not onerous enough to incentivize compliance.	Yes	High	Low	Yes; combine with #1	Pre/post timeline comparison may be possible.
18	Backlog	Show violators what the cost may be in the future if they continue to ignore officers.	Could include sheet with possible penalties in Vio 2 letter, to demonstrate that dealing with issue sooner is cost-effective.		No	Low	Low	Yes; combine with #2 and #3	Backlog reduction
19	No Teeth	Increase insurance requirements	Stiffer punishments would incentivize faster compliance		Yes	?	High	No	NA
20	No Teeth	Garnish wages	Stiffer punishments would incentivize faster compliance		Yes	?	High	No	NA
21	No Teeth	Foreclose property	Stiffer punishments would incentivize faster compliance		Yes	?	High	No	NA
22	No Teeth	Red tag structures	Stiffer punishments would incentivize faster compliance		No	?	High	No	NA

<b>23</b>	No Teeth	Enact criminal penalties	Stiffer punishments would incentivize faster compliance		Yes	?	High	No	NA
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## Appendix D: King County Code

### **23.20.070 Mitigating circumstances hearing - notice - conduct - determination - finding.**

A. If a person requests a hearing in response to a citation to explain mitigating circumstances surrounding the commission of the violation, the department shall notify the hearing examiner that a mitigation hearing has been requested. The office of the hearing examiner shall:

1. Schedule a hearing to be held within thirty days after the department provides notice of the request; and

2. At least ten days before the date of the hearing, provide notice of the time, place and date of the hearing by first class mail to the address provided in the request for hearing.

B. The hearing examiner shall conduct an informal nonevidential hearing. The person cited may produce witnesses, but witnesses may not be compelled to attend. A representative of the department may also attend and provide additional information, but no such attendance is required.

C. The hearing examiner shall determine whether the person's explanation justifies reduction of the civil penalty or restitution. In considering whether to reduce the civil penalty or restitution, the hearing examiner may consider mitigating factors necessary to achieve an equitable result and further the legitimate interests of the department.

D. After hearing the explanation of the person cited and any other information presented at the hearing, the hearing examiner shall enter an order finding that the person cited committed the violation and assessing civil penalties and cleanup restitution payment, if applicable, in an amount determined by the hearing examiner. The hearing examiner's decision constitutes the final agency action. (Ord. 16278 § 17, 2008).

### **23.20.080 Violation contest hearing - notice - conduct - determination - finding.**

A. If a person requests a hearing in response to a citation to contest the finding that a violation occurred or to contest that the person issued the citation is responsible for the violation, the department shall notify the hearing examiner that a contested hearing has been requested. The office of the hearing examiner shall:

1. Schedule a hearing to be held within sixty days after the department provides notice of the request; and

2. At least twenty days before the date of the hearing, provide notice of the time, place and date of the hearing by first class mail to the address provided in the request for hearing.

B. Except as otherwise provided in this section, contested hearings shall be conducted pursuant to K.C.C. 20.24.170 and the rules of procedure of the King County hearing examiner. The hearing examiner may issue subpoenas for witnesses and order limited discovery. The requirements of K.C.C. 20.24.145 relating to pre-hearing conferences do not apply to the contested hearing.

C. If the rights of the alleged violator to receive notice that meets due process requirements are not prejudiced:

1. A citation shall not be deemed insufficient by reason of formal defects or imperfections, including a failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed; and

2. A citation may be amended prior to the conclusion of the hearing so as to conform to the evidence presented.

D. The burden of proof is on the county to establish by a preponderance of the evidence that the violation was committed. The hearing examiner shall consider the citation and any other written report made as provided in RCW 9A.72.085, submitted by the person who issued the citation or whose written statement was the basis for the issuance of the citation in lieu of that person's personal appearance at the hearing as prima facie evidence that a violation occurred and that the person cited is responsible. The statement and any other evidence accompanying the report shall be admissible without further evidentiary foundation. Any additional certification or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation. The person cited may rebut the evidence and establish that the violation did not occur or that the person contesting the citation is not responsible for the violation.

E. If the citation is sustained at the hearing, the hearing examiner shall enter an order finding that the person cited committed the violation. If an ongoing violation remains uncorrected, the hearing examiner shall impose the applicable penalty. The hearing examiner may reduce the penalty as provided in K.C.C. 23.20.070 if the violation has been corrected. If the hearing examiner finds by a preponderance of the evidence that the violation did not occur, an order shall be entered dismissing the citation.

F. The hearing examiner decision is a final agency action.

G. A cited person's failure to appear for a scheduled hearing shall result in an order being entered that the person cited is the person responsible for code compliance and assessing the applicable civil penalty and if applicable, cleanup restitution payment. (Ord. 16278 § 18, 2008).

### **23.32.050 Waivers.**

A. The invoice for newly assessed civil penalties imposed under this title shall include a statement advising the person responsible for code compliance that there is a right, within twenty-one days from service of the invoice, to request a waiver from the director of some or all of the penalties.

B. Civil penalties, in whole or in part, may be waived or reimbursed to the payer by the director, with the concurrence of the director of the department of executive services, under the following circumstances:

1. The citation, notice and order, notice of noncompliance or stop work order was issued in error;
2. The civil penalties were assessed in error; or
3. Notice failed to reach the property owner due to unusual circumstances.

C. Civil penalties, in whole or in part, may be waived by the director, with the concurrence of the director of the department of executive services or its successor agency, under the following circumstances:

1. The code violations have been cured under a voluntary compliance agreement;
2. The code violations which formed the basis for the civil penalties have been cured, and the director finds that compelling reasons justify waiver of all or part of the outstanding civil penalties; or
3. Other information warranting waiver has been presented to the director since the citation, notice and order, notice of noncompliance, stop work order or newly assessed penalty invoice was issued.

D. In cases where additional penalties may be assessed and liens issued, or where compliance or other factors may provide a later ground for waiver, the director may postpone consideration of the waiver request. New penalties may be assessed as warranted, but interest shall not accrue on, and collection shall not be pursued for, penalties subject to a pending waiver request.

E. When the director reaches a final determination on a waiver request, the department shall provide a written decision to the person filing the waiver request, either in person or by mail. The written decision shall inform the person of the right to appeal the waiver decision and shall provide notice of the appeal deadlines and requirements established in this chapter.

F. The director shall document the circumstances under which a decision was made to waive penalties and such a statement shall become part of the public record unless privileged. (Ord. 17591 § 2, 2013: Ord. 14309 § 7, 2002: Ord. 13263 § 41, 1998).

**23.32.100 Appeal of penalty waiver decision - process - notice - failure renders decision final.**

A. A person who filed a penalty waiver request under K.C.C. 23.32.050 may appeal the director's decision denying all or a portion of the request waiver.

B. In order to be effective, a written notice and statement of appeal must be received by the department within fourteen days from service of the director's penalty waiver decision. The statement of appeal must include:

1. The identity of the person filing the appeal;
2. The address of the property where the violations were determined to exist;
3. A description of the actions taken to achieve compliance and, if applicable, the date of compliance; and
4. Any other reasons why the person believes the penalties are erroneous or excessive under the circumstances.

C. Failure to effectively appeal the director's penalty waiver decision within the applicable time limits renders the decision final. (Ord. 17591 § 3, 2013: Ord. 17191 § 55, 2011).

## Some illegal businesses in rural areas operate for years without King County action

Originally published September 8, 2015 at 9:57 pm Updated September 11, 2015 at 1:36 pm



This tree cutting business outside Fall City violates zoning rules and has been issued several violation notices. (Dean Rutz / The Seattle Times)

**County officials say the process for handling code violations errs on the side of leniency to give the violator every opportunity to correct the problems. That long process has led to frustration for the neighbors of such businesses.**

By [Lynn Thompson](#)

*Seattle Times staff reporter*

For 27 years, Jacalyn and Larry Holsted enjoyed the tranquility of their home in rural King County, outside of Fall City, up a private dirt drive and surrounded by trees.

Last summer, their next-door neighbor brought in a bulldozer and started cutting trees and clearing his backyard. When dump truck after dump truck dropped loads of crushed rock, Larry Holsted said to himself: “This isn’t going to be grass.”

Instead the neighbor, Matt Rengo, cleared and graded a parking lot for half a dozen heavy trucks and parking for about 10 employees at his tree-removal and landscaping business, Eastside Tree Works.

County officials acknowledge the operation violates rules that allow some home occupations in rural areas, but not large-scale ones that haven’t been approved.

Eastside Tree Works isn’t the only business in unincorporated King County operating outside of the regulations. Because county code-enforcement officers mostly respond to complaints — and because of a lengthy appeals process — illegal enterprises operate in rural and agricultural areas, sometimes for years.

“It’s frustrating,” Jacalyn Holsted said of the tree-removal business. “He’s in a residential neighborhood, there’s noise, traffic, and strangers coming and going. The county has issued repeated ‘stop work orders,’ but there’s no follow-through.”

The county issued its first “stop work order” for clearing and grading without a permit in March 2013. Since then, it has issued five other violation notices, including for converting a house into an office and running a landscaping business as a home occupation.

Still, Rengo — who says he is the victim of harassment and exaggerated allegations from his neighbors — hasn’t reduced the size of his business



or paid any county fines. On Aug. 14, two days after the county fined him a third time, he submitted an application for a permit that could allow him to continue to operate as a home industry.

County officials say the process for handling code violations errs on the side of leniency to give the violator every opportunity to correct the problems.

“Other jurisdictions will bring down the hammer sooner,” said John Starbard, director of the Department of Permitting and Environmental Review. He said the timelines for compliance are long, appeals can be appealed, violators can ask for more time and they can defer the payment of penalties.

“If someone wants to game the system, they can,” Starbard said.

Starbard, who took over the department in 2010, said he and his staff have transformed the department’s permitting process. But code enforcement, which he described as a “spaghetti” of rules and procedures, is just now getting scrutinized.

Five code-enforcement officers cover about 1,000 square miles, he said. Each has about 260 open cases. That’s meant some businesses fly under the radar.

In unincorporated King County just outside of Woodinville this spring and summer, for example, the county [cited eight wine-tasting rooms](#) for operating on land zoned rural or agricultural. One had been in business for two years.

But the Metropolitan King County Council has also determined that rural areas should accommodate a wider variety of uses than urban areas, Starbard said.

“The codes are written to reflect that what people do in more rural areas is different from what they’d do in Laurelhurst,” he said.



King County has cited the owner of a tree removal business for... (Stephanie Redding / The Seattle Times)

## **More**

King County allows home businesses in rural areas if they are limited in scale and “subordinate to the primary use of the site as a residence,” according to the department’s rules. They must have fewer than three employees working on site and no more than three who report to the site but work primarily elsewhere. A permit is required when a structure is built or the use of the property changes.

The county also allows home industries for businesses with more employees and more equipment, but those require a conditional-use permit, which is subject to public notice, public appeals and conditions set by the county, Starbard said.

Eastside Tree Works has been cited several times by the Department of Labor and Industries (L&I) for safety violations. One worker was killed in December 2010 when struck by a falling tree.

Rengo was fined \$6,200 for three serious violations, said Elaine Fisher, L&I spokeswoman. He was cited again and fined \$2,500 in March 2013 when a worker fell out of a tree and was seriously injured. Rengo said in an interview that the death occurred when a climber made an improper cut and a ground worker walked into the drop zone. Since then, Rengo said, the company has instituted rigorous safety procedures.

He disputed the characterization of the 2013 injury as “serious,” although L&I said he paid the fine and did not appeal the citation.

Rengo also said he has felt unfairly targeted by the county.

Within a 5-mile radius, he said, 20 landscaping and tree-removal businesses are being run in the same rural or agricultural zones.

Jim Chan, the county’s assistant permitting director, said the department is aware of only two other businesses in the area which have open code-violation cases, Rich Landscaping and Bear Creek Landscaping, both along the Redmond-Fall City Road.

Rich Landscaping, a much larger business than Eastside Tree Works, has been cited for exceeding the allowable size of a home occupation, using agricultural buildings for retail sales and processing materials, all without permits, said Chan.

He said Bear Creek has no permit for a retail nursery, which must be approved before a landscaping business is allowed. It’s also been cited for grading in a wetland.

Rich Landscaping has been in business for 35 years, Bear Creek for 20. Owners of both questioned why the county is telling them they lack the necessary permits.

Susie Richards, who owns Rich with her husband, called the county’s red tape and code enforcement “horrible.” She said that over the years the landscaping business has had to hire a wetland biologist and a hydrologist and pays a monthly retainer to a land-use attorney to respond to letters from the county.

“We’ve worked hard with King County over the years,” she said.

Mike Clifford, owner of Bear Creek, said the county has told him in the past that he is in compliance, but he also understands that if someone complains, the county has to investigate.

“Now I have to deal with it,” he said. “I almost consider it harassment.”

For the Holsteds and other neighbors of Eastside Tree Works, the county’s enforcement hasn’t been aggressive enough. Almost two years after first citing Rengo for clearing and grading without a permit, it fined him \$1,500. He was fined another \$6,100 in June and \$8,370 this month. He hasn’t paid any of the fines, according to the permitting department.

The county’s Chan said the department does sometimes shut down a business, but only in cases of life safety or irreparable environmental harm. Those cited for operating in the wrong location can be ordered to close or move, but only after the owners exhaust their legal appeals.

To Jacalyn Holsted, it seems as if anyone could open any type of business in the unincorporated areas of the county, even next to single-family homes like their own, and continue to operate with few consequences.

“This could happen to anyone,” she said.

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## Appendix F: Media Report – Wine-Tasting Businesses in Violation

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### **King County's wine-country crackdown targets tasting rooms**

Originally published August 22, 2015 at 5:30 pm Updated August 22, 2015 at 10:30 pm



Sal Leone sits outside his SilverLake wine-tasting room, just beyond the Woodinville limits. After running afoul of King County for operating in an area set aside for agriculture, he appealed and says if he doesn't win, he'll get stinky pigs and loud roosters for rural ambience. (Ken Lambert/The Seattle Times)

**King County has cited eight winery tasting rooms for operating on rural- or agricultural-zoned land just outside Woodinville.**



## **Owners say they're part of a booming wine and tourism industry.**

By [Lynn Thompson](#)

*Seattle Times staff reporter*

Sal Leone, the grandson of Italian immigrants, speaks expansively about the pleasures of being a winemaker. He's opened two tasting rooms and a brew pub just north of Woodinville, not far from a dozen other tasting rooms and Chateau Ste. Michelle. Visitors can sip wine or beer outside on his slate patio with piped-in music, a bubbling water feature and a lush semicircle of landscaping that screens them from the arterial in front and the parking lot behind.

"We sell romance in the wine business," said Leone, a retired periodontist whose SilverLake Winery was one of the first to open in Woodinville, in 1992, in the heart of what's now a booming wine industry that attracts about 750,000 tourists a year.

But King County says the passion is being sold in the wrong spot, and that retail is trampling on land meant for agricultural uses. Leone's business and seven other tasting rooms were slapped with violation notices by King County between March and July for operating businesses, sometimes for years, on land zoned rural or agricultural.

The crackdown has divided residents of the area. Advocates of preserving the Sammamish Valley for farms and other agricultural uses say the encroachment by businesses threatens some of the region's most productive lands by driving up property values and making it unaffordable to farmers.

Leone, for instance, paid almost \$1 million for 1.5 acres in 2014, while just months earlier the property was assessed at \$416,000 when it was

still a single-family home with a repair shop for tractors and farm equipment.

Leone and the other owners and operators of the tasting rooms are unapologetic, saying wineries are an agricultural use, even if the grapes are grown hundreds of miles away. They say the small houses they've remodeled into tasting rooms fit well with the surrounding wineries and farmland. And they're mostly located along the main thoroughfare between downtown Woodinville and the Hollywood wine district, where tasting rooms are allowed.

They say their properties are a reasonable extension of the popular wine-tourism trade, employing dozens of people and generating tax revenue for the county. Last month they organized into a group called SHOW — Stop Harassing Our Wineries — to press the county to find a way for them to stay in business.

Debbie Hansen, owner of Cougar Crest Estate Winery, whose tasting room has been cited, said, "I see a lot of land in the valley not being farmed at all. Are we going to leave it rural and agricultural or allow it to become part of the wine district?"

The other wineries cited for illegal tasting rooms are: Castillo de Feliciano, Patit Creek and Forgeron Cellars, Cave B, Winery Kitchen, Matthews and Cherry Valley. Each was given 45 days to shut down, relocate or apply for county permits, which could include an application to be considered a home occupation.

That's a stretch for many of the tasting rooms because no one lives in the former houses and the county requires that a business run out of a home be "subordinate to the primary use of the site as a residence."

If corrective action isn't taken, the county can start legal proceedings to close the tasting rooms, said Jim Chan, assistant director of permitting for the county Department of Permitting and Environmental Review.

## **Border fight**

The fight over protecting agricultural and rural land also has become an issue in the Metropolitan King County Council race in which incumbent Jane Hague is being challenged by Bellevue Mayor Claudia Balducci. Hague scheduled a campaign fundraiser this summer at Leone's tasting room but canceled after she was contacted by some Sammamish Valley farm advocates.

Balducci cited votes by Hague and other council members who caucus as Republicans to use rural lands for other purposes, including twice trying unsuccessfully to add nearly 50 acres of rural Duthie Hill to the urban-growth area adjacent to Sammamish and zone it for residential development.

"Councilmember Hague has been on the wrong side of the issue time and time again," Balducci said.

Hague countered that the council majority (members of the nonpartisan council who caucus as Democrats) promised to initiate a joint planning effort with the city of Woodinville in 2012, the last time the controversy arose between the wine industry and agricultural users.

That pledge to work together followed the County Council leadership's rejection of a Woodinville request to redraw the urban-growth boundary to allow more development at its borders.



The rural boundary wasn't breached, but Hague said there was no follow-through on addressing the problems.

"We have a precious resource in our agricultural land that needs to be balanced with a growing wine economy and tourism industry," Hague said.

## **Urban sprawl**

Advocates of preserving the farmland say it was protected decades ago precisely to create a bright line against urban sprawl.

Tom Quigley, president of the Sammamish Valley Alliance and manager of a 65-acre farm north of Leone's land, said that over the years, he and other residents have fought off proposals for sports fields, a hotel and other retail uses on what's now agricultural land.

Standing on his farm, where he also runs a small tree nursery, Quigley points out plots being worked by 11 other tenants, including three Hmong farmers and students at four community colleges.

"Agriculture is alive and well and it's only going to get better as the demand for local produce continues to grow," he said.

About the only thing the two sides agree on is that the county has been lax in enforcing the land-use codes. Cougar Crest's tasting room, for example, had been operating just south of the Woodinville city limits for two years before being cited in June. And for four years before that, Hollywood Hill Vineyards ran its tasting room out of the same remodeled house, said property owner Steve Lee.

“I don’t know why anyone would complain. Woodinville revolves around wineries and tasting rooms,” he said. Lee said he feels particularly aggrieved because Woodinville built sidewalks on two sides of his property when it added a roundabout to handle the increasingly heavy traffic along the Woodinville-Redmond Road.

Now the county is telling him his tenants can’t operate there because the property is zoned rural.

## **Pigs and roosters?**

John Starbard, King County’s director of Permitting and Environmental Review, said the county has a long history of protecting agricultural lands for agricultural uses. The pressures from the wine industry, which stands to make a lot of money converting the land to retail and commercial uses, shouldn’t change the county’s enforcement of its rules.

He said enforcement officers respond primarily to complaints and wouldn’t necessarily know — even for several years — if a tasting room was operating in violation of the codes.

The county just added a planner to focus on unincorporated areas around cities, Starbard said. With more staff, the county can take on the joint planning effort with Woodinville promised in 2012. That initiative will include ongoing conversations with the wine industry and agricultural advocates, he said.

Even within the wine business, many oppose the wildcat tasting rooms. The vast majority of wineries and tasting rooms in the area have spent the time and money to go through the permitting process to make sure they’ve complied with all the regulations, said John Patterson, owner of Patterson Cellars and the vice chair of Woodinville Wine Country, a

marketing and promotional group for the 108 wineries and tasting rooms around the valley.

“I don’t think anybody should be grandfathered in because they opened illegally,” he said.

Leone has appealed his violation notice from the county and asked for an extension until November to present his case. He’s suggested grazing alpacas or planting rows of grapes behind the brew pub to meet the county requirement that the primary use on agricultural land be agricultural.

And if the county turns him down, Leone said, he’s going to find the stinkiest pigs and the noisiest roosters, knowing that next door, in the city of Woodinville, the neighboring business owner, who is planning to add a 12-room hotel, is sure to complain.

“Which do you choose?” he said, gesturing to his pleasant patio and tasting rooms. He includes himself along with the other tasting-room owners and operators when he insists, “Every one of us firmly believes we’re doing what we’re allowed to do.”

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## **16.14 International Property Maintenance Code**

**16.14.110 Violations - Substandard buildings.** Section 106.2 of the International Property Maintenance Code is not adopted and the following is substituted:

**Substandard buildings (IPMC 106.2).** All buildings, portions thereof or premises which are determined by the code official not to be in compliance with this Code are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in K.C.C. Title 23. (Ord. 14914 § 347, 2004: Ord. 14111 § 132, 2001: Ord. 12560 § 110, 1996. Formerly K.C.C. 16.16.040; 16.04.050107).

**16.14.400 Emergency measures - Rapid abatement by the code official.** Section 109 of the International Property Maintenance Code is supplemented with the following:

**Rapid abatement by the code official (IPMC 109.19).** The code official is authorized to abate a structure which is identified to be an immediately hazardous and dangerous structure, which is an imminent hazard to public health and safety or an imminent threat to the public right-of-way, in the following cases:

1. If the owner fails to respond to the notice of abatement, responds untimely, or responds timely but fails to complete abatement within the required time frame; or
2. If the owner cannot be located within the established time frame; or
3. When the code official determines the structure is an imminent hazard to public health and safety or an imminent threat to the public right-of-way, which must be abated immediately. (Ord. 15802 § 115, 2007: Ord. 14914 § 393, 2004: Ord. 14238 § 15, 2001. Formerly K.C.C. 16.21.110).

## **Title 23**

### **23.02.010 Definitions:**

A. "Abate" means to take whatever steps are deemed necessary by the director to return a property to the condition in which it existed before a civil code violation occurred or to assure that the property complies with applicable code requirements. Abatement may include, but is not limited to, rehabilitation, demolition, removal, replacement or repair.

### **23.02.030 Declaration of public nuisance, misdemeanor.**

A. All civil code violations are hereby determined to be detrimental to the public health, safety and environment and are hereby declared public nuisances. All conditions determined to be civil code violations shall be subject to and enforced pursuant to the provisions of this title except where specifically excluded by law or regulation.

### **23.02.040 Enforcement authority and administration.**

A. In order to discourage public nuisances, make efficient use of public resources and otherwise promote compliance with applicable code provisions, a director may, in response to field observations or reliable complaints, determine that civil code violations have occurred or are occurring and may:

4. Order abatement by means of a notice and order, and if abatement is not completed in a timely manner by the person responsible for code compliance, undertake the abatement and charge the reasonable costs of such work as authorized by K.C.C. chapter 23.24;

#### **23.02.090 Voluntary compliance agreement - authority.**

7. An acknowledgment that if the department determines that the terms of the voluntary compliance agreement are not met, the department may issue a notice of noncompliance, and if the notice of noncompliance is not successfully appealed pursuant to K.C.C. 20.22.080, that the county may, without issuing a citation, notice and order or stop work order, impose any remedy authorized by this title, which includes the assessment of the civil penalties identified in the voluntary compliance agreement, abatement of the violation, assessment of the costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses, and the suspension, revocation or limitation of a development permit;

9. An acknowledgment that by entering into the voluntary compliance agreement the person responsible for code compliance thereby admits that the conditions described in the voluntary compliance agreement existed and constituted a civil violation; and that the person responsible waives the right to administratively appeal the existence of the conditions and the fact that they constituted a civil code violation, and that if a notice of noncompliance is issued and not successfully appealed, the person is subject to and liable for any remedy authorized by this title, which includes the assessment of the civil penalties identified in the voluntary compliance agreement, abatement of the violation, assessment of the costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses, and the suspension, revocation or limitation of a development permit; and

**23.02.100 Failure to meet terms of voluntary compliance agreement - notice - appeal - abatement of violation.** If the department determines that terms of the voluntary compliance agreement are not completely met, the director may issue a notice of noncompliance. A notice of noncompliance shall include a description of all incomplete or untimely corrective or abatement action required under the voluntary compliance agreement. The notice of noncompliance shall also include the civil penalty to be imposed based upon the failure to comply with the voluntary compliance agreement. The person or persons responsible for code compliance may appeal the facts and conclusions described in the notice of noncompliance as provided by K.C.C. 20.22.080. If the director issues a notice of noncompliance, and the notice of noncompliance is not successfully challenged through administrative appeal, the department may abate the violation in

accordance with this title, and the person responsible for code compliance may, without being issued a citation, notice and order or stop work order, be assessed a civil fine or penalty, in accordance with the penalty provisions of the voluntary compliance agreement, plus all costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses as provided for in this title, and may be subject to other remedies authorized by this title. Penalties imposed when a voluntary compliance agreement is not met accrue from the date that notice of noncompliance was issued. (Ord. 18230 § 144, 2016: Ord. 15969 § 7, 2007: Ord. 14309 § 4, 2002: Ord. 13263 § 11, 1998).

#### **23.24.020 Effect.**

A. Subject to the appeal provisions of K.C.C. chapter 23.36, a notice and order represents a determination that a civil code violation has been committed, that the person cited is a person responsible for code compliance, and that the violations set out in the notice and order require the assessment of penalties and costs and other remedies including cleanup restitution payment, if applicable, specified in the notice and order.

B. Failure to correct the civil code violation in the manner prescribed by the notice and order subjects the person to whom the notice and order is directed to the use of any of the compliance remedies provided by this title, including:

5. **Abatement by a director** and recovery of the costs of abatement according to the procedures described in this chapter.

**23.24.120 Remedies - abatement - authorized.** In addition to or as an alternative to any other judicial or administrative remedy, a director may use the notice and order provisions of this title to order any person responsible for code compliance to abate the violation and to complete the work at such time and under such conditions as a director determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, **a director may proceed to abate the violation.** (Ord. 13263 § 31, 1998).

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Local Services Excellence Panel  
Week 2  
Permit Fee Comparison

As part of the 2019-2020 budget, the Executive has transmitted Proposed Ordinance 2018-0474,<sup>1</sup> which would adopt the County's permit fees for 2019 and 2020. The Executive is proposing a 6.19 percent increase in permit fees. The increase is proposed to fund "Pro Forma" costs, shown in Table 1.

**Table 1. 2019-2020 Proposed Permit Fee Increase for King County**

Purpose	Impact on Fee Increase	Estimated Revenues
DLS Administrative cost allocation	3.05%	\$850,000
Inflation		
Labor	2.91%	\$810,000
Central Rates	0.82%	\$229,000
Supplies & Other	0.72%	\$201,000
Operating cost reductions	-1.34%	-\$373,000
Fund Balance Addition	0.03%	\$8,000
<b>Total Fee Increase and Estimated Additional Revenue</b>	<b>6.19%</b>	<b>\$1,725,000</b>

The net impact of this fee increase will be offset by elimination of a 1.7 percent temporary permit fee surcharge that is set to expire at the end of 2018, resulting in a net increase to permittees of 4.5 percent.

As part of the Local Services Excellence Panel, Councilmembers have requested information regarding the County's permit fees compared to other Counties, as well as other King County cities. The cities displayed below were chosen to provide a cross section of varying jurisdictions fees. **The tables on the following pages are intended to be illustrative.** They do not account for fees that are added on during the review process, or surcharges that are applied on top of the fees. Various jurisdictions have different permit review models, cost recovery models and targets, levels and types of developments, use of on-call consultants and contract services, and costs for permitting staff. All of these factors make comparison across these jurisdictions challenging and result in varying rationales for permit fee charges that this report does not account for.

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<sup>1</sup> The Budget and Fiscal Management Committee is scheduled to hear this Proposed Ordinance along with the other revenue measures at the October 30, 2018 meeting. This Proposed Ordinance can be viewed here: <https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=3685888&GUID=F6A925F3-9EC8-4055-ABF6-63354FDCA6C5&Options=ID|Text|&Search=2018-0474>

Table 2 attempts to give a comparison of the scale of the jurisdictions included in this report. It includes the combined population and employment data in 2017, and the new number of new dwelling units issued (single and multi-family) in 2016.

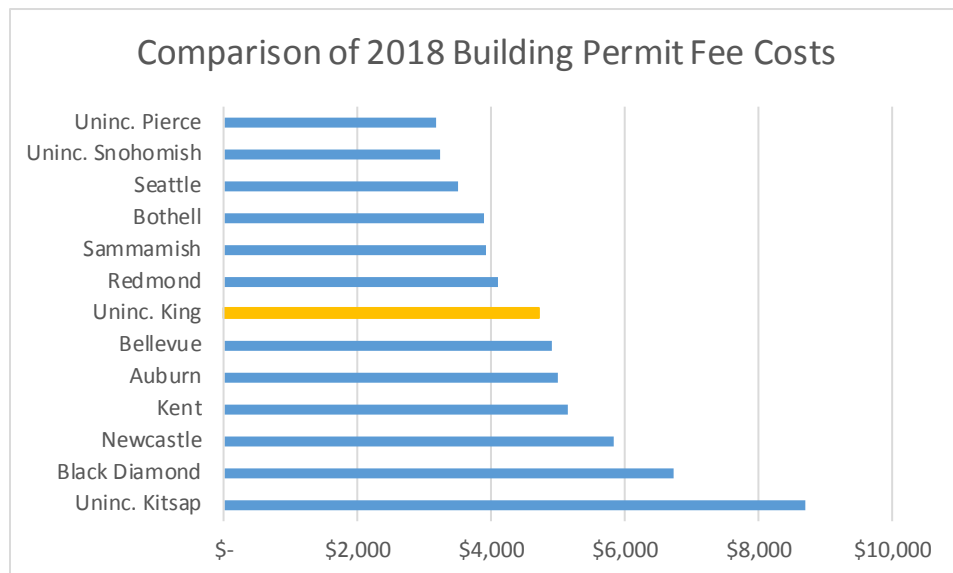
**Table 2. Comparison of Population and Employment Data  
and New Dwelling Units Permitted**

<b>Jurisdiction</b>	<b>Total Population + Employment (2017)</b>	<b>New Dwelling Units Permitted (2016)</b>
Uninc. Snohomish	866,517	2,183
Uninc. Pierce	477,878	2,153
<b>Uninc. King</b>	<b>286,797</b>	<b>482</b>
Uninc. Kitsap	210,204	295
Seattle	1,312,180	9,985
Bellevue	280,712	1,423
Kent	203,345	382
Redmond	158,109	177
Auburn	116,353	750
Sammamish	70,305	275
Bothell	43,980	496
Newcastle	14,742	190
Black Diamond	4,841	6

Table 3 compares the 2018 permitting<sup>2</sup> costs of two types of building permits. The first is the minimum fee that a permittee would pay for a building permit. The second is the permit fee for a project valued at \$500,001 (and where specified, for a residential structure), which is a typical valuation for a new single-family residence or small building. This comparison does not include any plan review fees, which vary by jurisdiction but are generally at least 65% of the permit/inspection fee.

**Table 3. Comparison of 2018 Building Permit Fee Costs**

<b>Jurisdiction</b>	<b>Minimum Building Permit Fee</b>	<b>Permit Fee \$500K valuation</b>
Uninc. Snohomish	\$24	\$3,234
Uninc. Pierce	\$69	\$3,165
<b>Uninc. King</b>	<b>\$150</b>	<b>\$4,700</b>
Uninc. Kitsap	n/a <sup>3</sup>	\$8,700
Seattle	\$210	\$3,510
Bellevue	\$35	\$4,887
Kent	\$37	\$5,142
Redmond	\$30	\$4,083
Auburn	\$32	\$5,000
Sammamish	\$28	\$3,920
Bothell	\$29	\$3,879
Newcastle	\$40	\$5,830
Black Diamond	\$35	\$6,731



<sup>2</sup> City of Kent fees are from 2017.

<sup>3</sup> Kitsap uses a different model than any other jurisdiction in this survey. Kitsap's fee structure does not have a floor for building permit fees.

Table 4 compares the fees for two types of land use permits: conditional uses (CUP) and temporary uses (TUP).

CUP costs vary greatly across jurisdictions, and some jurisdictions require a public hearing for a CUP. Where offered, the listed cost is for an administrative CUP.

**Table 4. Comparison of 2018 Conditional Use and Temporary Use Fees**

<b>Jurisdiction</b>	<b>Conditional Use</b>	<b>Temporary Use</b>
Uninc. Snohomish	\$3,300	n/a
Uninc. Pierce	\$3,180	\$1,250
<b>Uninc. King</b>	<b>\$6,301<sup>4</sup></b>	<b>\$4,922<sup>5</sup></b>
Uninc. Kitsap	\$3,510	actual cost
Seattle <sup>6</sup>	\$3,250	\$1,625
Bellevue <sup>7</sup>	\$4,329	\$325
Kent	\$4,662	\$114
Redmond	\$24,910	\$2,815
Auburn	\$2,122	\$153
Sammamish	\$1,920	\$1,280
Bothell <sup>8</sup>	\$6,232	n/a
Newcastle <sup>9</sup>	\$2,755	\$375
Black Diamond	\$2,918	\$538

<sup>4</sup> This is the fee for a CUP for a commercial use. CUPs for residential or home industry uses are \$3,081.

<sup>5</sup> This is the fee for most TUPs. TUPs for homeless encampments are \$2,461, and permit extensions are \$690. The Permitting Division most recently adjusted the TUP to capture the costs of permit review in the 2017-2018 fees.

<sup>6</sup> Seattle's land use fees are deposits. Permittees pay the actual costs.

<sup>7</sup> Bellevue's land use fees are deposits. Permittees pay the actual costs.

<sup>8</sup> Bothell's land use fees are deposits. Permittees pay the actual costs.

<sup>9</sup> Newcastle's land use fees are deposits. Permittees pay the actual costs.

Table 5 compares fees charged for pre-application meetings, as well as the hourly rate for reviewers across the jurisdictions.

**Table 5. Comparison of 2018 Pre-Application Fees and Hourly Rates**

<b>Jurisdiction</b>	<b>Pre-Application</b>	<b>Hourly Rate</b>
Uninc. Snohomish	\$480	not listed
Uninc. Pierce	\$100 <sup>10</sup>	\$145
<b>Uninc. King</b>	<b>\$690<sup>11</sup></b>	<b>\$185<sup>12</sup></b>
Uninc. Kitsap	\$2,340	\$130
Seattle	\$650	\$216 <sup>13</sup>
Bellevue	\$346 <sup>14</sup>	\$153 <sup>15</sup>
Kent	\$465	\$131 <sup>16</sup>
Redmond	varies <sup>17</sup>	\$117
Auburn	\$275	not listed
Sammamish	\$128 <sup>18</sup>	\$128
Bothell	\$735 <sup>19</sup>	\$821 <sup>20</sup>
Newcastle	\$375	\$150
Black Diamond	\$267	\$66 <sup>21</sup>

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<sup>10</sup> Per staff.

<sup>11</sup> Per staff.

<sup>12</sup> DPER does not currently charge this hourly rate for any services, and it is proposed to be eliminated in the Proposed Ordinance.

<sup>13</sup> Land use per hour rate is \$325.

<sup>14</sup> This is only for land use review. Each other discipline is extra. And this is a deposit only.

<sup>15</sup> This is the average. Review fees vary from \$105 to \$183 based on type of reviewer.

<sup>16</sup> This is the average. Review fees vary from \$114 to \$148 based on type of reviewer.

<sup>17</sup> Redmond uses a Pre-Entitlement Review process (PREP). The PREP fees vary from \$209 to \$1685 depending on type of development.

<sup>18</sup> This is a per hour fee, and more complex permits have higher per hour fees.

<sup>19</sup> For pre-applications initiated by single-family residence owner, otherwise it is \$1,622

<sup>20</sup> This is the average. Review fees vary from \$160 to \$176 based on type of reviewer.

<sup>21</sup> This is the average. Review fees vary from \$47 to \$81 based on type of reviewer. Additionally, engineering and building services are provided by contractors, and permittees pay that cost.

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