

July 27, 2010

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

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STIPULATED REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E08G0464**

ROB AND MELINDA TAYLOR
Code Enforcement Appeal

Location: 18645 Renton-Maple Valley Road, Renton

Appellant: **Rob and Melinda Taylor**
17715—162nd Avenue SE
Renton, Washington 98058
Telephone: (206) 856-1261
Email: rtaylor@taylorem.com

King County: Department of Development and Environmental Services (DDES)
represented by Holly Sawin
900 Oakesdale Avenue SW
Renton, Washington 98055
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SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Deny appeal; sustain Notice and Order with revised compliance schedule
Department's Final Recommendation:	Deny appeal; sustain Notice and Order with further revised compliance schedule
Examiner's Decision:	Deny appeal; sustain Notice and Order with further revised compliance schedule

EXAMINER PROCEEDINGS:

Hearing opened:	July 15, 2010
Hearing closed:	July 15, 2010

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

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

FINDINGS OF FACT:

1. On January 11, 2010, the Department of Development and Environmental Services (DDES) issued a Notice and Order to Rob and Melinda Taylor that found code violations on a Rural Area-5 (RA-5)-zoned property located at 18645 Renton-Maple Valley Road in the unincorporated area southeast of Renton. The Notice and Order cited the named parties and the property with the following violations of county code:
 - A. Remodel of a nonconforming single-family residence (addition of 150-square-foot deck, reinforcement of existing structure, new windows, new plumbing, new wiring) without required permits, inspections and approvals.
 - B. Grading in excess of 100 cubic yards, construction of road with over 2,000 square feet of new impervious surface, clearing in excess of 7,000 square feet, and clearing and grading within environmentally critical areas (aquatic, streams, wetlands, steep slopes) and associated buffers.
2. The Taylors filed an appeal of the Notice and Order, but now stipulate to the violations and have reached agreement with DDES on a compliance schedule. With respect to the first violation of the residential remodeling, no permit applications have been submitted to Public Health or DDES as of yet and the Appellants have decided to retain the option to return the residence to one-bedroom status in the event that Public Health approval of the current larger number of bedrooms is not feasible. DDES is skeptical that the extensive remodeling of the structure can be unwound in an acceptable manner without demolition of the entire structure if Public Health approval is not obtainable. With respect to the grading violation, necessary replanting has been inspected and the clearing/grading permit L09CG064 is approved and ready to be issued pending the posting of a plant monitoring bond, the amount of which has been agreed upon.
3. The preponderance of the evidence in the record demonstrates that the violations found by the Notice and Order did in fact occur.

CONCLUSIONS:

1. The violations found in the Notice and Order having been demonstrated by a preponderance of the evidence, as well as stipulated, the Notice and Order shall be sustained, with the compliance schedule revised as agreed upon at hearing.

DECISION:

The appeal of the Notice and Order is DENIED and the Notice and Order SUSTAINED with the compliance schedule revised as stated in the following order.

ORDER:

1. Complete the submittal of necessary documentation and post the required clearing/grading bond *by no later than September 1, 2010*. Obtain all final approvals for clearing/grading permit L09CG064 in compliance with applicable timeframes.

2. A complete application for Public Health approval of the subject residential remodeling (with water quality and quantity information for the spring or well location and onsite drainfield plans) shall be submitted to Public Health *by no later than February 1, 2011*. (Note: the completed DDES Critical Area Designation (CAD) for the property shall be submitted with the Public Health application.) Thereafter, all pertinent timeframes and stated deadlines for additional information, response comments, supplementary submittals, etc., if any, shall be diligently observed by the Appellants through to final Public Health decision.
3. If a complete application has not been filed with Public Health by the above deadline, a demolition permit shall be obtained from DDES *by no later than August 1, 2011* for removal/demolition of all pertinent non-permitted structural work and appurtenances, and the same shall be removed/demolished and the demolition debris/materials removed from the property to an approved disposal facility *by no later than 60 days* after demolition permit obtainment. (Note: Removal of the non-permitted structural work and appurtenances may not be feasible while leaving the original structure (the nonconforming single-family residential structure, in its state prior to the subject remodeling) acceptably intact; the entire structure may be required to be demolished. In part, such feasibility may depend on Public Health approval and/or DDES demolition permit approval.)
4. If Public Health approval is timely sought, **within 30 days** of Public Health approval **or by July 5, 2011, whichever is later**, an Already Built Construction (ABC) permit pre-application meeting with DDES shall be scheduled and attended.
5. **Within 30 days** after the pre-application meeting with DDES, a complete building permit application shall be submitted to DDES for the subject residential remodeling. Thereafter, all pertinent timeframes and stated deadlines for additional information, response comments, supplementary submittals, etc., if any, shall be diligently observed by the Appellants through to permit issuance and obtainment and final inspection.
6. If Public Health approval is granted but the Appellants decide not to pursue a building permit and any other necessary non-Public Health permits for the subject construction work, and/or have not filed the required complete building permit application by the above deadline, a demolition permit shall be obtained from DDES **within 60 days after the pre-application meeting** for removal/demolition of all pertinent non-permitted structural work and appurtenances, and the same shall be removed/demolished and the demolition debris/materials removed from the property to an approved disposal facility *by no later than 60 days* after demolition permit obtainment, **OR** if the Appellants have not scheduled and attended a pre-application meeting as required above, a demolition permit shall be obtained **within 90 days from the date of Public Health approval or by August 1, 2011, whichever is later**, and the demolition/removal completed as required above *by no later than 60 days* after demolition permit obtainment.
7. In the event that a complete application is filed with either or both of the relevant agencies and approval is pursued but ultimately finally denied by either agency, a demolition permit shall be obtained from DDES *by no later than 120 days* after the first such final denial **or July 5, 2011, whichever is later**, and the pertinent non-permitted structural work shall be demolished/removed and the demolition debris/materials removed to an approved disposal facility *by no later than 60 days* after demolition permit obtainment.
8. DDES is authorized to grant deadline extensions for any of the above requirements if warranted, in DDES's sole judgment, by circumstances beyond the Appellants' diligence and control.

9. No penalties shall be assessed by DDES against the Taylors and/or the property if the above compliance requirements and deadlines (noting the possibility of extension) are complied with in full. If they are not, DDES may impose penalties as authorized by county code retroactive to the date of this order.

ORDERED July 27, 2010.



Peter T. Donahue
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within 21 days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE JULY 15, 2010, PUBLIC HEARING ON THE CODE ENFORCEMENT APPEAL OF ROB AND MELINDA TAYLOR, DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E08G0464

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Holly Sawin representing the department and Rob Taylor the Appellant.

The following Exhibits were offered and entered into the record:

Exhibit No. 1	Department of Development and Environmental Services (DDES) staff report to the Hearing Examiner for E08G0464
Exhibit No. 2	Copy of the Notice and Order issued January 11, 2010
Exhibit No. 3a	Copy of the Notice and Statement of Appeal received January 26, 2010
Exhibit No. 3b	Copy of the Amended Statement of Appeal dated May 18, 2010
Exhibit No. 4	Copies of codes cited in the Notice and Order

PTD:vsm
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