

August 13, 2010

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

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654
Email hearingexaminer@kingcounty.gov

REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0900538**

TONI BEETHAM
Code Enforcement Appeal

Location: 31711 – 293rd Avenue SE

Appellant: **Toni Beetham**
PO Box 378
Black Diamond, Washington 98010
Telephone: (360) 886-2063

King County: Department of Development and Environmental Services (DDes)
represented by Holly Sawin
900 Oakesdale Avenue SW
Renton, Washington 98055
Telephone: (206) 296-6772
Facsimile: (206) 296-6604
Email: holly.sawin@kingcounty.gov

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Deny appeal with revised compliance schedule
Department's Final Recommendation:	Deny appeal with further revised compliance schedule
Examiner's Decision:	Deny appeal with further revised compliance schedule

EXAMINER PROCEEDINGS:

Hearing opened:	August 3, 2010
Hearing closed:	August 3, 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 May 24, 2010, the Department of Development and Environmental Services (DDES) issued a Notice and Order to Toni Beetham that found a code violation on a Rural Area-5 (RA-5)-zoned property located at 31711 – 293rd Avenue Southeast in the unincorporated area east of Black Diamond. The Notice and Order cited Ms. Beetham and the property with the following violation of county code:

- A. Construction of three-bedroom single-family residence without the required permits, inspections and approvals.

The Notice and Order required compliance by obtainment of the necessary building permit application, noting that Public Health approval is required as well as several other permit obtainment steps.

2. Ms. Beetham filed an appeal of the Notice and Order, not contesting the finding of violation but requesting additional time to pursue the required permit. Ms. Beetham has obtained a Critical Areas Designation (CAD) from DDES, a necessary component for application submittal to Public Health for potable water and onsite sanitation approval. Ms. Beetham intends to pursue the utilization of a Group B well to be developed on a neighboring property; the neighboring property owners are agreeable to joint use. The alternative of using an onsite well would require the relocation/demolition of an unplumbed storage building on the property. The practical difference for Ms. Beetham between the two alternatives is essentially financial.
3. The preponderance of the evidence in the record demonstrates that the violation found by the Notice and Order did in fact occur. No evidence of a building permit for the residence has been submitted, and as noted, Ms. Beetham does not contest the fundamental charge.
4. No hazards to health and safety are evident from the subject construction. Ms. Beetham utilizes bottled water for drinking purposes.

CONCLUSIONS:

1. The violation found in the Notice and Order having been demonstrated by a preponderance of the evidence, as well as being uncontested, the Notice and Order shall be sustained, with the compliance schedule revised as stated in the following order.

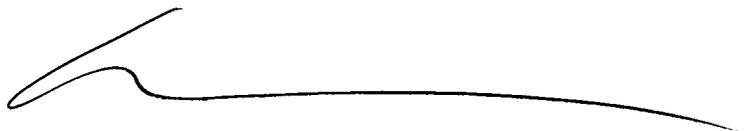
DECISION:

The appeal of the Notice and Order is DENIED and the Notice and Order SUSTAINED, except that the compliance schedule is REVISED as stated in the following order.

ORDER:

1. *By no later than July 13, 2011*, a complete application shall be submitted to Public Health for approval of a potable water supply and an onsite sanitation system. Said application shall include a copy of the DDES Critical Areas Designation (CAD). In the interim period:
 - A. If the utilization of a Group B well is chosen for domestic water service, formal documentation of the subject property's legal right to usage and sufficient flow shall be obtained and a copy submitted to DDES *by no later than February 15, 2011*.
 - B. As an alternative to the Group B water service, a regulation onsite private well shall have been documented as feasible on the property with such documentation submitted to DDES *by no later than April 13, 2011*.
2. **Within 30 days** of Public Health water and sanitation approval, an Already Built Construction (ABC) pre-application meeting shall be scheduled with DDES and attended.
3. *By no later than 60 days* from the date of the DDES pre-application meeting, a complete ABC building permit application for the subject residence construction work shall be submitted to DDES.
4. Once approved by DDES, the building permit shall be promptly obtained, *no later than 15 days* after notification of such approval.
5. If Public Health and/or DDES building permit approval is not granted, the subject unpermitted construction work shall be demolished and removed from the property. **Within 180 days** of final denial by the pertinent decisionmaking agency of water service and/or sanitation approval and/or building permit approval, or of the Appellant's decision to no longer pursue any of such approvals/permits, whichever occurs first, the subject unpermitted construction shall be demolished and the demolition debris removed from the property to an approved disposal facility.

ORDERED August 13, 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 twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE AUGUST 3, 2010, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0900538

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Holly Sawin representing the Department and Toni Beetham, 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 E0900538
- Exhibit No. 2 Copy of the Notice & Order issued May 24, 1020
- Exhibit No. 3 Copy of the Notice and Statement of Appeal received June 9, 2010
- Exhibit No. 4 Copies of codes cited in the Notice & Order
- Exhibit No. 5 Photograph of subject residence taken by Holly Sawin on June 22, 2009
- Exhibit No. 6 King County Assessor's information on the subject parcel
- Exhibit No. 7 Public Health building application deficiencies letter dated November 3, 2009 to Toni Beetham
- Exhibit No. 8 Permits Plus record of permit history for the subject property

PTD:gao
E0900538 RPT