

March 5, 2012

OFFICE OF THE HEARING EXAMINER
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REPORT AND DECISION

SUBJECT: Development and Environmental Services File No. **E1000541**

JEAN C. JOLLEY
Code Enforcement Appeal

Location: 18429 244th Avenue SE (approximately), Maple Valley

Appellant: **Jean C. Jolley**
PO Box 1234
Maple Valley, WA 98038
Telephone: (206) 491-1284

King County: Department of Development and Environmental Services (DDES)
represented by Holly Sawin
900 Oakesdale Avenue SW
Renton, WA 98057
Telephone: (206) 296-6772
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 except for time extension request/ sustain Notice and Order with revised compliance schedule

EXAMINER PROCEEDINGS

Hearing Opened:	February 21, 2012
Hearing Closed:	February 21, 2012

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 Hearing Examiner's Office.

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

FINDINGS:

1. This matter involves the appeal of a code enforcement Notice and Order issued October 13, 2011 to J.C.L. Jolley for property located at 18429 244th Avenue SE (approximate street address). The Notice and Order found building and zoning code violations existing on the property consisting of occupancy of a substandard dwelling (recreational vehicle (RV)); construction of a wooden structure and small sheds without permits and on a parcel without an established primary use; accumulation of inoperable vehicles and vehicle parts; parking/storage of vehicles on non-impervious (unimproved) surfaces; parking/storage of vehicles on a parcel without an established primary use; and accumulation of assorted rubbish, salvage and debris.
2. The Notice and Order required that the found violations be corrected by November 15, 2011, by vacating and removal of the RV from the property; removal of the wooden structure and small sheds; removal of vehicles, vehicle parts, rubbish, salvage and debris; and cessation of parking/storage of vehicles on non-impervious surfaces, with any items to be disposed in such process to be disposed at an approved facility.
3. John C. Jolley filed an appeal of the Notice and Order. The appeal notes that the structure cited by the Notice and Order is an 8-foot-by-20-foot wooden shed on cement blocks and that the vehicles onsite consist of a flatbed truck and enclosed equipment trailer, which are being used to remove the offending vehicle parts and rubbish, salvage and debris materials. Mr. Jolley notes that he is not a junk collector but has stored usable materials onsite in anticipation of constructing a home there. He also testified that there is no RV on the property. Lastly, Mr. Jolley requests more time to achieve compliance due to financial and physical limitations and requests an extension until the end of August, 2012 to gain compliance, which he essentially does not dispute is required.
4. DDES offered evidence supporting its findings of violations in the Notice and Order and agreed to revise its recommended compliance schedule (which contained compliance deadline of July 31, 2012) to the end of August, 2012 as Mr. Jolley requests.
5. The preponderance of the evidence in the record supports the findings of violation in the Notice and Order.
6. Mr. Jolley's request for additional time to achieve compliance is reasonable and as noted concurred in by DDES. DDES also notes that a substantial amount of progress has been made toward removing offending salvage and debris from the site and that Mr. Jolley is making good faith efforts to bring the property into compliance.
7. DDES noted at hearing that it can provide solid waste vouchers to Mr. Jolley for free disposal of rubbish, salvage and debris at a solid waste facility.

CONCLUSIONS:

1. The preponderance of the evidence in the record supports the finding of violations by the Notice and Order which, other than to grant the request for additional time, shall be sustained and the appeal denied, with the stipulated revised compliance schedule.

2. In the revised compliance schedule, the stipulated time period shall be imposed as it provides a reasonable amount of time to achieve compliance given the amount of work left to be done. The Examiner shall also build in the typical allowance of an extension which may be granted by DDES in its sole judgment in the event of circumstances beyond the Appellant's control and diligent effort.

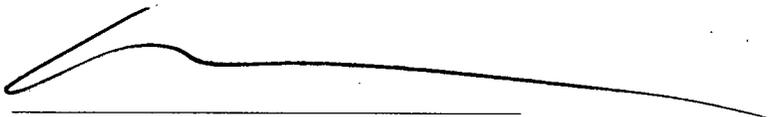
DECISION:

The appeal is DENIED except with respect to the request for additional time to achieve compliance and the Notice and Order is otherwise SUSTAINED, with the COMPLIANCE SCHEDULE for correction REVISED as set forth in the order below.

ORDER:

1. *By no later than August 31, 2012*, the property shall be brought into compliance with the Notice and Order compliance requirements, with the following items as may be currently remaining on the subject property removed to locations off the property, and disposal of any items to be at an approved disposal facility:
 - A. The wooden 8-foot-by-20-foot shed on cement blocks.
 - B. The flatbed truck.
 - C. The enclosed equipment trailer.
 - D. Inoperable vehicles and vehicle parts.
 - E. Vehicles parked or stored on the property that are not lawfully associated with an established primary use authorized by the zoning code. Any vehicles lawfully remaining shall be stored on surfaces complying with code requirements.
 - F. All offending rubbish, salvage and debris.
2. DDES is authorized to grant extensions of the above deadline if warranted, in DDES's sole judgment, by circumstances beyond the property owner's diligent effort and control. DDES is also authorized to grant extensions for seasonal, adverse weather and/or environmental impact reasons.
3. No civil fines or penalties shall be assessed by DDES against Mr. Jolley and/or the property if the above compliance requirements and deadlines are complied with in full (noting the possibility of deadline extensions pursuant to the above allowances). However, if the above compliance requirements are not complied with in full, DDES may impose penalties as authorized by the county code retroactive to the date of this decision.

ORDERED March 5, 2012.



Peter T. Donahue
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Pursuant to King County Code Chapter 20.24, the King County Council has directed that the Examiner make the final decision on behalf of the county regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within 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.)

PTD/gao