

January 31, 2019

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

SUMMARY ORDER

SUBJECT: Department of Local Services, Permitting Division file no. **ENFR130748**

RICHARD AND ELIZABETH BUCK
Code Enforcement Appeal

Location: 19607 Orillia Road S, Kent

Appellant: **Richard Buck**
24601 SE 220th Street
Maple Valley, WA 98038
Telephone: (206) 391-7291
Email: rlbuck22@gmail.com

King County: Department of Local Services, Permitting Division
represented by **David Bond**
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
Telephone: (206) 477-3654
Email: david.bond@kingcounty.gov

This case involves a small slice of a bigger picture. Richard Buck's property abuts I-5, sitting near the tip of thin sliver of unincorporated land wedged between SeaTac, Tukwila, and Kent. The sliver was originally slated to be annexed about a decade ago as part of a larger annexation. Yet the sliver was functionally orphaned when the geographic scope of the annexation was scaled back.

Mr. Buck has been operating an auto sales/leasing operation from the site for many years. The Department served a notice and order alleging three violations, all related to his business: (1) the business itself; (2) a storage shed converted into an office for the business; and (3) an accumulation of inoperable vehicles, vehicle parts, and parking vehicles on non-impervious surfaces.

The property is zoned R-1, meaning residential, at a density of one dwelling unit per acre. At a little less than one acre, about the only thing one could do with the subject property under current County zoning would be siting a single residence. That does not seem the type of move a prudent owner or investor would want to undertake.

There is no question Mr. Buck's business and expansive vehicle collection are not allowed in the R-1 zone, nor that conversion of storage space to an office requires a permit. His appeal did not dispute the existence of the violations. Instead, he pointed to the spot he finds himself in, annexation and zoning-wise. Unlike a rezone application, variance, or some other comprehensive land-use process, a code enforcement case is a limited action focusing on whether a use or structure is currently legal. It is not a process designed to craft wise policy solutions. Bigger picture items like annexation or rezoning are beyond our limited scope today.

We have endeavored to assist the parties in figuring out a longer-run resolution. We hope this will come to fruition. However, the only piece we really have authority to weigh in on today is setting a schedule and sequence for bringing the property into compliance with the current zoning. Thankfully, the parties were able to work out their own solution, so we simply adopt that as our own.

By **August 30, 2019**, Mr. Buck shall:

- (1) Cease his business operations;
- (2) Convert the building back into something resembling unheated storage space;
and
- (3) Remove the remaining vehicles and vehicle parts from the property.

If these are completed by August 30, the Department may not assess penalties against Mr. Buck or property. If the August 30 deadline (or any extension to this deadline the Department reasonably allows) is not met, the Department may assess penalties retroactive to today.

DATED January 31, 2019.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

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

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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services, Permitting Division file no. **ENFR130748**

RICHARD AND ELIZABETH BUCK

Code Enforcement Appeal

I, Liz Dop, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **SUMMARY ORDER** to those listed on the attached page as follows:

EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.

placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED January 31, 2019.



Liz Dop
Legislative Secretary

Bond, David

Department of Local Services, Permitting Division

Breazeal, Jeri

Department of Local Services, Permitting Division

Buck, Richard

Hardcopy

Deraitus, Elizabeth

Department of Local Services, Permitting Division

Lux, Sheryl

Department of Local Services, Permitting Division

Williams, Toya

Department of Local Services, Permitting Division

Wolf, Karen

King County Performance, Strategy and Budget