

October 22, 2020

**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 file no. **E1100677**

FRANCIS SPARLING
Code Enforcement Appeal

Location: [REDACTED] North Bend

Appellant: **Francis Sparling**
[REDACTED]
Redmond, WA 98053

Telephone: [REDACTED]
Email: [REDACTED]

King County: Department of Local Services
represented by **Holly Sawin**
Department of Local Services
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
Telephone: (206) 477-0291
Email: holly.sawin@kingcounty.gov

There is no real dispute in this case. Mr. Sparling owns a residence built, without permits, by a previous owner. The Department's notice and order requires Mr. Sparling to obtain permits to come into compliance. Mr. Sparling does not contest this. He has been working towards that end, stymied for a long time by a failing community well on a neighbor's property. Now, Mr. Sparling has apparently obtained Public Health approval (after getting a critical area designation). His next step is to submit a building permit application to the Department.

Mr. Sparling notes that he has been communicating with the Department's Permitting section. He may need to hire a civil engineer to handle drainage. He does not know how long this will take.

There seems little value to us continuing to hold onto this case. If we went to hearing, as the violation (construction of a home without permits) and remedy (permit the home) are not disputed, we would basically be just setting a deadline to apply for a permit. We can do that just as easily via a summary order. Mr. Sparling was okay with the draft of this order.

Whether we sustain a notice and order and set a compliance deadline through a summary order or through a full-length decision issued after a hearing on the merits, the result is the same. Certain consequences attach if a deadline is not met. Typically, the first (and often very significant) consequence is that an owner can become liable for hefty code enforcement penalties. However, the Department agrees that Mr. Sparling qualifies as nonculpable owner; this means that while Mr. Sparling remains responsible for abating the violation, code enforcement penalties are off the table. KCC 23.36.030.B.

Thus, we sustain the Department's June 21, 2019, notice and order *except* that the deadline for submitting a complete building permit application is **April 22, 2021**, and the daily penalties mentioned in the notice and order are null.

If for some reason we have misunderstood the situation, by **November 16, 2020**, either party is free to file, with the examiner, a motion for reconsideration explaining why the examiner should not be dismissing this appeal. Filing a timely motion for reconsideration postpones the deadline (described below the signature line) for lodging an appeal.

DATED October 22, 2020.



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.

DS/lo

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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **E1100677**

FRANCIS SPARLING
Code Enforcement Appeal

I, Lauren Olson, 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 October 22, 2020.



Lauren Olson
Legislative Secretary

Breazeal, Jeri

Department of Local Services

Lux, Sheryl

Department of Local Services

Sawin, Holly

Department of Local Services

Sparling, Francis

Hardcopy

Williams, Toya

Department of Local Services