

March 17, 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

REPORT AND DECISION

SUBJECT: Department of Local Services file no. ENFR170542

WARREN KLINT
Code Enforcement Appeal

Location: [REDACTED] Snoqualmie

Appellant: **Warren Klint**

[REDACTED]
Snoqualmie, WA 98065

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

FINDINGS AND CONCLUSIONS:

1. The Department of Local Services (Department) cited Mr. Klint for: (1) storing commercial vehicles, equipment, cargo containers, and inoperable vehicles, (2) occupying substandard dwellings, including some RVs, and (3) accumulating rubbish, salvage, and debris. Mr. Klint timely appealed, not really challenging the existence of the violations, but requesting more time and some other considerations.

2. At our prehearing conference, the parties were on board with us resolving this case with a summary order. After we issued the order, however, Mr. Klint had second thoughts and requested more clarification. Thus, we held a full hearing on the merits on March 3. After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we mostly deny, but partially grant, Mr. Klint's appeal. We amend the terms of, and deadlines for, compliance.
3. On one level, this case is simple. Mr. Klint is living in a mobile home that has never received any of the necessary approvals—not the Department's local land-use permit for siting a mobile home on a lot, not the state's Labor and Industries' (L&I's) approval for the mobile home itself, and not Public Health's approval for water or septic. As such, it is a property without an established primary use. The property is legally treated as vacant, and essentially nothing is allowed on the property until some sort of legal, primary use is established.
4. Therefore, as of today, the Department easily meets its burden of showing all three violations, with two exceptions:
 - There is insufficient evidence in the record of a wetland or wetland buffer. There may very well be some sort of aquatic feature on the property, and it would be good to (during the dry season) move everything away from the edge of the pond to avoid a later fight. However, for today's purposes, there is no wetland-related violation associated with (1) the storage of vehicles, equipment, and parts.
 - Although the Department initially cited Mr. Klint for occupancy of the RV, at our hearing the Department agreed that no RVs were being occupied. The mobile home is the only (2) occupancy-related violation.
5. However, the simple situation grows more involved because Mr. Klint wants to permit the existing mobile home as a residence. That is a daunting and financially draining task, but if Mr. Klint can legally establish the use as residential, that is a game-changer. The tremendous majority of (1) commercial vehicles, equipment, and cargo containers currently on the site goes far beyond what could be considered "accessory" to a legal residential use, and much the remainder qualifies as an (2) accumulation of rubbish, salvage, and debris. Mr. Klint will have to move most items off his property to come into compliance. Mr. Klint accepted this. However, some items are directly tied to a possible residence.
6. There are far too many items to go over piece by piece, but we break this into three categories—those that can remain indefinitely (provided he gets the mobile home permitted as a residence), those he can keep while he is going through the permitting process, and those that must be removed regardless of permitting status (i.e. this spring and summer.)
7. If Mr. Klint is able to get his mobile home and thus establish a legal primary use, some of the items on the site can be considered accessory to a residential use and thus be kept

indefinitely, provided they are not in a critical area or buffer, over a drain field, over 200 ft.², parked or siting on a pervious surface, in a building set back, etc.

- The shed and storage containers, so long as they are storing household items.
 - An RV used for a homeowner’s personal travels.
 - The two boats Mr. Klint wants to keep for his personal use (the yellow one and the “shrink-wrapped” one).
 - Operable personal (not commercial) vehicles for Mr. Klint’s use.
8. There are other items on the property that, while not accessory to a residential use, may prove useful to Mr. Klint in the interim, as he works through the permitting process and attempts to establish a residence.
- Mr. Klint clarified that two of the three well-drilling rigs are not ones he would use to put in a well to establish a legal water system. However, the third one he might use. What requirements Public Health might have for water establishment remain to be seen, but he may keep that final rig and find out.
 - Similarly, one trailer is currently storing materials for potential use as a well-casing.
 - Storage containers currently on the property, regardless of size and location, along with the 45-foot trailer, can remain in the interim, allowing him to focus on cleanup and permitting.

The deadline for removing or legally permitting those bulleted items is **three months** after the permit is finalized.

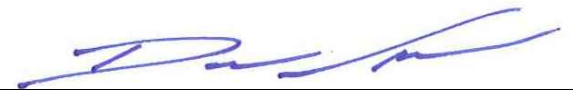
9. The vast remainder of other items will need to go, regardless of the residency situation. There is no real way to go item-by-item through Mr. Klint’s huge accumulation. Assuming Mr. Klint continues through the permit process and achieves approval for a residence, a residential property does not have to be cleaned up to Homeowners Association-level standards. The asserted violation, after all, is for an “accumulation” of rubbish, salvage, and debris, not the mere presence of some. It is difficult to say what reasonable compliance would be, when the current the property is so beyond any ballpark of reasonable compliance.
10. We adopt the deadlines Mr. Klint thought at hearing were reasonable, but we provide a little cushion with this blossoming pandemic. However, it would behoove Mr. Klint to continue tackling cleanup sooner rather than later, because once (as discussed below) he has a prescreening meeting and gets started with permitting items, there will be less time available for cleanup. What follows is a sequence:

- Mr. Klint noted at our March 3 hearing that he was ready to move off one of the un-occupied RVs “immediately.” We will extend that deadline to **March 31, 2020**.
 - Mr. Klint believed he could get the trucks on the easement road off within a month from our hearing date (March 3). We will push that to **April 30, 2020**.
 - Mr. Klint noted he would get rid of the oil barrels and cans by May. We will extend that to **June 30, 2020**.
 - Mr. Klint was confident he could get everything off the site by June. To play it safe, we will extend that to **July 31, 2020**.
 - On top of that, we add one further extension. Some of the items in the western portion of the property are in the wet area. We agree with Mr. Klint that trying to remove things from this western area before the ground dries out could create logistical and environmental problems. He suggested mid-June. We will extend that to **August 31, 2020**, when the ground will surely be hard enough.
11. There was some discussion, and some pictures, of piles of dirt and wood chips and a garden. Those were not part of the notice and order, and thus not part of the appeal or today’s decision.
 12. As to permitting the mobile home, after walking through various options at hearing, it became clear that the best first step is for Mr. Klint to submit request a prescreening meeting. At that meeting, follow-up steps will be provided. Filling out the meeting request packet is not terribly time-consuming. We will give Mr. Klint until **April 30, 2020**, to submit a complete, prescreening meeting request to the Department.
 13. Finally, with pandemic-related news and guidelines changing almost by the day, there is no way that we can foresee and address every contingency. Anything we say here may be obsolete even by the time the mail gets delivered.
 14. Some of that may cut in Mr. Klint’s favor. For example, even before the pandemic hit, the Department was holding prescreening meetings approximately two months after a prescreening meeting request packet arrived. With the pandemic, that gap must constantly be getting longer, and the Department is probably rethinking what a “meeting” can even look like. That is not Mr. Klint’s problem, because our order is pegged to simply submitting the prescreening meeting request. Mr. Klint’s permit-related (as opposed to cleanup-related) deadlines will not restart again until after the meeting.
 15. However, pandemic-related phenomena, such as social-distancing requirements, will likely make it harder for Mr. Klint to get vehicles, equipment and debris off the property. A lock-down would make it close to impossible. There is little we can say today with any air of certainty; who knows what tomorrow’s news may bring.

DECISION:

1. We DENY Mr. Klint’s appeal EXCEPT that:
 - A. As to violation (1), there is no wetland-related violation associated with the storage of vehicles, equipment, and parts.
 - B. As to violation (2), only the mobile home is being occupied, and thus that is the only occupancy-related violation.
2. The deadline for removing:
 - the one un-occupied RV is **March 31, 2020**;
 - the trucks from the easement road is **April 30, 2020**;
 - the oil barrels and cans is **June 30, 2020**; and
 - everything not otherwise spoken for by **July 31, 2020**; except for
 - items in the wet, western portion of the property by **August 31, 2020**.
3. Mr. Klint shall submit a complete, prescreening meeting request to the Department **April 30, 2020**.
4. For the one usefull well-drilling rig, the trailer storing well-casing materials, the storage containers, and the 45-foot trailer, the deadline for removing (or legally permitting) these is **three months after** the permit is finaied.
5. The Department may not assess penalties against Mr. Klint or the subject property, so long as he meets the above deadlines, and any reasonable extensions of those deadlines the Department grants—and especially as the pandemic requires. If Mr. Klint does not meet those deadlines, the Department may assess penalties retroactive to today.

ORDERED March 17, 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.

MINUTES OF THE MARCH 3, 2020, HEARING IN THE APPEAL OF WARREN KLINT, FILE NO. ENFR170542

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Holly Sawin, Warren Klint, and LaDonna Whalen. A verbatim recording of the hearing is available in the Hearing Examiner’s Office.

The following exhibits were offered and entered into the record:

Exhibit no. 1	Code Enforcement staff report to the Hearing Examiner
Exhibit no. 2	Notice and order, issued August 27, 2019
Exhibit no. 3	Appeal, received September 20, 2019
Exhibit no. 4	Codes cited in the notice and order
Exhibit no. 5	Summary Order, dated November 25, 2019
Exhibit no. 6	Aerial photographs of subject property, dated April 30, 2019
Exhibit no. 7	Photographs of subject property, dated on February 14, 2020

DS/JO

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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **ENFR170542**

WARREN KLINT
Code Enforcement Appeal

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND DECISION** 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 March 17, 2020.



Jessica Oscoy
Legislative Secretary

Breazeal, Jeri

Department of Local Services

Deraitus, Elizabeth

Department of Local Services

Klint, Warren

Hardcopy

Lux, Sheryl

Department of Local Services

Sawin, Holly

Department of Local Services

Williams, Toya

Department of Local Services