July 14, 2021

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

King County Courthouse
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www.kingcounty.gov/independent/hearing-examiner

# REPORT AND DECISION

SUBJECT: Department of Local Services file no. **ENFR170904**

**CRAIG AND RHONDA STARREN**
Code Enforcement Appeal

Location: [redacted] Renton

Appellants: Craig / Rhonda Starren
*represented by* **Alexandra Kenyon**
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King County: Department of Local Services
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FINDINGS AND CONCLUSIONS:

Overview

1. Craig and Rhonda Starren appeal a Department of Local Services (Local Services) notice and order alleging clearing, grading, and home occupation violations. 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 grant the Starrens' appeal as to the alleged home occupation and clearing violations, and we agree that the retaining wall is not a separate, actionable item. We deny their appeal as to grading, but we enter a finding that may make it easier to come into compliance.

Background

2. Local Services issued the Starrens a notice and order in March 2020, asserting (1) operation of a contracting business that exceeds the home occupation requirements, (2a) grading over 2000 ft.² of new and/or replaced impervious surface, and (2b) clearing over 7000 ft.² Ex. D2. The Starrens timely appealed. Ex. D3.

3. We held several conferences while the Starrens and Local Services attempted to find a solution. The Starrens submitted preapplication materials, a Local Services reviewer (Jon Pederson) visited the site, and the Starrens came in for a March 2021 preapplication conference. D11 at 001. Local Services provided feedback on what was required in a permit submittal to bring the property into compliance. D11 at 005-11. The Starrens elected not to apply for a permit but instead to challenge whether their work triggered the need to apply for such a permit. We went to hearing on June 29.

Legal Standard

4. Unless directed to by law—and no special directive applies to today's case—the examiner does not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3. That has added emphasis in the land use context since courts "must give substantial deference to both the legal and factual determinations of the hearing examiner as the local authority with expertise in land-use regulations." *Durland v. San Juan Co.*, 174 Wn. App. 1, 12, 298 P.3d 757 (2012). We would thus be abdicating our responsibility by passing the buck to an agency's interpretations. We accord Local Services no deference.

5. For those matters or issues raised in an appeal statement to an enforcement action, Local Services bears the burden of proof. KCC 20.22.080.G; Exam. R. XV.E.2. The burden of proof has a slightly different nuance in the clearing and grading context. The well-established rule is that one relying on an exception to a statute has the burden of establishing and showing that they come within the exception. *State v. Carter*, 161 Wn. App. 532, 542 n.7, 255 P.3d 721 (2011) (quoting *United States v. Green*, 962 F.2d 938, 941 (9th Cir. 1992)). However, we have consistently carved out a modification as it relates to clearing and grading enforcement.

6. The code's default is that—unless specifically excepted—a person shall not do *any* clearing or grading without first obtaining a clearing and grading permit from Local Services. KCC 16.82.050.B. The definition of "grading" is broad, meaning "any excavating, filling or land-disturbing activity, or combination thereof," with "land disturbing activity" itself defined as activity resulting "in a change in the existing soil cover, both vegetative and nonvegetative, or to the existing soil topography." KCC 16.82.020.O & Q. The definition of clearing is broader still, including "the cutting,

killing, grubbing or removing of vegetation or other organic material by physical, mechanical, chemical or any other similar means." KCC 16.82.020.D.

7. Thus, anyone who works any ground or vegetation in unincorporated King County, in almost any manner, has "cleared" or "graded." Each person who mows the lawn in the summer, prunes back the hedges in the fall, or tosses down some gravel to fill in a walkway's wet low spots in the winter, would have the burden to affirmatively demonstrate a narrowly-interpreted exemption to the requirement to obtain a permit.

8. To avoid that absurd result, we have consistently required Local Services to assert and then (if appealed) to put on proof at hearing of clearing or grading either in excess of one of the first three numbered threshold exceptions in KCC 16.82.051.C—excavation over five feet deep/fill over three feet high, adding over 2,000 ft.$^2$ of new or replaced impervious surface, or clearing over 7,000 ft.$^2$—or in a location or of a nature where the three threshold triggers do not apply.[1] That is why Local Services framed the violation here in terms of over 2,000 ft.$^2$ impervious surface created and over 7000 ft.$^2$ clearing, and not simply as grading and clearing. Ex. 2. At hearing, Local Services estimated that the Starrens cleared and graded over 15,000 ft.$^2$ Ex. D5 at 004-05 (clearing); Ex. D12 (grading).

Preliminary Items

9. We can make short work of four items.

10. As noted above, Local Services asserted that the Starrens were operating a business on the site beyond that which is allowed in their zone as a home occupation. Photos from 2017 through 2020 show that was likely the case, with large amounts of heavy trucks and equipment stored on the site. Exs. D7, D9 at 001, D5 at 008-09. However, prior to the hearing, the Starrens removed all those items. Ex. A5 at 007. We thus grant their appeal on violation (1). Future-looking, Local Services noted that up to two semitrucks operated by people living on the property could, from a home occupancy standpoint, be parked on the site.[2]

11. During the initial permitting back-and-forth, Local Services determined that the retaining wall at the rear of the Starrens' property triggered the need for a building permit. KCC 16.02.240(4) (only retaining walls four feet and under are exempt from building permit requirements); D1 at 002. As counsel pointed out, the retaining wall was not a violation listed in Local Services' notice and order. Ex. D2. Thus, it is not part of the current dispute. We discuss ecology blocks below in terms of creating new impervious surface, and the retaining wall may be a part of a grading permit application, but retaining wall height is not a standalone violation.

12. As to clearing, Local Services showed that starting in 2017 the Starrens cleared in the vicinity of 14,000 ft.$^2$ between the two parcels. Ex. D5 at 004-05. However, the Starrens

[1] For example, in an aquatic area buffer, none of those first three exemptions apply. KCC 16.82.051.C.

[2] Because there is no indication the Starrens have any interest in resuming home occupation-type activities, we did not probe at hearing, nor offer any thoughts here, regarding the allowable scope of future such activities.

asserted that they removed predominantly Himalayan blackberries and were under the permit-triggering clearing limits. At the time, we, Local Services, and the Starrens were under the impression that Himalayan blackberries were still categorized as "invasive" and not "noxious." Ex. D3 at 005 (Starrens "admit some clearing of invasive blackberry bushes"). The invasive/noxious distinction is important, because while invasives have a permit-triggering clearing threshold, noxious does not. KCC 16.82.051.B & C.7.

13. The Starrens' consultant, however, noted that Himalayan blackberries are now categorized as noxious. Ex. A11 at 002-05. Local Services responded at hearing that, with Himalayan blackberries now in the noxious (and not invasive) category, it was no longer confident the Starrens cleared over 7000 ft.$^2$ of non-noxious vegetation. The Starrens testified that they cleared Himalayan blackberries, their neighbors wrote that that was what the Starrens removed, and the consultant found those "growing in abundance on this property." Exs. A2 at 002, A3 at 002, A4 at 002.

14. If recent pictures are indicative of the type of vegetation on the property, in addition to blackberries, there were some significant amounts of non-noxious plants removed in the mix. Ex. A1 at 003, 004, 007, 010 & 012; Exs. A12-A15. However, depending on whether we define the 7000 ft.$^2$ clearing exemption as per-parcel or per-site, the Starrens would at most only need to show that about half those square feet were Himalayan blackberries to get out of the permit box.[3] As Local Services essentially conceded the point, we need not make any specific clearing findings to grant the Starrens appeal related to clearing.

15. Finally, the grading subsection most in focus here is KCC 16.82.051.C.2, which excepts from the normal, all-grading-requires-a-permit requirement:

> Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, or that produces less than two thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after October 30, 2008. For purposes of this subsection C.2., "new impervious surface" and "replaced impervious surface" are defined in K.C.C. 9.04.020.

We discuss "new" impervious surface below, but at hearing Local Services also mentioned "replaced" impervious surface. "Replaced impervious surface" is defined as "an existing impervious surface proposed to be removed and reestablished as impervious surface." KCC 9.04.020.RR (emphasis added). There is no evidence of any impervious surface being removed and then replaced with other impervious surface.

[3] The Starrens own two contiguous lots. Ex. D5 at 004-05. The grading exemption looks at impervious surface added "on a single site," with "site" including contiguous lots under common ownership and developed together, as the Starrens' 2017-2020 work showed. However, the applicable clearing limits are silent on whether they apply per-lot or per-site. KCC 16.82.051.C.2; KCC 9.04.020.T; KCC 16.82.051.C.3 and .7. Local Services noted that it treats the clearing threshold as applying to a whole site, and not as a per-parcel exemption, but as noted above, we accord Local Services no deference. We leave that question for another day.

Main Analysis

16. The Starrens own two contiguous lots. There is a front lot along the street (5112900280). And there is a flag lot in the back (5112900290), with the flagpole portion of that lot joining the street.

17. The best visual evidence we have in the record of the entire property in the "before" condition is the 2013 aerial. Ex. D5 at 001. Looking at the street lot, two areas of historic driveway are still clearly visible, but much of that lot is green with vegetation. And almost the entire back lot is verdant. The 2015 aerial shows the same, but during the winter, giving some view of the understory below deciduous trees. Ex. D5 at 002. Looking back even earlier, ground-level photos from 2005—which coincidentally is the baseline date against which new impervious surfaces are measured under the applicable exemption block-quoted above—show waist-high vegetation starting right behind the house on the front lot. Ex. A7 at 001-02.

18. The 2017 aerial demonstrates a dramatic departure from the baseline condition. Ex. D5 at 003. In addition to the graveled areas visible in the 2013 and 2015 aerials on the front lot, the top and bottom areas of the front lot have had all their vegetation scraped off or pounded down, "land-disturbing activity" (meaning activity resulting "in a change in the existing soil cover, both vegetative and nonvegetative) that qualifies as "grading." KCC 16.82.020.O & Q. The change to the back lot is even more extreme, going from an almost unbroken sea of green to a majority of its area beaten down so that not a hint of vegetation remains. *Compare* Ex. D5 at 003, 001.

19. Street-level 2017 shots from the public roadway and a neighboring property show semitrucks, ecology blocks, and gravel brought onto and stored on the property. Ex. D6. The 2018 photos show even more semitrucks, a large container, and a backhoe, along with ecology blocks both in the middle of the property and along the back edge of the back lot. Ex. D7. The 2019 aerial better shows the huge pile of ecology blocks crushing that area. Ex. D5 at 006-07.

20. By the end of 2019, almost the entire back lot is compressed down. Ex. D5 at 008. By 2020, at least one area of ecology blocks is four blocks high. Ex. D8. The April 2021 aerial shows the far edge of the back lot now packed down by two parallel rows of ecology blocks. Ex. D5 at 009-11.

21. During our examination of Local Services' representative, we asked her to come back from a break with a rough calculation of new impervious surface. Local Services provided an estimate that Appellants graded over 15,000 ft.$^2$ Ex. D12. That actually appears to understate things somewhat, because there are some areas on the back lot that are north and also southwest of where she drew the lines that have also been rendered bare. And it completely ignores the two rows of ecology blocks along the east end of the back lot.

22. We find that starting in 2017 the Starrens graded, by changing the existing soil cover and by compacting the area with semitrucks, heavy equipment, and ecology blocks, such that they retarded the entry of water into the soil mantle and/or caused water

to run off the surface in greater quantities, as opposed to natural conditions. KCC 16.82.020.O & Q; KCC 9.04.020.Z.

23. The Starrens questioned whether simply driving across an area creates new impervious surface. It does not, but that is not the issue here. Exhibit D5 at 003 best illustrates the distinction. It shows a large triangular grassy area in the middle with some lighter trucks parked. Those vehicles had to get in and out of there somehow, but that area has not been disturbed enough to keep vegetation growing throughout that triangle and around the parked vehicle. That triangle area is not part of area Local Services asserts was graded. *Compare* Ex. D5 at 003 with Ex. D12. As we interpret the codes, that triangle area does not count as impervious. Yet that area looks vastly different from the areas the semitrucks, equipment, and ecology blocks have compressed.

24. The Starrens essentially argue that the areas Local Services asserts are new impervious surfaces are not new at all, but were already impervious. They testified to graveling portions of the properties in the 1980s, when Mr. Starren's mom owned the lots. They described graveling the circular driveway (which is visible in the 2013 "before" shot), the easement area (meaning, we assume, the flagpole portion joining the back lot to the street), an area for an RV, and area for the mom's large horse trailer. They did not, however, provide a site plan or calculations showing where exactly they graveled in the 1980s.

25. The historical photos from 1986 and 2005 show graveled areas to the side and front of the house on the street lot. Exs. A6 & A7. They do not show the entire lot graveled. For example, looking at 2005 pictures (coincidentally, the baseline date against which new impervious surfaces are measured under the exemption) we see a fairly clear demarcation line (marked partially by a trellis fence) between a graveled area in the foreground and an area of waist-high vegetation starting right behind the house. Ex. A7 at 001-02.

26. The problem is the sheer magnitude of the area they tramped bare starting in 2017. This is not like the clearing item, where Local Services only showed a cleared area at most twice the 7000 ft.² exemption. Had Local Services not walked back the clearing allegation, the Starrens likely could have chipped away and shown, for example, "area A at __ ft.² was __% blackberries, and thus only resulted in __ft.² of non-noxious clearing, plus area B at.....," resulting in a determination that less than 7000 ft.² of non-noxious weeds were removed. Conversely, Local Services' estimate on grading—which, as noted above, left out some obviously graded areas, such as under the ecology blocks—shows over 15,000 ft.², while the grading exemption is only 2,000 ft.² Even if, for example we treated work on the easement road as exempt "maintenance of driveway or private access road"[4] and tried to make allowances for an RV pad and horse trailer, and then determined that Local Services was off *by a factor of seven*, the Starrens would still have triggered the permit requirement.

[4] KCC 16.82.051.C.13. We must narrowly construe such exemptions and choose restrictive interpretations over broad ones, *City of Union Gap v. Washington State Dept. of Ecology*, 148 Wn. App. 519, 527, 195 P.3d 580 (2008), and there was no discussion of any work done on that easement between the 1980s and 2017, which means the 2017 work likely does not qualify as "routine."

27. Coming at it another way, Local Services estimated the ecology block stack in the middle the property at over 900 ft.² Ex. D13. And ecology blocks typically weigh upwards of a ton each. Local Services estimates the area covered by the ecology block wall at the back of the property at about 900 ft.², while the Starrens estimated the back wall area at about 600 ft.² And the Starrens testified to bringing in a three-yard load of gravel (some of which is visible in exhibit D6 at 001) and spreading out about 200 ft.² of gravel. Thus, even assuming the Starrens airlifted in the ecology blocks and did not compact any areas outside the 200 ft.² of gravel they laid down, that would, using Local Services back wall estimate, already put the Starrens slightly over the 2000 ft.² new impervious surface trigger. Using the Starrens lower back wall estimate, they would only be exempt from the need to apply for permit only if they compacted no more than 300 other square feet. And the photos amply demonstrated that with the heavy trucks and heavy equipment they significantly compacted several multiples of 300 ft.² outside the areas burdened by ecology blocks and newly graveled surface.

28. Local Services has met its burden of showing the Starrens added well over 2000 ft.² of new impervious surfaces since 2013.

29. Moreover, as noted above, while the Starrens graveled areas of the site, we do not find that they graveled the parcels post-to-post. And even if we were missing something, and in the 1980s the Starrens graveled every square foot, that would not change the outcome. Impervious surface is not a binary, yeah or nay decision. Impervious surface can include any area that "either prevents or retards the entry of water into the soil mantle as under natural conditions before development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions before development." KCC 9.04.020.Z. So, if we assume, contrary to the weight of the evidence, that the Starrens graveled every inch of both parcels decades ago, that would not get them out of the permit box. New impervious surfaces not only include the "creation of impervious surface," like putting gravel down over native soil in the 1980s, but also "the addition of a *more* compacted surface," like compacting large swaths of whatever was there at the start of 2017 with semitrucks and heavy equipment.

30. The Starrens' test areas in the southwest portions of the site illustrates this distinction. Exs. A12-A15. Outside the fence and near the road is a lush patch of vegetation. Ex. A12. The Starrens clipped away at the grass and then exposed the soil, showing gravel and dirt. They then did the same in what appears to be the same general area, but a little further back from the road, nearer their fence, and in a patch dominated by horsetail; digging down again reveals a base of gravel and dirt. Those areas are nowhere near the area the trucks, heavy equipment, and ecology blocks compacted, and not in the vicinity of areas Local Services pointed to as having been newly imperious-ized. See Ex. D12.

31. More importantly, assuming the test areas were fully impervious when gravel was originally added there back in the day, and even if they could still be considered impervious decades later in the sense that the remaining gravel may slightly "retard" the entry of water into the soil as compared to an adjacent area that had no gravel added, that does not change the fundamental analysis. Water is now infiltrating in such sufficient quantities that the area not only sprouts abundant vegetation but, as test site #2

illustrates, is moist enough to support horsetail, which we (and anyone else who battles them on their property) take notice of is a water-loving perennial.

32. Thus, even assuming the entirety of both parcels were graveled post-to-post decades ago and severely retarded water infiltration at the time, the 2005 photos and 2013 and 2015 aerials illustrate that it was not impervious to the same degree as using that parcel as a construction equipment yard starting in 2017. Compressing the area illustrated in exhibit D12 with heavy trucks and equipment, along with massive ecology blocks, created a more compacted surface, over an area far exceeding 2000 ft.$^2$, regardless of whether there was historic gravel underneath the vegetation as of 2016.

33. Any way we slice it, the finding that the Starrens added significantly more than 2000 ft.$^2$ of new impervious surface between 2017 and 2020 is unavoidable, triggering the requirement to apply for a grading permit.

Remedy

34. That finding in no way criticizes the Starrens. We accept, as does Local Services, that they did not think they were tripping any permit thresholds when they began work in 2017. Developing the property to use for truck and equipment storage may have been a great, economy-boosting endeavor. Their neighbors describe the Starrens as friendly and always willing to help, great neighbors, and very nice and respectful. Exs. A2 at 002, A3 at 002, A4 at 002. And afterwards, rather than digging in their heals, the Starrens cleared off most business-related items and explored the permitting process. Mr. Pederson noted that, from his site visit, it appeared the Starrens had worked to fluff up, de-compact, and scarify portions of the property, areas they have now re-seeded. Ms. Starren noted that they have worked hard to beautify the property, and the recent pictures bear that out.

35. Those are all good things, and restoring and making more pervious enough square footage areas to get the remaining new impervious surfaces under 2000 ft.$^2$ will make the permit process much simpler than trying to legalize all the new impervious surface created between 2017 and 2020. It will likely avoid the need for drainage review. Ex. D10, D11 at 007. But those efforts do not, even in combination, remove the need to obtain a permit to legalize the work.

36. We cannot waive the permit requirement. In the context of work undertaken by a past owner, or at least work undertaken without the current owner's knowledge or consent, the standard for the current owner to bring the property into compliance is lower ("to the extent reasonably feasible under the circumstances") and the examiner may waive "strict compliance" with permit requirements. KCC 23.02.130.B; KCC 23.36.030.B. Even in the context of those cases, we have still required a permit, albeit setting parameters on that permit.[5] But at least in the work-by-a-previous-owner context we

[5] For example, in an appeal where square footage and lot-size restrictions would have kept the current owner from legalizing a dwelling unit constructed by a previous owner, we determined that current owner still needed to obtain an ABC building permit, but in its review Local Services should waive the minimum parcel size and square foot limitations that would otherwise prevent permit issuance. https://kingcounty.gov/~/media/independent/hearing-examiner/documents/case-digest/appeals/code-enforcement/2014/ENFR120330_Larson.ashx?la=en at ¶13. Again,

theoretically have authority to call it good and overturn a requirement to obtain a permit. That allowance does not provide flexibility for the Starrens' 2017-present activities. And our authority is at its nadir for items involving drainage, where the regulations are not truly local in nature. *See, e.g.*, *Snohomish County v. Pollution Control Hearings Board*, 187 Wn.2d 346, 368, 386 P.3d 1064 (2016) ("[S]torm water regulations are not truly local because the state has directed local governments to implement the regulations in order to comply with the [federal] permitting program. The storm water regulations are mandatory state regulations, rather than discretionary local regulations.")

37. Although the Starrens did not provide any calculations on remaining impervious square footages, the aerials show they hydroseeded and attempted to reclaim a large area. Ex. A5 at 002-03, 006-009. We enter no findings on whether their "after" efforts have sufficiently restored those areas such that the remaining new impervious surface is under 2000 ft.$^2$ and drainage review will not be required. Ex. D10, D11 at 007. That is the province of the permit review process. Once they triggered the permit threshold, the need to apply for a permit to legalize the work became fixed, even if simply a restoration permit to confirm that only 2000 ft.$^2$ of new (since 2005) impervious surface remain.[6] However, in this code enforcement process we can weigh in on the "before" baseline.

38. The code normally requires graded areas to be restored to the soil moisture holding capacity of "the original undisturbed soil native to the site." KCC 16.82.100.G.1. While the Starrens did not submit for hearing a site map showing what specific areas they graveled pre-2005, like, "Here was the driveway…here was the pad for the RV…here was the parking area for the horse trailer…." or any as-of-2016 calculations, we find some (albeit as yet undefined) areas was not undisturbed native soil, but instead had been graveled pre-2016 (and decades before the legal 2005 baseline came into existence). While, the Starrens packed down those (and other) areas starting in 2017, the moisture holding capacity they need to replicate for some areas would not be undisturbed native soil, but whatever moisture holding capacity existed in those spots when they started grading in 2017. KCC 16.82.100.G.1.

DECISION:

1. We GRANT the Starrens' appeal as to the home occupation and clearing violation and DENY their appeal as to the grading violation.

2. No penalties shall be assessed against the Starrens or the subject property, provided that the Starrens submit a complete grading permit application by **September 14, 2021**, or by any reasonable deadline extension Local Services provides, and thereafter timely follow through with the permit.

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that was in the context of work performed by a previous owner, where KCC 23.36.030.B invests us with essentially equitable powers.

[6] To borrow an analogy from the building (as opposed to land use) arena, suppose somebody added on an addition to a house, without first obtaining the requisite building permit. Even if the owner decided to remove the new construction, instead of going through with a more complex permit to legalize the addition, the owner would still need to obtain (and fulfill) a demolition permit to bring the property into compliance.

ORDERED July 14, 2021.

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 JUNE 29, 2021, HEARING IN THE APPEAL OF CRAIG AND RHONDA STARREN, DEPARTMENT OF LOCAL SERVICES FILE NO. ENFR170904

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Jeri Breazeal, Jon Pederson, Alexandra Kenyon, Rhonda Starren, and Craig Starren. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

The following exhibits were offered and entered into the record by Local Services:

| | |
|---|---|
| Exhibit no. D1 | Department of Local Services staff report to the Hearing Examiner |
| Exhibit no. D2 | Copy of Notice and order, issued March 6, 2020 |
| Exhibit no. D3 | Copy of Appeal, received March 30, 2020 |
| Exhibit no. D4 | Copies of Codes cited in the notice and order |
| Exhibit no. D5 | Dated Aerial photographs of subject property |
| Exhibit no. D6 | Photographs of subject property, dated November 8, 2021 |
| Exhibit no. D7 | Photographs of subject property, dated July 26, 2018 |
| Exhibit no. D8 | Photographs of subject property, dated February 11, 2020 |
| Exhibit no. D9 | Photographs of subject property, dated March 6, 2020 |
| Exhibit no. D10 | Notes from Pre application PREA20-0104 |
| Exhibit no. D11 | Email with attachments regarding the submittal requirements |
| Exhibit no. D12 | Screenshot of property with measurements, submitted June 29, 2021 |
| Exhibit no. D13 | Screenshot from 2021 of property with measurements, submitted June 29, 2021 |

The following exhibits were offered and entered into the record by the appellant:

| | |
|---|---|
| Exhibit no. A1 | Photographs, dated on or about June 9, 2021 |
| Exhibit no. A2 | Declaration of Raymond Behrendt, dated June 13, 2021 |
| Exhibit no. A3 | Declaration of John Sparrow, dated June 14, 2021 |

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| Exhibit no. A4 | Declaration of Justin Callahan, dated June 14, 2021 |
| Exhibit no. A5 | Photographs, dated on or about June 14, 2021 |
| Exhibit no. A6 | Photographs, dated 1986 |
| Exhibit no. A7 | Photographs, dated 2005 |
| Exhibit no. A8 | Washington Secretary of State Business Information |
| Exhibit no. A9 | Washington State Department of Revenue Information |
| Exhibit no. A10 | Commercial Driver's Licenses |
| Exhibit no. A11 | Declaration of Matt Pommer, dated June 21, 2021 |
| Exhibit no. A12 | Photographs – Sample Area #1, dated on or about June 22, 2021 |
| Exhibit no. A13 | Photographs – Sample Area #2, dated on or about June 22, 2021 |
| Exhibit no. A14 | Video – Sample Area #1, dated on or about June 22, 2021 |
| Exhibit no A15 | Video – Sample Area #2, dated on or about June 22, 2021 |

DS/lo

July 14, 2021

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## CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **ENFR170904**

**CRAIG AND RHONDA STARREN**
Code Enforcement Appeal

I, Lauren Olson, 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 July 14, 2021.

Lauren Olson

Lauren Olson
Legislative Secretary

**Breazeal, Jeri**
Department of Local Services

**Evans, Hillary J**
Kenyon Disend PLLC

**Kenyon Disend PLLC**
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**Kenyon, Alexandra**
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**Lux, Sheryl**
Department of Local Services

**Mattox, Antoinette**

**Pederson, Jon**
Department of Local Services

**Pommer, Matt**
Hardcopy

**Starren, Craig / Rhonda**
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