

November 17, 2021

**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. **ENFR180106**

MICHELLE AND PAUL GETTSY
Code Enforcement Appeal

Location: [REDACTED] Enumclaw

Appellants: **Michelle and Paul Gettsy**

[REDACTED]
Enumclaw, WA 98022

Telephone: [REDACTED]

Email: [REDACTED]

King County: Department of Local Services
represented by **Lauri Dunning**
Department of Local Services
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
Telephone: (206) 477-5758
Email: ldunning@kingcounty.gov

Overview

The parties have found a path forward for resolving their dispute, summarized by Local Services and generally agreed to by the Gettseys. We thus **CANCEL** the **November 22, 2021**, hearing. We also attempt to turn those emails into more standard settlement agreement language, including adding dates. The parties should read the below carefully and call-out any issues (such as setting different deadlines for different items) by **December 13, 2021**. In addition, because there is no final agreement on some issues, we retain jurisdiction over a subset of items until **December 8, 2022**, in case a dispute arises during the permitting process.

Stipulated Order

1. Violation 1: Construction of three accessory structures without the required permits, inspections and approvals

a. Combined small sheds connected by roof system along end of driveway.

The smaller sheds are not physically connected, but have added roof overhangs that make them appear and function as one dry covered storage area. By **May 1, 2022**, the Gettseys will separate the sheds to approximate five feet apart, to meet fire separation requirements.

b. Accessory structure: large open-ended canopy structure adjacent to house.

By **May 1, 2022**, the Gettseys will remove this approximately 1000 square-foot structure.

c. Accessory structure: garage.

The Gettseys will obtain a permit for the garage. The Gettseys will attempt to contact the original retailer of the kit for architectural or engineered plans that may assist with the permit process. By **May 1, 2022**, the Gettseys will submit complete ABC pre-screen meeting application to initiate the permitting process. Thereafter they will follow through the permitting process or will remove the garage.

2. Violation 2: Construction of a 2-story accessory structure with habitable space without the required permits, inspections and approvals

At approximately 192 feet and without plumbing, the structure would fit within KCC 16.02.240.1's building permit exemption for one-story detached residential accessory buildings under 200 ft.², *except* that it currently has a second-floor loft. By **May 1, 2022**, the Gettseys will remove the loft flooring, thus bringing it within the exemption.

3. Violation 3: Creation of 2,000 sq. ft. or more of new impervious surfaces, without the required permits and within environmentally critical areas (erosion), and/or their buffers.

There is disagreement about exactly how many feet of new impervious surfaces the Gettseys have added. The Gettseys will include what they think these areas are in their ABC pre-screen meeting application for the garage. The parties agree to disagree about whether the previously graveled area under the canopy should count as new impervious surface.¹

¹ Without knowing anything about the case beyond the written description's notice and order, appeal statement, and email chain, we observe that "impervious surface" is not a binary, yeah or nay category. Adding "new" impervious surfaces includes not only going from full pervious (like undisturbed dirt) to impervious, but also adding a more compacted surface to an area that was already somewhat impervious. KCC 16.82.020.O & Q; KCC 9.04.020.KK & .Z. Adding a roof to a previously graveled area certainly *sounds* like adding more compacted surface, causing water to run off

Other areas may arise during permitting, such as the existence and extent of critical area buffers, whether certain parking areas count as impervious, the accuracy of property lines, and required setbacks.

Conclusion

Our order today is intended to be final as to the need to separate the small sheds to get them below the permit threshold, removal of the second floor of the accessory building, removal of the canopy structure, the need to obtain a permit for the garage, and the need to include impervious surface information in the application. If anyone has concerns with the language related to any of those items, such as the deadline dates, submit that by **December 13, 2021**.

However we will retain jurisdiction for at least a year, until **December 8, 2022**, for the items where there is no agreement and where a dispute about the nature and extent of any violation may arise *during* the permit process, including the extent of new impervious surfaces the Gettys have added, the existence and parameters of critical area buffers, whether certain parking areas count as impervious, the accuracy of property lines, and required setbacks. Either party is free to contact us by December 8 and seek additional Examiner involvement. If we have not heard anything by December 8, we will then finally close out our case on December 9, with any appeal on the retained issue due to superior court in the weeks following December 9, as set forth in the Land Use Petition Act, Chapter 36.70C RCW.

DATED November 17, 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.

the canopy at higher rates than the water was running off the graveled area. That sounds very different from a previous appeal, where we rejected Local Service's contention that adding slatted wooden decking over a pre-existing concrete pad was the addition of a more compacted surface, reasoning that "one can get not get much more impervious than a concrete slab." https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/code-enforcement/2021/2021%20Feb/ENFR200374_Josephsen.ashx?la=en at ¶ 41. One can indeed get more impervious than gravel, and a canopy would seem to fit that bill. However, we enter no findings on that topic, and it is not clear if the roofing dispute is material, as the Gettys will apparently be removing the canopy.

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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **ENFR180106**

MICHELLE AND PAUL GETTSY
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 November 17, 2021.



Lauren Olson
Legislative Secretary

Dunning, Lauri

Department of Local Services

Gettsy, Michelle/Paul

Hardcopy

Lux, Sheryl

Department of Local Services

Whalen, LaDonna

Department of Local Services