April 20, 2022

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

King County Courthouse
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REPORT AND DECISION

SUBJECT: Department of Local Services file nos. **DWEL210267 (SWO)** and **ENFR220144**

LISA AND PETER SCHMIDT
Code Enforcement Appeal

Location: [redacted]

Appellants: **Lisa and Peter Schmidt**
[redacted]
Enumclaw, WA 98022
Telephone: [redacted]
Email: [redacted]

King County: Department of Local Services
represented by **Jeri Breazeal**
Department of Local Services
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
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FINDINGS AND CONCLUSIONS:

Overview

1. Lisa and Peter Schmidt appeal a Department of Local Services (Local Services) order that the Schmidts stop work until they applied for, and received, revised permits. 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 deny the appeal, but not without some criticism of both parties, and not before offering some future-looking pronouncements on other existing disputes.

Background

2. The pre-December 2021 context of this dispute was not tremendously well-developed for our record. Yet we glean the following. In 2020, the Schmidts cleared forest and wetland areas without first obtaining the necessary permits. Ex. D8 (comparing 2019 to 2021). This prompted a code enforcement complaint from a neighbor to Local Services, ENFR200651. Local Services issued two stop work orders in ENFR200651 that were not appealed (unlike today's ENFR220144 stop work order appeal). In 2021, the Schmidts applied for a grading permit to restore the illegally cleared area and a permit for the dwelling unit and barn they want to construct.

3. Our record becomes much clearer starting on December 14, when Local Services' Doug Dobkins finalized engineering/drainage review approval for a specific construction envelope. That approval explicitly stated that:

> Note: Any changes to the approved site plan shall be submitted for review and approval prior to making any changes to the site. The applicant will submit all revision through my building permits portal along with the associated fees for review. The applicant cannot proceed with changes until the site plan has been reviewed and approved.

Ex. D6.

4. There was a January 10 site visit, after which Mr. Dobkins sent a January 13 correction notice. Also on January 13, Local Services director John Taylor confirmed that Mr. Dobkins would, at the Schmidts' request, no longer enter the Schmidt property.

5. Local Services assigned Ramon Locsin to conduct future inspections. He visited on January 28 and again on February 8. Mr. Locsin testified that he noticed several deviations from the approved plans:

- The pad construction had shifted significantly north; the original plans (exhibit D6) approved the farm pad to be no closer than about 223 feet from the north property line; however, it was constructed within about 108 feet of the property line;

- The farm pad was only approved for a foot high off the ground, while what was actually constructed was three or four feet off the ground;

- There were preparations for a circular driveway that had not been proposed or approved;

- The driveway had been approved as gravel, yet the Schmidts were shifting to paving the driveway; and

- The silt fencing straw waddles required by the permit had not been uniformly installed.

He did not, however, have any observations about a well—what it was or its purpose.

6. Mr. Locsin believes a field inspector can probably check-off on a foot or two of discrepancy between the approved plans and the actual construction, but more than that requires a new permit submittal. On that January 28 visit, he advised the Schmidts that they would have to submit a new permit application to cover their departures from approved plans. No permit had been applied for by the time of his February 8 visit.

7. Local Services' drainage engineer, Kevin Fitts, visited for the first time on February 8. He confirmed that the constructed area had shifted north from what had been approved. He described how those changes altered storm water routes, impacting the mitigation and altering how the dispersion trenches needed to be constructed. Shifting construction to the north took away some dispersal area, and adding a loop driveway and shifting to asphalt were the other big changes he observed. Those alterations would need to be reviewed to make sure the new iteration still met the drainage manual; in particular, a change to pavement requires at least a two-foot gravel strip. Mr. Fitts also did not notice the dewatering well, which would have been outside his expertise anyway.

8. Mr. Dobkins described what he saw as a significant change between the site plan as-approved and what the Schmidts were actually constructing, including the shop and the road moving north and closer to the septic system. He testified that septic-related concerns were heightened here because the Schmidts were installing a Glendon system, a system used on sites with higher groundwater tables. Having increased compaction and fill next to the drainfield (compared to the project as it had been approved in December), and because a closer-than-originally-approved road could act like a dam and backup water into the drainfield, the Schmidts needed to show that those changes would not impact the septic system. Beyond impacts to the septic system, Mr. Dobkins explained that the loop driveway the Schmidts were changing to would require a different location for the dispersal trench, could impact critical areas (with runoff), and needed to meet the surface water design manual standards.

9. On February 4, the Snoqualmie Tribe sent Local Services a letter, concerned that work on the Schmidt property was not halted during the permitting process, mentioning illegal water use, and pointing to the Schmidts' illegal clearing and grading. Ex. D9. On February 16, the state's Department of Ecology issued the Schmidts a notice of correction, pointing to the dewatering well the Schmidts constructed, and requiring that the well be decommissioned. Ex. D10. Mr. Dobkins stated that neither the February 4 letter from the Tribe, nor the Ecology investigation (culminating in Ecology's February 16 correction letter), played into the decision on whether to issue a stop work order.

10. Ms. Schmidt believes the Tribe's letter impacted Local Services' decision. She was adamant that the well had never been mentioned to them as a concern.

11. Mr. Schmidt echoed this. He noted that the well had never been a topic of discussion, even though they were standing in the vicinity of the well during the inspection. Another Local Services official, Mark Rowe, had asked the Schmidts to have their engineer on-site during the visit, so the Schmidts arranged this for the February 8 visit. The Schmidts were in the process of working with their engineer on a permit resubmittal, and the

Schmidts and their engineer told Local Services of their progress at that February 8 meeting.

12. Mr. Schmidt said he had been told that changing a gravel surface to paving made no difference, impervious surface-wise. (As discussed below, that was legally incorrect advice, advice Mr. Schmidt later agreed had not actually come from anyone at Local Services). Mr. Schmidt argued that if they had followed the originally-approved plans, they would have been in the wetland buffer, and thus his changes were necessary.

13. Mr. Schmidt stated that, at the February 8 meeting, Public Health's representative, Jarone Baker, agreed not to rescind Public Health's approval while the Schmidts re-did their application. (Local Services' representative, Jeri Breazeal, testified that Mr. Baker had expressed to her concerns over the impact of the Schmidts' changes to the septic system but ultimately he okayed the changes.)

14. Mr. Schmidt thought he and Mr. Rowe were in "a good place," until Mr. Rowe called him on February 11 to state that the issue had been taken out of Mr. Rowe's hands.

15. The stop work order Mr. Dobkins issued on February 11 required the Schmidts to submit a revised building permit application and refrain from working until that revised permit was approved. Ex. D2 at 004. On February 16, the Schmidts appealed the stop work order to us, asserting that they had worked in accordance with their site plan and that driveway construction had never changed. Ex. D3. On March 10, we held a prehearing conference.

16. It is not exactly clear from the record when the Schmidts submitted their revised permit application. What is clear is that on March 18 Mr. Fitts approved the engineering and drainage for the new building envelope, circular driveway, and asphalt topping, as part of the dwelling permit file. Ex. D7. On April 6, Mr. Dobkins emailed that Local Services was issuing a revised grading permit, and he noted that the stop work order could be lifted once the pumping equipment was removed from the excavation hole. Ex. D12.

17. After our March 10 pre-hearing conference, we held our first hearing day on April 7; the hearing ran over. On April 8, Mr. Locke and Mr. Fitts returned to the site and confirmed the pump and pipe had been removed from the excavation pit; later that day Mr. Dobkins released the stop work order. Ex. D17. We held our second and final hearing day on April 11.

Analysis

Did the Schmidts depart from the approved plans, and, if so, with what consequence?

18. The Schmidts initially argued that they were progressing in accordance with their approved plans. Ex. D3 at 003. At hearing they stated that they were working from a different set of plans (exhibit A10) than those that were approved (exhibit D6), plans they understood the non-DLS staff that accompanied the Schmidts on the site visit apparently thought were the final word on everything. That does not quite add up.

19. First, A10 has the driveway/barn/pad in the same location as the December-approved D6, but A10 is obviously missing critical pieces, such as where the septic drainfield is, where the approved dispersion trenches are to be located, where power and water go, and the background landscape (such as "forested"). While we have no problem believing that the Schmidts, first time players, could look at A10 and think, "Yep, that must be everything of any importance," we have a hard time believing that anyone with experience reviewing County permits would have looked at A10 and reached the same conclusion.

20. Secondly, there is no question that Mr. Schmidt did not even build within 100 feet of where A10 showed the driveway would be. Again, the footprint of the driveway/barn/pad in A10 looks identical to the December-approved D6, and 100+ feet from where they actually built things. The Schmidts unilaterally shifted the road and part of the building envelope north and slightly west.

21. Mr. Schmidt offered reasons at hearing for why he thought moving the project northward made sense. And Public Health and now Local Services have checked off on his engineer's revised submittal. But that is not the issue. The Schmidts received approval to construct things at the location specified in A10/D6, and according to a particular set of plans that had been reviewed and approved. As block-quoted above, any proposed changes to that approved site plan had to be submitted to Local Services, and Local Services had to approve those changes, *before* the Schmidts made site changes. Ex. D6.

22. Even without the block-quoted comments in the permit, by code any modification or revisions that result in a "substantial change in a development proposal's review requirements…shall require filing of a new application." KCC 20.20.080.B. "Shall" means it is mandatory, not discretionary. We are not entirely sure if, as Mr. Locsin articulated any change beyond "a foot or two" would always be more than an inspector could adjust in the field. But a "'substantial change' includes, but is not limited to, locating buildings closer to the nearest property line." KCC 20.20.080.C. And here the Schmidts moved construction over one hundred feet closer to the property line. Even if they moved it 100+ feet *away* from the property line, their modification would still qualify as a "substantial change" mandating a new permit submittal and approval before work could continue.

23. Two other factors—septic and drainage—heighten the need for the Schmidts to curb most of their activities until their new plans were verified.

24. The on-site septic plan that Public Health reviewed and approved in August 2021 showed a variety of septic-related improvements just north and east of where the driveway started to curve south, away from the property line. Ex. D6, D16 at 074. On its face anyway, the Schmidts' changes appeared to imperil the approved septic plan:

    - In its August 2021 septic approval, Public Health noted the high groundwater tables and sensitivity of the site. Ex. D16 at 044. *See also* Ex. D16 at 049, 067.

- Public Health had, on earlier occasions, noted problems with fill soils in the drain field area and the need to remove those. Ex. D16 at 044, 047.

- And Public Health expressed concern that with only half the soil logs showing the minimum soil depth, there was a "limited soil absorption area available." Ex. D16 at 059.

Thus, departures from the approved plans were more serious here, septic-wise, then on a less challenging site with a larger margin for error. Public Health has since checked off on the revised plans, but that does not mean it was not necessary for the Schmidts to halt construction until Public Health could analyze the changes' impacts and verify that the Schmidts were good to go.

25. Moreover, concerns involving storm water runoff are of heightened importance because, as our state supreme court instructs us:

> storm 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.

Snohomish County v. Pollution Control Hearings Board, 187 Wn.2d 346, 368, 386 P.3d 1064 (2016). Thus, a local government's flexibility in the storm water arena, and thus its ability to allow departures from the regulations, is more limited than in almost any other context. And here, in addition to moving the location of construction outside the approved footprint, changing the driveway surface from the approved gravel to the desired pavement was a major modification, given that "'New impervious surface' means the creation of impervious surface or the *addition of a more compacted surface such as the paving of* existing dirt or *gravel*." KCC 9.04.020.KK. In this case, that meant the Schmidts were creating 32,168 ft.^{2} of what the code defines as new impervious surface beyond what was originally approved. Ex. D15 at 003 (adding up road and parking areas). By way of reference, any additions of new impervious surface over 2,000 ft.^{2} require a permit application, and the Schmidts gravel-to-paving change all by itself created *15 times* that much. KCC 16.82.951.B.2. So, driveway construction was not something they could have continued with, pre-approval of a revised application.

26. Thus, the Schmidts needed to stop with at least most of their activities until they could get approval for a revised set of plans. While the Schmidts assert that Local Services "shut them down," the Schmidts essentially delayed their own project when they departed from the approved plans. Even *without* the stop work order, they were not allowed to, for example, do any more work on the relocated portion of the driveway, or on the repositioned building pad, or conduct any grading outside the originally-approved building envelope, until they applied for, had reviewed, and received approval for, their modified plans.

What, then, was the import of the stop work order?

27. Given that both the law and the terms of their permit required the Schmidts to apply for and obtain a revised permit before continuing construction, what did the stop work order actually prevent them from doing? In other words, if the Schmidts had not been handed the stop work order on February 11, what would they have been allowed to do on the site while they put together a new permit application and waited for that application's approval on April 6?

28. In theory anyway, they could have continued working on those portions of their project that remained identical between what they were approved to do in December and what they actually started to construct. Our first thought was that they could have kept constructing portions of the driveway closer to 220th Avenue SE that stayed within the original footprint. However, as explained above, changing the driveway surface from the approved gravel to the desired pavement was a major modification. So even driveway construction within the initially-approved envelope would not have been something they could have continued with, absent a revised permit.

29. The only specific activity in our record the Schmidts mentioned that would seem to qualify as "The Schmidts could have continued with work on ___ if not for the stop work order," is that, after they removed the dewatering pump at Local Services' request, the order prevented them from using heavy equipment to fill in the hole. That seems inconsequential, given that at most there were a few days between the Schmidts removing the pump and being in a position to fill in the hole, and Local Services lifting the stop work order. And this case is not about filling in a hole.

30. So, it is really not clear what we are accomplishing by analyzing whether Local Services correctly issued the stop work order, since even if Local Services refrained, the Schmidts would have had to stop most of their activities anyway. And of course, the stop work order so was lifted a week ago. If we were a court, we would declare the dispute "moot" and end our review. But we are not a court. The parties spent significant time litigating the correctness of the stop work order, and so we will continue on.

Was Local Services correct to issue the stop work order?

31. The code does not provide much to help us analyze whether Local Services should have stuck with a more informal instruction to cease (most) operations versus issuing a formal stop work order. The code states both that a verbal or written warning should be issued as soon as a field inspection reveals a violation, and that this warning should allow the person an opportunity to correct the violation, followed by a reinspection within 30 days; however, it also states that a stop work order should be issued promptly upon discovery of a violation in progress. KCC 23.02.070.B, .H. So, we are left with a more informal balancing analysis.

32. We are not particularly pleased with Local Services' permitting arm in this case.[1]

33. First, it is hard to swallow Mr. Dobkins' assertion that neither the Snoqualmie Tribe's input, nor Ecology's, influenced Local Services' decision to issue a stop work order.

34. Mr. Dobkins noted he was working with Ecology. Ironically, that *benefited* the Schmidts, timing-wise, more than any delay the stop work order caused for the limited (and as yet identified) subset of activities the Schmidts theoretically could have continued on with between February 11 and April 8, absent the stop work order. Local Services is generally *not* allowed to issue a building permit on a property with an outstanding grading violation. Though the specific code provision eludes us now, in countless previous enforcement appeals an applicant had to address the grading violation *before* they could obtain a building permit. Yet Mr. Dobkins explained that, because Ecology was on top of the grading violation south of the construction proposal area, Local Services felt it could issue the Schmidts a building permit.

35. That has two very opposite ramifications for our case. From a fairness perspective, while the Schmidts think they were *negatively* singled out, Local Services issuing the building permit on a site with an outstanding grading violation singled them out in a *positive* fashion; we cannot recall a single past applicant receiving a building permit prior to the grading violation being addressed.

36. Yet, given the interaction with Ecology, and the undisputed import of Ecology's role, we find it hard to believe that Ecology's concerns, along with the Tribes' concerns, did *not* influence the decision to issue the stop work order. It certainly would have influenced ours, if we had been deciding whether to go with a formal stop work order or to simply instruct the Schmidts that they needed to halt further grading and construction until they could submit (and obtain approval for) a project revision. Ms. Breazeal's assessment that she did not know *how much* Ecology's role influenced the decision to issue the stop work order seems far more accurate than claiming that it had no influence.

37. Second, Mr. Dobkins had documented the pump on December 15, and emphasized that this played into the decision to issue a stop work order. That seems legitimate, as the well had not been approved, the surface water design manual contains specific restrictions on such wells, and surface water issues have greater ramifications than purely local concerns. And yet no Local Services witness disputed the Schmidts' account that Local Services did not mention the well to them prior to the stop work order being issued, nor is there any indication that anyone advised the Schmidts even to turn the pump off until the issues were sorted out. How was something that important not conveyed to the Schmidts?

38. And third and finally, unless we mis-heard some testimony, nobody told the Schmidts before January 28 that they would need to submit a revised permit. Yet Local Services pointed to the Schmidts not having submitted a revised permit by the time of the February 8 follow-up meeting as a rationale for issuing a stop work order on February

[1] Ms. Breazeal represented Local Services, but Ms. Breazeal is with the Code Enforcement section. Code Enforcement did not make the call on the February 11 stop work order, nor did it appear to have any substantive involvement during the critical mid-December through mid-February timeframe.

11. By departing from the approved plans, the Schmidts brought upon themselves the need to submit a revised permit application before they could continue with at least most of their work; that is indisputable. But how were the Schmidts—or any other applicant—supposed to prepare, and have their engineer prepare, all the necessary components of a complete permit resubmittal within the 11 days between meetings and the 14 days between being told they needed to submit a revised permit and the stop work order being issued?

39. On the other hand, Mr. Schmidt could hardly have made things any harder on himself.

40. We do not doubt Mr. Schmidt's veracity; he seemed refreshingly frank. But his approach has been counterproductive, to say the least. When we asked whether Mr. Taylor's assessment that Mr. Schmidt had left Mr. Taylor 200 voicemails was accurate, Mr. Schmidt thought that might even be on the low end. Major points for candor, but that is breathtaking. Mr. Schmidt was virtually guaranteeing that much of what he was saying would be—indeed should be—ignored. No employee could possibly meet their duty to all the other customers that depend on them by even listening to, let alone acting on, that many voicemails from a single complainant. And it is no wonder Local Services would screen off employees from having to deal with Mr. Schmidt's barrage, lest those employees neglect other customers to entertain Mr. Schmidt's constant entreaties.

41. In a sense, Mr. Schmidt's approach ensured that many salient points he might have had would be drowned out in the background noise he himself was creating. Everyone is free to petition their government, but the path chosen here seemed geared to create maximum frustration for anyone involved (including the Schmidts), while obtaining minimal results. It plays into today's analysis because it provides us very little confidence that, being that headstrong, he would have halted (most of) his work based on something less formal than a stop work order.

42. Moreover, Mr. Schmidt was arguing, even at the hearing, that the modifications he made were not only acceptable, but necessary. Again, that makes it less likely that he would have voluntarily ceased operations in the affected area until a revised permit was applied, reviewed, and approved, absent a formal order to that effect. And given his confrontational approach (including his 200+ voicemail messages), we are not convinced that, short of a formal stop work order, he would have refrained from continuing construction if, say, the field inspector had simply said, "You have to pause X, Y, Z work until you re-apply for, and we approve, those modifications."

43. In sum, we view this as the irresistible force meeting the immovable object. On balance, Local Services has met its burden of showing that, more likely than not, it was correct to issue the stop work order. Exam. R. XV.E.2. But it could have been handled better.

Forward-looking items

44. Although the actual stop work order issued in the earlier enforcement case (ENFR200651) is not in the record, the $1000 penalty the Schmidts received for violating that enforcement order is. Ex. A11. Because that stop work order was not appealed, it became a "final determination that the civil code violation occurred and that

work was properly ordered to cease." KCC 23.28.020.D. That is a different question, however, from whether that order *itself* was later violated and whether the $1000 penalty Local Services issued was correct. As we understand it, the Schmidts timely filed a waiver request, which Local Services is considering. (We note that KCC 23.32.050.D lists scenarios where Local Services should postpone consideration of the waiver request, staying any collection efforts in the interim.) If Local Services eventually denies the waiver request, that denial will be appealable to the examiner. KCC 23.32.100. There is no appeal fee for challenging an enforcement action.

45. The Schmidts requested a waiver of some of the permitting fees related to their 2021 permit. Local Services apparently denied that request recently. That denial letter should explain the appeal process and deadlines, but basically the Schmidts have 24 days from the date the letter was issued to get an appeal into Local Services. KCC 27.020.040.D. The code related to the appeal fee is a little convoluted because KCC 27.020.040 essentially replaced the old permit fee waiver provisions, KCC chapter 27.50. However, it seems clear that the filing fee for such an appeal is $50, and not the $250 filing fee for most non-enforcement actions. Ord. 18822, § 4; KCC 4A.780.B.1. The Schmidts would then have the burden of proving the permit fee was unreasonable or inconsistent with the code. KCC 27.020.040.D.

46. The Schmidts also challenge the fees they were required to pay on their 2022 permit resubmittal. They can submit a fee waiver request within 21 days after final permit approval by Local Services. KCC 27.02.040.B. If what the Schmidts mean is that they should not have been required to submit a new permit application, and thus should not have been charged *any* fees, that argument is a non-starter; the Schmidts triggered the need to submit a new permit application when they elected to substantially change the footprint, as well the content (like gravel to asphalt), of their project from what had been approved in December. KCC 20.20.080.B. However, as with any other permit application, they are free to challenge the *quantum* of those fees. *See* KCC 27.02.040.A (setting waiver criteria).

47. To avoid the potential for having to hold multiple future hearings related to fees and penalties, we may stay that first appeal until we can consolidate all fee/penalty appeals into a single, far-more-efficient, hearing process, or at least consolidate the permit fee cases.

48. Finally, the Schmidts raised a concern about Mr. Dobkins providing the neighbor-complainant with photographs of the dewatering well the Schmidts put in without a permit. Local Services keeping a complainant in the loop is not only not prohibited, but, where a complainant requests it, encouraged, and it contributes to transparency. KCC 23.02.060.B.2; KCC 23.02.070.I. But that applies with equal force to the Schmidts and their assertion that one set of neighbors had themselves graded and constructed a riding arena without obtaining the proper permits. Local Services should ensure they provide the same level feedback to the Schmidts as they did to the earlier complainant, and as diligently pursue the Schmidts' complaint as they did the complaint *against* the Schmidts.

49. We obviously have no way of knowing whether the Schmidts' complaint about their neighbor's unpermitted activities are valid. Even if valid, there may be principled distinctions; the code, for example, differentiates between responses to different risk classes (high, moderate, or low) and between scenarios where there has been a history of prior violations (the Schmidts have at least two) and where there have been none. KCC 23.02.050. But Local Services should do what it can, both procedurally and substantively, to avoid an appearance of favoritism.

DECISION:

We DENY the Schmidts' appeal of the February 11 stop work order.

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 APRIL 7 AND APRIL 11, 2022, HEARING IN THE APPEAL OF PETER AND LISA SCHMIDT, DEPARTMENT OF LOCAL SERVICES FILE NOS. DWEL210267 (SWO) AND ENFR220144

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Jeri Breazeal, Ramon Locsin, Kevin Fitts, Doug Dobkins, Peter Schmidt, and Lisa Schmidt. 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 the Department:

Exhibit no. D1	Department of Local Services staff report to the Hearing Examiner
Exhibit no. D2	Copy of Stop Work issued February 11, 2022
Exhibit no. D3	Appeal, received February 16, 2022
Exhibit no. D4	Codes cited in the notice and order
Exhibit no. D5	Email from Ramon Locsin after site visit
Exhibit no. D6	DWEL210267 original approved site plan
Exhibit no. D7	DWEL210267 revised site plan
Exhibit no. D8	Side by side aerials 2021/2019
Exhibit no. D9	Letter dated February 4, 2022 from Snoqualmie Tribe
Exhibit no. D10	Letter dated from DOE February 16, 2022
Exhibit no. D11	Email, dated March 22, 2022, from Sheryl Lux regarding power installation
Exhibit no. D12	Email from Doug Dobkins, dated April 6, 2022
Exhibit no. D13	DWEL210267 Revised Conditions
Exhibit no. D14	DWEL210267 Declaration of Covenant
Exhibit no. D15	DWEL210267 Revised SitePlan Approved Conditions
Exhibit no. D16	DWEL210267 Revised TIR Approved
Exhibit no. D17	Email from Jeri Breazeal, dated April 10, 2022

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

Exhibit no. A1	Engineering Review Comment
Exhibit no. A2	Email, dated March 14, 2022
Exhibit no. A3	GRDE210123 Ecological Critical Area Review Comments #3, dated February 8, 2022
Exhibit no. A4	Email, dated October 15, 2021
Exhibit no. A5	Email, dated January 13, 2022
Exhibit no. A6	Email, dated April 22, 2021
Exhibit no. A7	Email, dated January 13, 2022
Exhibit no. A8	Email, dated March 15, 2022
Exhibit no. A9	Email, dated March 14, 2022
Exhibit no. A10	Email, dated December 14, 2021, with Site Grading Plan
Exhibit no. A11	Code Enforcement Statement
Exhibit no. A12	Email, dated March 21, 2022

DS/lo

April 20, 2022

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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file nos. **DWEL210267 (SWO)** and **ENFR220144**

PETER AND LISA SCHMIDT
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 April 20, 2022.

Lauren Olson

Lauren Olson
Legislative Secretary

Breazeal, Jeri
Department of Local Services

Dobkins, Doug
Department of Local Services

Fitts, Kevin
Department of Local Services

Locsin, Ramon
Department of Local Services

Lux, Sheryl
Department of Local Services

Schmidt, Lisa and Peter
Hardcopy