

December 8, 2022

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

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**REPORT AND DECISION**

SUBJECT: Department of Local Services file no. **ENFR200847**

**DAWSON INVESTMENTS, LLC**  
Code Enforcement Appeal

Location: [REDACTED] Ravensdale

Appellant: Dawson Investments, LLC  
*represented by* **Dawson J. Sumpter**  
Dawson Investments, LLC  
[REDACTED]  
Covington, WA 98042  
Telephone: [REDACTED]  
Email: [REDACTED]

King County: Department of Local Services  
*represented by* **Holly Sawin**  
Department of Local Services  
919 SW Grady Way Suite 300  
Renton, WA 98057  
Telephone: (206) 477-0291  
Email: [holly.sawin@kingcounty.gov](mailto:holly.sawin@kingcounty.gov)

RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal, but adjust compliance dates
Examiner's Decision:	Deny appeal, but adjust compliance dates

## EXAMINER PROCEEDINGS:

Hearing Opened:	November 29, 2022
Hearing Closed:	November 29, 2022
Record Closed:	December 2, 2022

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

After hearing the witnesses' testimony, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, the examiner hereby makes the following findings, conclusions, and decision.

## FINDINGS AND CONCLUSIONS:

1. Dawson Investment LLC purchased property located in unincorporated King County at 34827 SE 268<sup>th</sup> Street Ravensdale Washington ("Property") in early 2020. A residence dating to 1921 is located on the Property. Exs. D5, D6-001, -002.
2. On April 5, 2021 the Department of Local Services, Permitting Division ("Department") issued a Notice & Order to Dawson Investment LLC for the Property alleging: (1) construction of an ABC living space addition to a residence and more than 2000 ft.<sup>2</sup> of impervious surface without the required permits, inspections and approvals in violation of enumerated provisions of the King County Code and International Building Code; (2) occupancy of recreational vehicles which do not meet the definition of a dwelling unit and cannot be occupied on properties zoned RA-5; and 3) accumulation of assorted rubbish, salvage, and debris throughout the Property in violation of enumerated provisions of the King County Code and International Property Maintenance Code. Ex. D2.
3. Dawson Investment LLC, represented in this proceeding by Dawson Joseph Sumpter, ("Appellant") filed a timely appeal of the alleged violations. Exs. D1, D3.
4. As set forth in the October 25, 2022, Prehearing Order and Notice of Remote Hearing, the issues are as follows:
  - A. Has there been an addition of over 2000 ft.<sup>2</sup> of impervious surface since 2005 and construction without a permit? To the extent Appellant can establish that certain actions were carried out by a previous owner, it may give us some flexibility in fashioning a remedy.
  - B. Are recreational vehicles currently being occupied? If so, what is a reasonable deadline for ceasing occupancy?

- C. Is there currently an accumulation of rubbish, salvage, and debris? If so, what is a reasonable deadline removing this?
5. Appellant's appeal statement seeks a determination that the Property is in compliance, contending that: (1) Appellant did not construct an addition but rather made some repairs; (2) no recreational vehicles are occupied; and (3) there is not an accumulation of rubbish, salvage and debris, rather Appellant cleaned up and improved the property after purchasing it. The appeal statement does not directly address the alleged more than 2000 ft.<sup>2</sup> of impervious surface, but does state that "the decision incorrectly finds that other violations have occurred on the property." Ex. D3 – 001.
  6. However, at the hearing on issues (1) and (2) Mr. Sumpter testified to the contrary on issues (1) and (2). He explained that he had finished a partially constructed addition and allowed a mother and daughter to reside in a recreational vehicle (RV) on the property on a month-to-month basis to keep an eye on the property. With regard to issue (3) he testified that he was not aware of the accumulation of materials around the RV. Ex. A7; testimony of Mr. Sumpter.
  7. The Department has the burden to prove the appealed allegations in the Notice & Order by a preponderance of the evidence. KCC 20.22.080.G; Hearing Examiner Rules of Procedure and Mediation XV.E and XV.F.

#### Alleged Construction of Addition

8. From his testimony, it is abundantly clear that Mr. Sumpter, who is a young man at age 24, is not familiar with the complexities of the King County Code and permit requirements and processes. He wants to resolve the alleged violations and, to that end, has engaged a number of professionals, including Jeff McCann of Outdoor Perspectives LLC, a land use/permitting consultant with many years of experience. He has also engaged a surveyor, septic service/maintenance firm, and civil engineer and has had the septic tank pumped twice. Ex. A7; testimony of Mr. Sumpter.
9. In 2019, prior to Appellant's acquisition of the Property, the Department of Assessments observed a 15' by 30' attached garage. Ex. D6-005, -006.
10. The right-hand photograph in Ex. D7-001 is an overhead photograph showing a 450 ft.<sup>2</sup> addition on the west side of the residence. It appears to have a metal flat roof. The photograph was taken between April and August 2019. Ex. D7-002, taken in the same time frame, is a picture looking south from SE. 268<sup>th</sup> St. to the residence showing the same addition. The roof of the addition is clearly lower than the roof of the residence. Ex. D7; testimony of Ofc. Sawin.
11. Officer Sawin took photographs of the Property on October 1, 2020, showing a roof of uniform material and height across the residence and addition. Mr. Sumpter testified that he reroofed the residence and addition. Ex. D8: Ex. A7; testimony of Mr. Sumpter and Ofc. Sawin.

12. Officer Sawin opined that Appellant may have demolished the garage picked up by the Assessor in 2019 and constructed in the same location the current addition, but presented no evidence to support her supposition. Testimony of Ofc. Sawin.
13. In an effort to resolve the alleged violation, Appellant submitted a building permit to add new siding, paint, roof, flooring, cabinets, and appliances and convert a garage into living space. Public Health Seattle & King County (PHSKC) denied the application on July 19, 2022, on 2 bases: (1) PHSKC has no record of the existing on-site sewage system (OSS); and (2) it is not clear to PHSKC that the existing OSS meets the minimum setbacks to property boundaries to parcel 262207 – 9073. Ex. D13-001.
14. With regard to the second reason for denial, PHSKC may not have been aware of a recorded 2008 boundary agreement between King County Fire Protection District # 47 and Appellant's predecessors-in-interest, Michael and Debbie Walters. Mr. Sumpter contends this agreement shifted the common property line in such a way that it provides adequate setbacks for the OSS. Ex. A4; testimony of Mr. Sumpter.
15. Appellant also submitted an A.L.T.A. Inspection report which recommends that a survey be conducted because the residence (primarily the addition) may encroach upon property to the west boundary and possibly on the right-of-way. Given the fact that the 2008 boundary agreement is recorded, the Examiner would expect that the inspection report picked it up. Ex. A5.

#### Alleged construction of impervious surface

16. KCC 16.82.C.051.B and C.2 require a clearing and grading permit for “grading that produces [more than] 2000 ft.<sup>2</sup> of new impervious surface on a single site added after January 1, 2005.” Reading the definitions of grading, fill, and earth materials together, grading includes the placement of gravel. KCC 16.82.020.I. The question is, thus, whether Appellant placed more than 2000 ft.<sup>2</sup> of gravel on the Property.
17. Mr. Sumpter testified that, when he purchased the Property, there were a number of piles of gravel on it and that he spread them out and brought in additional gravel. The fact that gravel piles may have been present on the Property when Appellant bought it does not exempt Appellant from the requirement for a clearing and grading permit if it placed the cumulative amount of more than 2000 ft.<sup>2</sup> of gravel on the Property. Exs. A2, A7; testimony of Mr. Sumpter.
18. Officer Sawin calculated the new impervious surface at 4341.1 ft.<sup>2</sup>. The boundaries of the area she used to make this calculation are shown on Ex. D11-001. Portions of the area within the marked perimeter (the lighter blue color) are clearly vegetated. Therefore, her calculation exaggerates the amount of impervious surface, but it does not exaggerate by 2,341 ft.<sup>2</sup>

#### Alleged Occupancy of RVs

19. Ofc. Sawin did not explain how her proffered exhibits demonstrate that an RV or RVs on the Property is/are being occupied as a residence or residences. However, as found

above, Mr. Sumpter testified that he has allowed a mother and daughter to occupy an RV–type vehicle on the property on a month-to-month basis so that they may keep an eye on the Property.

20. Mr. Sumpter intends to have them vacate the Property by the end of the year. If his efforts are not successful, he intends to initiate eviction proceedings which he testified will require a 90 day notice to sell. Ex. D9; testimony of Mr. Sumpter.

Alleged accumulation of rubbish and debris

21. Photographs taken by Ofc. Sawin on November 14, 2022, evidence an accumulation of assorted rubbish, salvage, and debris.
22. Any Finding of Fact which is more properly considered a Conclusion of Law is hereby adopted as a Conclusion of Law.

CONCLUSIONS OF LAW

1. Any Conclusion of Law which is more properly considered a Finding of Fact Law is hereby adopted as a Finding of Fact.
2. The Department has borne its burden of proving (1) construction of an ABC living space addition to a residence and more than 2000 ft.<sup>2</sup> of impervious surface without the required permits, inspections and approvals in violation of enumerated provisions of the King County Code and International Building Code; and (2) accumulation of assorted rubbish, salvage, and debris throughout the Property in violation of enumerated provisions of the King County Code and International Property Maintenance Code.
3. Appellant conceded that one recreational vehicle is being occupied as a dwelling unit.

DECISION:

1. The appeal is **DENIED**.
2. No penalties shall be assessed against Dawson Investments, LLC or the subject property if the following below actions are completed:
3. Apply for and obtain the required permits, inspections, and approvals with complete application to be submitted by the following schedule:
  - A. Submit a complete application to the Health Department, to include the new ABC construction and the gravel driveway, by **February 6, 2023**. If the Health Department requires a Critical Area Designation (CAD) letter, apply for the CAD on MyBuildingPermit.com by within **30 days** of notice of the requirement. Submit a complete building permit application on MyBuildingPermit.com **within 45 days** of receiving Health Department approval.

NOTE: Application for a permit does not ensure that a permit will be issued. An applicant should also be aware that permit fees and/or site conditions and/or repair expenses may make the application cost prohibitive. The only alternative may be to demolish the non-permitted construction.

- B. Meet all deadlines for requested information associated with the permit(s) and pick up the permit(s) within the required deadlines. Request a building inspection at time of building permit issuance, make any required corrections and obtain final approval for occupancy within one year of permit issuance.
- C. If permit application or any required approvals including, but not limited to, Health Department approval is denied, apply for and obtain a revised permit to remove the new construction, legalize the closure of the structure and site work **within 30 days** of final denial of any of the permit approvals. Permit final must be obtained within the one year issuance time period.

OR

If an application to permit the ABC structure is not pursued:

- A. Submit a permit application by **February 6, 2023** for the removal of the new SFR ABC addition and legalization of the gravel driveway. If Health Department approval is required for legalization of the gravel driveway, apply for Health Department approval by **February 6, 2023**. If the Health Department requires a Critical Area Designation (CAD) letter, apply for the CAD on MyBuildingPermit.com by within **30 days** of notice of the requirement. Submit a complete clearing and grading permit application for the gravel driveway on MyBuildingPermit.com **within 45 days** of receiving Health Department approval.
  - B. Meet all deadlines for requested information associated with the permit(s) and pick up the permit(s) within the required deadlines. Request a building inspection at time of building permit issuance, make any required corrections and obtain final approval for occupancy within one year of permit issuance.
  - C. If clearing and grading permit application or any required approvals including, but not limited to, Health Department approval is denied, apply for and obtain a revised permit to remove the site work **within 30 days** of final denial of any of the permit approvals. Permit final must be obtained within the one year issuance time period.
4. Cease occupancy, disconnect water and power, and remove from property any recreational vehicles not belonging to the occupants of the house **by January 31, 2023**. If Dawson Investments, LLC has to institute eviction proceeding to remove the month-to-month tenant and the RV, the Department shall extend this deadline as necessary to allow diligent completion of the eviction proceedings.

5. Remove assorted rubbish, salvage and debris from the premises and dispose of these items at an approved facility **by January 31, 2023.**

ORDERED December 8, 2022.

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Alison Moss  
King County Hearing Examiner *pro tem*

### **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 NOVEMBER 29, 2022, HEARING IN THE APPEAL OF DAWSON INVESTMENTS, LLC, DEPARTMENT OF LOCAL SERVICES FILE NO. ENFR200847**

Alison Moss was the pro tem Hearing Examiner in this matter. Participating in the hearing were Holly Sawin and Dawson Sumpter. 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 | Notice and order, issued April 8, 2021  |
| Exhibit no. D3 | Appeal, received April 29, 2021   |
| Exhibit no. D4 | Codes cited in the notice and order   |
| Exhibit no. D5 | Statutory Warranty Deed for Dawson Investment, LLC purchase of subject property, recording date of April 16, 2020 |
| Exhibit no. D6 | Department of Assessments record for subject property – RealProperty database                                     |
| Exhibit no. D7 | ConnectExplorer aerial dated April 25, 2019, depicting an attached ABC garage                                     |
| Exhibit no. D8 | Photographs taken on October 1, 2020, by Officer Sawin of subject residence with ABC addition                     |
| Exhibit no. D9 | Photographs taken on March 12, 2021, Office Sawin of occupied recreational vehicles and new graveled area         |

- Exhibit no. D10 ConnectExplorer aerials dated May 11, 2021, and April 25, 2019, depicting the new roof over the entire structure including the ABC addition
- Exhibit no. D11 ConnectExplorer aerials dated May 11, 2021, and April 25, 2019, depicting the new impervious surface area
- Exhibit no. D12 Redfin, Zillow and Realtor.com listings for the subject property
- Exhibit no. D13 Eastgate Environmental Health Services Disapproval Letter (ON0223373) dated July 19, 2022, signed by Jarone Baker
- Exhibit no. D14 Photographs of subject property taken by H. Sawin on November 14, 2022

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

- Exhibit no. A1 Photograph of “before I purchased gravel on ground”
- Exhibit no. A2 Photograph of “2 pile of gravel on property under logs when I purchased”
- Exhibit no. A3 Legal from February 17, 2020
- Exhibit no. A4 Boundary Established 2008 Recorded Documents
- Exhibit no. A5 CW Inspection Report
- Exhibit no. A6 Lillys Septic Inspect and Reports
- Exhibit no. A7 Chain of Events
- Exhibit no. A8 Letter to Examiner
- Exhibit no. A9 Survey Map

AM/lo



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**CERTIFICATE OF SERVICE**

SUBJECT: Department of Local Services file no. **ENFR200847**

**DAWSON INVESTMENTS, LLC**  
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 December 8, 2022.



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Lauren Olson  
Legislative Secretary

**Breazeal, Jeri**

Department of Local Services

**Dawson Investments, LLC**

**Lux, Sheryl**

Department of Local Services

**Sawin, Holly**

Department of Local Services

**Sumpter, Dawson J**

Dawson Investments, LLC

Hardcopy