

August 3, 2022

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
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ORDER ON APPELLANTS' RECONSIDERATION MOTION

SUBJECT: Department of Local Services file no. **ENFR210957**

RONDA STERLEY AND RONALD SHEAR AND R&R STABLES
Code Enforcement Appeal

Location: [REDACTED] Enumclaw

Appellants: Ronald Shear and Ronda Sterley
R&R Stables & Equestrian Event Center, LLC
represented by **Justin Park**
Romero Parks P.S.
155-108th Avenue NE Suite 202
Bellevue, WA 98004
Telephone: (425) 450-5000
Email: jpark@romeropark.com

King County: Department of Local Services
represented by **Michael Hepburn**
Prosecuting Attorney's Office
King County Courthouse
516 Third Avenue Room W400
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Email: michael.hepburn@kingcounty.gov

The Hearing Examiner issued a Report and Decision reversing a King County Department of Local Services (“Department”) citation for code violations involving unpermitted clearing and grading by Sterley/Shear (Ronda Sterley, Ronald Shear, and R&R Stables & Equestrian Event Center, LLC). The Department, through the King County Office of the Prosecuting Attorney, requested reconsideration, which Sterley/Shear opposed. Reconsideration was granted in part and denied in part. Sterley/Shear then requested reconsideration.¹ While clarification is provided, this latest request is denied.

The Order on reconsideration did not broadly hold “if there are trees in the cleared area that the [agricultural] exception does not apply.”² Nor did the Order determine the exception is inapplicable to land which has lied fallow for agricultural purposes (to restore soil nutrients).³ As the Order details, the holdings were narrower than this.

The Order focused on heavily treed areas where agricultural uses had terminated. As the Order addresses, grading in such areas was documented.⁴ However, without mapping demarcating the exact areas cleared and graded under the agricultural exception, the precise areas subject to permitting were not determined. During permitting, the parties will need to determine agricultural exception scope.⁵ Given this latest filing, a week long extension to the previously established permitting deadline is reasonable.

ORDER

Appellants’ reconsideration motion is denied. By **August 22, 2022**, Shear/Sterley shall submit a complete pre-application meeting request.

DATED August 3, 2022.



Susan Drummond
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.

¹ HER XVI(A)(3).

² Appellants’ Motion, p. 2:12-14.

³ Appellants’ Motion, p. 2:18-33.

⁴ *See* Exhibit D6, p. 18 (September 24, 2021) and Exhibit D6, p. 2 (2019); Testimony, Officer Stephens.

⁵ The parties are familiar with this process. *See e.g.*, ENFR190021 (Sterley/Shear Report and Decision (March 26, 2020)).

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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **ENFR210957**

RONDA STERLEY AND RONALD SHEAR AND R&R STABLES
Code Enforcement Appeal

I, Lauren Olson, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **ORDER ON APPELLANTS' RECONSIDERATION MOTION** 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 August 3, 2022.



Lauren Olson
Legislative Secretary

Beach, Eric

Department of Natural Resources and Parks

Breazeal, Jeri

Department of Local Services

Heldreth, Laura

R&R Stables & Equestrian Event Center, LLC

Hardcopy

Hendrix, Jill

Prosecuting Attorney's Office

Hepburn, Michael

Prosecuting Attorney's Office

Lux, Sheryl

Department of Local Services

McGrath, Mara

Hardcopy

Park, Justin

Romero Parks P.S.

Hardcopy

R&R Stables & Equestrian Event Center, LLC

Ronda Sterley, Ronald Shear

R&R Stables & Equestrian Event Center, LLC

Hardcopy

Stephens, Nick

Department of Local Services

Sullivan, Ted

Department of Natural Resources and Parks

Whalen, LaDonna

Department of Local Services