

July 7, 2023

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
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www.kingcounty.gov/independent/hearing-examiner

ORDER ON MOTION OF RECONSIDERATION

SUBJECT: Department of Local Services no. **ENFR230049**

PETER AND LISA SCHMIDT
Code Enforcement Appeal

Location: [REDACTED] Enumclaw

Appellants: Lisa and Peter Schmidt
represented by **Ryan Espegard**
Gordon Thomas Honeywell
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Seattle, WA 98101
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King County: Department of Local Services
represented by **Jina Kim**
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On May 19, 2023, we went to hearing, closing the record on May 24. On June 13, we issued our Report and Decision.

On June 20, Appellants filed a Motion for Clarification. That motion was essentially premature, because an examiner decision only becomes the County’s final determination once the period for filing a motion for reconsideration ends.¹ Local Services timely filed a motion for reconsideration on July 5, asking us to reverse our decision. Local Services was within its rights to stay permit work until we ruled on its motion.

However, that posture changes today, because we deny Local Services’ motion. That makes today’s order, along with our June 13 decision, the County’s final determination. Until such time as a court of competent jurisdiction enjoins our decision, Local Services must continue scheduling normal inspections on the Schmidt barn and home and must expeditiously resume the site plan review process from 2022.

As to a new end date, our assumption was that the year would run 12 months from our June 13 decision, as that was the date we ruled that Local Services had erroneously failed to renew the Schmidts’ permit and that the Schmidts could resume work. However, as Local Services waited to continue permit processing until we ruled on its motion for reconsideration, the one-year permit extension starts running from today.²

This will be our final word on the matter.

DATED July 7, 2023.



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.

¹ For other classes of cases, Council—not the examiner—makes the County’s final determination, but that is inapplicable today. *Compare* KCC 20.22.040 *with* .050 and .060.

² As we noted in our June 13 decision, whatever fees normally attach to a permit extension, or to reviewing the site plan revisions from the fall of 2022, or to other items that arise in the course of an extended permit, apply.

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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services no. **ENFR230049**

PETER AND LISA SCHMIDT
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I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **ORDER ON MOTION OF RECONSIDERATION** 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 7, 2023.



Jessica Oscoy
Office Manager

Becker, Matthew

Department of Local Services

Breazeal, Jeri

Department of Local Services

Campbell, Thomas

Department of Local Services

Chan, Jim

Department of Local Services

DePriest, Terry

Department of Local Services

Espgaard, Ryan

Gordon Thomas Honeywell

Hardcopy

Hepburn, Michael

Prosecuting Attorney's Office

Hooper, Leslee

Gordon Thomas Honeywell

Hossienzadeh, Ben

Department of Local Services

Kim, Jina

Prosecuting Attorney's Office

Ricketts, Chris

Department of Local Services

Rowe, Mark

Department of Local Services

Schmidt, Demi

Schmidt, Lisa and Peter

Hardcopy

Simpson, Kim

Department of Local Services

Stier, Jon

Ombudsman's Office

Travis, Liah

Prosecuting Attorney's Office

Vinson, Brett

Reynolds Burton & Vinson

Hardcopy

Whalen, LaDonna

Department of Local Services