April 23, 2024

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

REPORT AND DECISION

SUBJECT: Department of Local Services file nos. **ENFR211197 and ENFR211198**

KAREN ROGERS
Code Enforcement Appeal

Location: [redacted] Renton

Appellant: **Karen Rogers**
[redacted]
Renton, WA 98059
Telephone: [redacted]
Email: [redacted]

King County: Department of Local Services
represented by **Greg Kirk**
Department of Local Services
919 SW Grady Way Suite 300
Renton, WA 98057
Telephone: (206) 848-0467
Email: gkirk@kingcounty.gov

FINDINGS AND CONCLUSIONS:

Overview

1. Karen Rogers appeals two notices and orders related to open storage of rubbish and junk, to inoperable vehicles, and to vehicles (inoperable or not) parked on non-impervious surfaces. 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 sustain the violations and set new compliance deadlines. We also clarify that, in the event compliance is not timely achieved, the next step would be abatement, not code enforcement penalties.

Background

2. In 2021, in response to complaints involving the two abutting Rogers properties, 2323059131 and 2323059200, the Department of Local Services (Local Services) opened two enforcement files, ENFR211197 and ENFR211198. After the parties were not able to come to a resolution, in October 2022 Local Services served companion notices and orders asserting violations on each property of:

   - KCC 21A.32.230, which makes it "unlawful for any person to keep, maintain or deposit on any property in the county a public nuisance including, but not limited to, the following:

     A. Open storage of rubbish or junk including, but not limited to, refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth, not including compost bins.

     …

     C. Abandoned vehicles, wrecked, dismantled or inoperative vehicles or remnant parts thereof except as provided in K.C.C. 23.10.040"; and

   - KCC 21A.18.110.I, which requires that, "All vehicle parking and storage for single detached dwellings must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access."

3. Ms. Rogers timely appealed in November. After receiving the file in December, we held a half-dozen conferences from January 2023 onward, as Ms. Rogers attempted to tackle cleanup, including the thorny issue of getting rid of vehicles she did not have titles to. Amidst limited financial resources, serious health problems, and difficultly navigating the system, she was unable to bring the ship into shore. We eventually set an April 19 hearing.

4. At our hearing, Ms. Rogers noted that, despite her serious health setbacks, she had recently been able to remove a van, a car, and the burned-out RV. However, the hauler she arranged to remove the Isuzu trooper and Seabreeze (which we assume refers to a Plymouth Breeze), looked at the junk vehicle affidavit and apparently thought he needed something more official, with "yellow highlights," to proceed. We left it that Mr. Kirk would contact that hauler, an "Antonio" with Binford Auto Wrecking in Kent, to figure out what exactly the wrecker needed to proceed.

5. Corbin Darben, Ms. Rogers' son, noted that a lot of what remains is just junk and not vehicles, and that he would help with loading up the remaining junk for disposal. There is still junk and debris on parcel 9200, perhaps best exemplified by the March 2024, top photo 5E at 007. The evidence is a little less robust for parcel 9131. Exhibit D5 at 005 shows junk vehicles on that parcel, but that picture is from January 2023. Yet some rubbish or junk including, scrap metal or lumber, does appear in the background in one March 2024 photo. Ex. 5E at 007 (bottom).

6. Local Services has met his burden of showing that, as of the date of our hearing, both properties were still in violation. That leaves two issues.

7. Thus, first involves deadlines. At hearing both parties agreed that 60 days for removing the non-vehicles/vehicle parts, and 90 days for removing the vehicles/vehicle parts, was reasonable. We note that for any *operable* vehicles Ms. Rogers wishes to retain on-site, those must meet KCC 21A.18.110.I's requirement of either being stored inside or on an approved impervious surface with direct and unobstructed driveway access.

8. The second involves next steps, if compliance is not timely achieved. The normal code enforcement appeal sequence (where we sustain a violation and set a compliance deadline) is that if our deadline is missed, Local Services issues penalties. Typically, only *after* the penalty stage does Local Services turn to "abating" the property to bring it into compliance. Abatement often takes the form of Local Services hiring a contractor to clean up the property. Local Services then bills the property owner for those abatement costs. If those abatement costs are unpaid, they go as a tax lien on the property. And if those taxes are not paid within three years, the property can be foreclosed.

9. Here, however, one main item preventing Ms. Rogers from cleaning up the properties has been, on top of all her physical and other limitations, a lack of sufficient funds to hire out the cleanup work. Penalties would serve no purpose here. Thus, if Ms. Rogers cannot meet the compliance deadlines, Local Services can move to the abatement stage. But barring some new development—like, say, *new* vehicles or RVs, or more rubbish scrap metal or lumber, tires, etc., show up on one of the properties—Local Services may not issue code enforcement penalties.

DECISION:

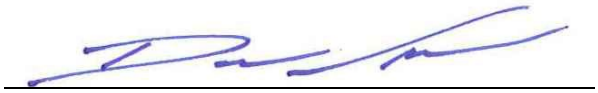
1. We uphold the violations for both properties.

2. By **June 23, 2024**, Ms. Rogers will cease the open storage of rubbish or junk including, but not limited to, refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth, not including compost bins.

3. By **July 23, 2024**, Ms. Rogers will remove any inoperable vehicles and vehicle parts. Any remaining *operable* vehicles Ms. Rogers wishes to retain on-site must either being stored inside or on an approved impervious surface with direct and unobstructed driveway access.

4. If those deadlines are not met, Local Services can proceed to the abatement stage.

ORDERED April 23, 2024.



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 9, 2024, HEARING IN THE APPEAL OF KAREN ROGERS, DEPARTMENT OF LOCAL SERVICES FILE NOS. ENFR211197 AND ENFR211198

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Corbin Darben, Greg Kirk, and Karen Rogers. 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
Exhibit no. D2	Notice and order, issued October 20, 2022
Exhibit no. D3	Appeal, received November 11, 2022
Exhibit no. D4	Codes cited in the notice and order
Exhibit no. D5	Photographs of subject property
	A. December 16, 2021
	B. June 28, 2022
	C. February 22, 2023
	D. November 16, 2023
	E. March 26, 2024

April 23, 2024

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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file nos. **ENFR211197 and ENFR211198**

KAREN ROGERS
Code Enforcement Appeal

I, Jessica Oscoy, 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, Quadient-Impress, 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 23, 2024.

Jessica Oscoy
Office Manager

Campbell, Thomas
Department of Local Services

Darben, Corbin
Hardcopy

Kirk, Greg
Department of Local Services

Rogers, Karen
Hardcopy

Rogers, Maria
Hardcopy

Whalen, LaDonna
Department of Local Services