November 6, 2024

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

ORDER

SUBJECT: Department of Local Services file no. **ENFR220935**

MICHAEL AND SARAH SCHOSBOEK
Code Enforcement Appeal

Location: [redacted] Carnation

Appellants: **Michael & Sarah Schosboek**
[redacted]
Vashon, WA 98070
Telephone: [redacted]
Email: [redacted]

King County: Department of Local Services
represented by **Holly Sawin**
Department of Local Services
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Renton, WA 98057
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In the last three paragraphs of our October 10 Report and Decision, we wrote:

1. Violations #2 (mobile home), #4 (vehicles and vehicle parts), and #5 are RESOLVED.

2. Violation #3 (house and accessory structure) is SUSTAINED. By **December 10, 2024**, the Schosboeks must secure both structures from entry. Local Services may not assess penalties against the Schosboeks or the subject property itself, so long as both structures are sealed off by that deadline, or by any reasonable deadline extension Local Services provides. If not, Local Services may issue penalties retroactive to today.

3. Violation #1 (clearing and grading) is SUSTAINED and must be remedied, lest Local Services ultimately abate the violation. However, Local Services may not issue enforcement fines. And we retain jurisdiction to reopen the case, should an intractable dispute arise as to the necessary fix for Violation #1.

Local Services timely sought clarification, noting that our paragraph 3. did not specify next steps or set a deadline for the clearing and grading fix (Violation #1). And Ms. Schosboek posed a question that related to our paragraph .2—whether she needs to apply for something to secure the structures and the type of required fencing (Violation #3). We address those in turn.

As to Local Services' query, our October 10 Findings and Conclusions required the Schosboeks (or a prospective buyer) to submit a complete prescreening meeting request to address clearing and grading. We should have repeated that in the Decision section and provided the deadline for that. The deadline should be further out than for securing the two structures from entry—both because crafting a complete prescreening meeting is more involved than having a contractor seal things off, and because, if the Schosboeks fail to secure the two structures from entry by December 10, they face hefty code enforcement penalties. So, securing the structures should probably be their top priority, if they have to choose. But we should have set *some* deadline, so everyone is on the same page. We do so below.

As to Ms. Schosboek's query, there is no permit to apply for related to sealing off the buildings. Nor would one want to expend funds on "fancy fencing"; ugly-but-sturdy would be the better option. Although we are not privy the specifics, anchoring the boards or fence or whatever to the structure sounds more secure and harder to dislodge than a stand-alone barrier. However, there is no foolproof way to permanently keep out a determined trespasser. If someone eventually broke in, they will need to be shored up. But deterrence can go a long way.

Our October 10 Report and Decision remains in effect, *except* that we rewrite the DECISION paragraphs as follows (underscore means new text):

1. Violations #2 (mobile home), #4 (vehicles and vehicle parts), and #5 are RESOLVED.

2. Violation #3 (house and accessory structure) is SUSTAINED. By **December 10, 2024**, the Schosboeks must secure both structures from entry. <u>There is no permit to apply for.</u> Local Services may not assess penalties against the Schosboeks or the subject property itself, so long as both structures are sealed off by that deadline, or by any reasonable deadline extension Local Services provides. If not, Local Services may issue penalties retroactive to today. <u>If the buildings are sealed off, but at some point in the future either building is again illegally accessed, the Schosboeks should diligently re-secure the structure(s).</u>

3. Violation #1 (clearing and grading) is SUSTAINED. <u>By **January 31, 2025**, a complete prescreening meeting request must be submitted on mybuildingpermit.com, and thereafter the permit process timely followed through to completion, as set forth in the February 16, 2024, notice and order. If that fails, Local Services may ultimately abate the violation and recoup those abatement costs but may not issue code enforcement fines. We retain jurisdiction to revisit the matter, should an intractable dispute arise as to what it means to bring the property into compliance "to the extent reasonably feasible under the circumstances" and to "restore to a condition that does not pose a probable threat to the environment or to the public health, safety or welfare."</u>

DATED November 6, 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.

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CERTIFICATE OF SERVICE

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MICHAEL AND SARAH SCHOSBOEK
Code Enforcement Appeal

I, Lauren Olson, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **ORDER** 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, through 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 November 6, 2024.

Lauren Olson

Lauren Olson
Legislative Secretary

Campbell, Thomas
Department of Local Services

Sawin, Holly
Department of Local Services

Schosboek, Michael/Sarah
Hardcopy

Whalen, LaDonna
Department of Local Services