

June 29, 2012

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
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ORDER OF DISMISSAL WITHOUT PREJUDICE

SUBJECT: Department of Development and Environmental Services
File No. **L10SI086, B10C0059**

L.S. CEDAR
Fee Appeal

Location: 19506 Vashon Highway SW

Appellant: L.S. Cedar Company
represented by **Bill Williamson**
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King County: Department of Development and Environmental Services
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The procedural history of this appeal is complicated because, although KCC 20.24.090 requires that “a notice of appeal shall be filed with the county department or division issuing the original decision with a *copy provided by the department or division to the office of the hearing examiner*” (emphasis added), in this instance it does not appear that DDES provided a copy of the notice of appeal nor the department decision that is the subject of the instant appeal. As such, procedural time limits for hearing examiner action on this matter, computation of which begin on the date the appeal and accompanying documents is received from the department, do not apply.

However, we do have Appellant's Supplemental Statement in Support of Notice of Appeal, along with exhibits. From that we gleaned that Appellant was challenging DDES's \$26,683.15 fee estimate. According to recent email correspondence with both parties, in the interim the parties resolved one sub-issue (related to a deposit) and the law has changed (moving toward fixed fees). Appellant is still concerned that when DDES re-calculates a fee estimate under the current standard, that revised fee estimate will still be excessive.

We perceived that the current appeal became moot when the \$26,683.15 estimate became moot. We advised the parties of our opinion that the best course of action here was to dismiss the current appeal without prejudice, for DDES in the near future to issue a revised fee estimate, and then to allow the Appellant to appeal that revised fee estimate, if appropriate. The parties (via email), accepted this approach.

Accordingly, this matter is DISMISSED without prejudice.

DATED June 29, 2012.



David W. Spohr
Interim Deputy King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

The examiner's summary dismissal order shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within 21 days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use final order or decision is issued by the Hearing Examiner as three days after the written document is mailed.)

DWS/vsm