

September 18, 2020

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

SUMMARY ORDER

SUBJECT: Department of Natural Resources and Parks file no. **07/20-001**

SKYCORN, LTD.

Code Enforcement Appeal

Location: In between 1070 Chelan Avenue NE, Renton and Caton Landfill
1500 Naches Wenas Road, Naches

Appellant: SkyCorp Ltd.
represented by Richard M. Stephens
Stephens & Klinge LLP
601 108th Avenue NE, Suite 1900
Bellevue, WA 98004
Telephone: (425) 429-2532
Email: stephens@sklegal.pro

King County: Department of Natural Resources and Parks
represented by **Russell Prugh**
Prosecuting Attorney's Office
King County Courthouse
516 Third Avenue Room W400
Seattle, WA 98104
Telephone: (206) 477-8983
Email: RPrugh@kingcounty.gov

At this week's conference, counsel advised that SkyCorp was not challenging the factual basis for the citation, but instead raising an argument about the constitutionality of the codes involved.

We have no jurisdiction over claims based on the constitutionality of County regulations. Exam. R. III.A.1. Where an appeal involves a mixture of claims or defenses we have jurisdiction over, and those we do not, we typically hold a hearing to create a full factual record on all issues, facilitating later judicial review. Here, in contrast, where the only issues in dispute are not ones we could rule on, holding further examiner proceedings seems futile.

Thus, for purposes of exhaustion of administrative remedies, SkyCorp has raised its constitutional claims, and for purpose of a future appeal or other challenge, this order upholds the July 24 citation and qualifies as the County’s final decision on the matter. KCC 20.22.040.X; .220.D; .270.B.

DATED September 18, 2020.



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.

DS/lo

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CERTIFICATE OF SERVICE

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I, Lauren Olson, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **SUMMARY 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, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED September 18, 2020.



Lauren Olson
Legislative Secretary

Gaisford, Jeff

Department of Natural Resources and Parks

Little, Canyon

Department of Natural Resources and Parks

Neely, James

Department of Natural Resources and Parks

Prugh, Russell

Prosecuting Attorney's Office

SkyCorp, LTd.

Stephens, Richard

Stephens & Klinge LLP

Hardcopy

Waldal, Skyler

SkyCorp, LTd.

Hardcopy