June 30, 2024

To: Tom Campbell (permittinglegislation@kingcounty.gov)
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Re: Public Comment—Proposed Ordinance Relating to King County Code Enforcement Updates 2024 (https://kingcounty.gov/en/dept/local-services/governance-leadership/local-government-for-unincorporated-king-county/proposed-legislation-for-public-review.aspx)

The Joint Rural Area Team ***[*]*** has completed its review of the subject proposed materials and provides the following comments/recommendations.

1. The County officially states the following:

   "A proposed ordinance to amend regulations relating to code enforcement in King County Code Titles 9, 17, and 23 to streamline and provide clarity in the code enforcement process to shorten the time between initial complaint and resolution."

   Unfortunately, the proposal does far more than *"streamlining"* and *"providing clarity,"* rather it takes the teeth out of general code enforcement by removing responsibility for the County to defend our zoning codes and meet requirements of the Growth Management Act (GMA) to ensure the integrity of unincorporated areas and to set aside and to protect rural and resource lands—agricultural, forest, and mineral.

2. There are some elements of this proposal that would have positive effects. For example, we support the citation and civil penalty authorities in the ordinance, as well as increased fines, penalties and cost recovery. These levers are particularly important for nonresidential land-use violators.

3. There are proposed changes that essentially would end much code enforcement for zoning violations. These changes can be found on Lines 527-557 (and relate to existing **Title 23.02.050 Guidelines for departmental responses to complaints**). Section 8 addresses and describes *"High, Medium and Low priority complaints."* High and medium priority *"complaints"* involve things that present a direct threat of bodily harm or specific environmental damage, especially to surface water. Zoning code enforcement appears to fall under the definition of *"Low Risk,"* defined somewhat cryptically as *"non-emergent violations."* As an example, it is stated on Lines 549-557:

   ((~~3~~)) D. Low ((~~risk investigations needing response as time permits~~)) priority complaints include those in which a code violation has been alleged on a parcel which the person responsible will be provided with information regarding applicable code requirements and abatement actions, but no further investigation or enforcement action will be taken, ((including)) such as cases in which((~~:~~

~~a.~~)) the alleged violation is non-emergent, does not fit within the high ((~~risk~~)) priority or moderate ((~~risk~~)) priority categories and has ((~~only minor public~~)) limited off-site impacts ((~~; or~~)).
((~~b. the violation is an isolated incident.~~))

Such language means that, in the cases of zoning violations, DLS-Permitting would only send the violator a letter and take no further action, thus, no enforcement of zoning violations because they are *"non-emergent."* We do not recommend adoption of the *prioritization language* changes in this Section. Zoning code violations must be enforced, particularly for nonresidential violators—be they directly from a nonlegal land use, exceeding restrictions on a Temporary-, Conditional-, and Special-Use Permit (TUP/CUP/SUP), or violating provisions of Home Occupation/Home Industry (HO/HI) code—who should be *highly* prioritized to discourage future violators and reduce caseload over time. Conversion of rural lands to illegal nonresidential (e.g., commercial) uses only will increase without clear and certain enforcement. It is these violators who also ultimately cause the most harms to citizens and the environment as they are allowed to illegally operate and expand.

4. Throughout we see language changes, such as changing from *"investigations"* to *"complaints."* Existing Code states: *"High risk investigations…,"* while new language would state: *"High priority complaints…"* This is emblematic of a pervading culture in DLS-Permitting that refers to citizens reporting violations as the *"complainers"* or *"complainants,"* while referring to the violators as *"customers."* Such inaccurate language should be changed. The County relies on reporting and information from citizens to initiate and effectively implement code enforcement. Calling those who report on alleged violations *"complainants"* sets a negative tone and should be reworded with a more neutral term. The citizens of King County should also be treated as *"customers"* as well.

5. Line 347, regarding **Title 23.36.010 Administrative appeal - filing requirements**, removes the right of a *"complainant"* to appeal to the Hearing Examiner a director's decision to *not* issue a Notice and Orders, Citation, or Stop-Work Order. The County's reasoning provided in the common language description makes no sense:

   > *"Complainants have used this provision to continually appeal department decisions and extend the appeals process, which takes up considerable staff and hearing examiner resources. While rare, prior cases have demonstrated the potential for this provision to be used as a tool for harassment by complainants."*

   Truncating or eliminating public parts of, and public access to, the process is not appropriate. Ultimately, in the long run, this is self-destructive, in that, as the less the public is involved, the less it can hold the County accountable for its process or outcomes.

   Further, common citizens are not out to *"harass,"* but rather to ensure that existing County code in enforced! The Line 347 change would remove an important oversight mechanism and citizens' right to pursue accountability from the County and, thus, should not be recommended. Further, this change would have the most detrimental impact on disadvantaged communities, which often cannot afford to use the court system.

6. Line 368, regarding **Title 23.01.010 Name and purpose** *("Code Compliance")*:

   "B. It is the intention of the county to pursue code compliance actively and vigorously within the limits of available enforcement resources in order to protect…."

   patently states the County will *not* enforce Code, if strapped for resources. Such language allows the County to *renege* on its responsibilities to protect the health and safety of its citizens and their shared environment and should be removed. Watering down the Code to fit the budget is unacceptable and akin to stating the County will no longer maintain its roads and bridges, safety be damned, due to insufficient funds.

7. Lines 641-646, regarding **Title 23.02.070 Procedures when probable violation identified, H.**, while adding that: *"stop work orders should be issued within 2 days of 'discovery' of a violation in progress,"* it increases time before a Citation or Notice and Orders should be issued by referencing the timeline as starting when a violation has been *confirmed*, instead of from when a report of violation was *received*.

8. Line 647, regarding **Title 23.02.070 Procedures when probable violation identified, I.**, removes the requirement that the reporter of a violation be kept aware of any actions on the case. Existing language states the reporter must have such information mailed. Accountability and transparency is critical to public trust in the County's compliancy system, thus we recommend using email to communicate with reporters to save costs, as has been done for (alleged) violators.

9. Lines 664-665, regarding **Title 23.20.020 Effect (Citations)**, removes the clarification that *"Subsequent complaints shall be treated as new complaints for purposes of this section."* We have particular concern here in that DLS-Permitting has claimed in the past that one of the reasons code enforcement is so cumbersome is because Title 23 required the County to roll *new* violations on a specific parcel into an *existing* case, which caused the whole process to go back to square one. So, if a case had been progressing for a year and a *new* violation popped up, it was rolled into the *original* case and the whole case started over from day 1. But this was *not* true, as the requirement to roll in *new* violations is not part of Title 23, as clearly identified with the struck language. Unfortunately, here it appears the strikeout is intended to codify a Department practice, one which, if adopted, would make any compliance process far *more* cumbersome. Clearly, cases should not start over when new alleged violations on a parcel are reported. Those new cases should either be treated as duplicates of an existing case already in motion (and handled accordingly) or should be separately processed. Often these new cases for a parcel with an existing case arise because an illegal land use has not be properly enforced. Once the illegal land use goes away, the downstream impacts (i.e., violations) created by the use will typically be resolved.

In conclusion, we emphasize that our zoning laws define and protect our property rights and investments. Unfortunately, the proposed ordinance will impede the preservation of rural character and the protection of our natural resources including farmlands, forests, watersheds, salmon, open spaces, critical areas, wildlife habitat, and many other qualities provided by our rural areas.

Consequently, we call for not only the changes we have enumerated herein, but a rethinking of how the County can best handle its responsibilities under state law, rather than weaken its Code and, thus, its code-enforcement responsibilities.

Thank you for the opportunity to comment on proposed changes in King County Code Enforcement, an extremely important aspect of maintaining our quality of life and protecting our shared environment.

[*] Joint Rural Area Team:
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Friends of Sammamish Valley (FoSV)
Greater Maple Valley Unincorporated Area Council (GMVUAC)
Green River Coalition (GRC)
Green Valley/Lake Holm Association (GV/LHA)
Hollywood Hill Association (HHA)
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