

**CITY OF KIRKLAND  
HEARING EXAMINER FINDINGS,  
CONCLUSIONS, AND DECISION AND ORDER**

In the Matter of the Notice of  
Civil Violation Issued To

File Number:  
**COM19-00105**

**PAMLA A. WALLS**

by the City of Kirkland, Planning  
and Building Department

**Introduction**

The Planning and Building Department issued a Notice of Civil Violation to Pamla A. Walls for violation of the Kirkland Municipal Code ("KMC") 21.41.302.h, KMC 21.41.308.a, and KMC 115.115.5. The matter was heard by the undersigned Hearing Examiner on April 4, 2019 in the Council Chamber, City Hall, 123 Fifth Avenue, Kirkland, Washington. Pamla A. Walls appeared for the hearing. The Planning and Building Department ("Department") was represented by Cindy Keirse, Code Enforcement Officer. The Department's Memorandum, including ten attachments, are entered into the record as Exhibit A, additional photos provided at the hearing are entered as Exhibit B, and a screenshot from the King County Parcel Manager as Exhibit C. The Hearing Examiner determined that a site visit was not required.

For purposes of this decision, all section numbers refer to the Kirkland Municipal Code ("KMC" or "Code") unless otherwise indicated. Having considered the evidence in the record, the Examiner enters the following findings of fact, conclusions, and decision and order on the Notice of Civil Violation.

**Findings of Fact**

1. The subject property is addressed as 8708 NE 140th Street ("Property"), and is owned by Pamla A. Walls.
2. On February 2, 2019, the City received a complaint regarding inoperable vehicles and a recreational vehicle parked in a front yard of the Property. As a result of the complaint Cindy Keirse conducted research on the property concerning past citations, historical aerial photos to identify permitted driveway locations, and conducted a site visit on February 21, 2019 at which violations were observed. Exhibit A.
3. A second site visit was conducted on March 5, 2019. On that date Cindy Keirse conducted a site visit and observed an accumulation of junk and rubbish, an inoperable vehicle, and vehicles parked in required yards. Exhibit A.

4. On March 13, 2019, the City issued a Notice of Civil Violation with a Hearing date of April 4, 2019. Exhibit A.
5. On March 20, 2019, Pamla Walls called the City and requested to have additional time to address the violation. The City agreed that if the property could be brought into compliance within 48 hours the hearing would be cancelled.
6. On March 26, 2019, Cindy Keirseey conducted a site visit, and the property remained out of compliance in her observation. Junk and rubbish were still on the subject property, an inoperable vehicle remained, and parking was occurring outside of an approved driveway. Exhibit A.
7. At the hearing Pamla Walls testified that she has been working on cleaning up the property and identified a plan to address the remaining issues. Ms. Walls also raised the question that her driveway was allowed by King County, but did not provide any documentation to demonstrate adequate permitting, and did not show how that condition would be allowed under the Kirkland Code.
8. KMC 21.41.302.h provides:

Motor Vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises unless parked or stored in a building complying with the Kirkland Building Code. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work; provided, that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

9. KMC 21.41.308.a provides "Accumulation of Rubbish, Junk or Garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, junk or garbage."
10. KMC 115.115.5 controls driveways and parking areas.

### **Conclusions**

1. The Hearing Examiner has jurisdiction over this appeal pursuant to KMC 1.12.050.
2. The preponderance of the evidence in the record shows that Pamla A. Walls violated Kirkland Municipal Code 21.41.302.h, KMC 21.41.308.a, and KMC 115.115.5 for

maintaining an inoperable vehicle, an accumulation of garbage, and parking of vehicles in required yards on her property.

3. The preponderance of the evidence in the record shows that the fines assessed against Pamla A. Walls are reasonable, and have not been paid by Pamla A. Walls

### **Decision and Order**

The Notice of Civil Violation issued on March 13, 2019 to Pamla A. Walls is **AFFIRMED**.

In accordance with KMC 1.12.050(d)(2), it is ORDERED that:

1. Pamla A. Walls must immediately remove any inoperable vehicle, accumulation of junk or rubble from the Property, remove any vehicles parked in required yards, and to contact the City for approval.
2. Pamla A. Walls is assessed fines of \$200.00 per day from the date of the Notice of Civil Violation (March 13, 2019), which assessment shall continue until the violation is verified as corrected by the City, and all penalties that have accrued are paid.
3. Pamla A. Walls is assessed all related expenses for enforcement plus the cost of the hearing.
4. Pamla A. Walls is assessed all costs and expenses of the City, if any, for abatement of an ongoing violation pursuant to KMC 1.12.060(d).

Entered this 25<sup>th</sup> day of April, 2019.

  
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Ryan Vancil, Hearing Examiner

### **Concerning Further Review**

KMC 1.12.050.f provides that "An appeal of the decision the hearing examiner must be filed with superior court within 21 calendar days from the date the hearing examiner's decision was mailed to the person to whom the notice of civil violation was directed, or is thereafter barred."

**BEFORE THE HEARING EXAMINER  
CITY OF KIRKLAND**

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Findings, Conclusions, and Decision and Order** to each person listed below, or on the attached mailing list, in the matter of **Pamla A. Walls**, Hearing Examiner File: **COM19-00105**, in the manner indicated.

Party	Method of Service
<b>City</b> Cindy Keirse City of Kirkland Planning and Building Dept. 123 Fifth Ave Kirkland, WA 98033 ckeirse@kirklandwa.gov  Planning and Building Admin pbadmin@kirklandwa.gov	<input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Appellant</b> Pamla Walls 8708 NE 140 <sup>th</sup> St Kirkland WA 98034	<input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: April 25, 2019

  
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Alayna Johnson  
Legal Assistant