

Jack Venrick

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To: "AJack R. Venrick" <jacksranch@skynetbb.com>
Sent: Saturday, January 10, 2009 11:52 AM
Subject: Lechner Family - How King County Extorts & Harassess Private Property Owners

Sent: Tuesday, August 15, 2006 8:30 AM

Subject: How King County Extorts Land Owners

Thank you, Jack, for your kind words. Thank you, also, to all who have empathized and shown support during our difficulties with DDES.

Karl and Diana Lechner

This is a must read article forwarded by Norman MacLeod on how King County Executive Ron Sims and his Council plus the Department of Development and Environmental Service Stephanie Warden are extorting property owners. The League of Women Voters, WEC, Audubon, WA DNR, etc. all support this government insanity.

I know these people in the article below and they are the salt of the earth and have suffered unmeasuredly & unnecessarily. All the people in King County government and those who contribute to their own citizenry abuse and extortion should be in prison for what they have done to U.S.

The Lechners are only one of 30,000 King County property owner stories and these are only the people who have guts enough to stand up and fight back.

My guess is you can easily double this number of takings by King County.

Any person who goes before the King County DDES is taken, how many people is that?

As the article says, this decision to extort money from property owners and developers for permitting was never publicly approved. This was a back room decision. King County Council public comment sessions are a joke and a mere ceremony. These people do not represent U.S. anymore if they ever did, they represent only green groups in Seattle.

All of the King County Council and DDES need to be disbanded, they are corrupt and ineffectual. We need a new form of local property owner representation to make decisions in our own areas rather than this current political mess in Seattle. We need people with no stakes in politics, environmental extremism, building, campaign funding. We need property owners who serve short

term to represent U.S. not these political hacks in King County who have other agendas. We no longer need political parties to misrepresent U.S. and corrupt U.S.

We need to elect our own people close to home and represent us close to home. We need to remake our own government. We need to cut the umbilical cord of corruption in King County and start over with real people who have a stake in private property not a stake in taking away our property. We need to break up King County government dinosaur and get it out of Seattle and decentralize a new form of our own design into the rural areas where WE may represent and serve ourselves. Seattle is infested with the green stain of extreme environmentalism takings and extreme political takings.

No one in Seattle should tell rural property owners how to use their land.

Seattle city should be its own county and leave U.S. alone. Let the greens in Seattle eat up Seattle.

King County government has stolen our land, our money, our trust, our votes, our freedom and our liberty. How 15,000 people can work for such corrupt leadership is beyond me. Ignorance and apathy are the only pillars that hold up the administration of Executive Ron Sims and his

council and DDES.

The truth leaks out slowly like water through a crack in the dam. It is only a matter of time before property owners in King County and the contiguous counties get the word out and wash out this whole green administration. Once the green greed in King County is flushed out, one way or another, all the other counties will follow. Whether it takes a few years or a 100 years it does not matter, this type of county government cannot survive once the dam brakes and the flood of truth sweeps this type of green grope oppression away.

Jack Venrick Fed Up with Green Grope Rural Property Owner Enumclaw, WA a.. Main a.. Staff a.. Rates a.. Links a.. Contact Community News Since

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Edition Date: August 8, 2006 'We don't feel better, just better educated' by Jeanette Knutson Staff Writer Background Readers may recall the June 5, 2006, Woodinville Weekly story about a Carnation couple that applied for a permit to build a garage on their rental property along the Redmond-Fall City Road. The Lechners submitted their application to King County's Department of Development and Environmental Services (DDES) on July 29, 1999, not anticipating any problems in obtaining a permit since the garage was to be built on an existing foundation and existing slab that were present when they bought the house in 1972.

But problems they had, seven years' worth.

First, the Lechners were told that county overlay maps showed the house was in a floodplain, which meant a site visit would be necessary before a permit could be issued. Due to the department's backlog, however, they could not do a site visit for 13 weeks.

The Lechners believed they weren't in the floodplain.

They knew that their right to finish building the garage was "grandfathered in." They had the materials. They had a crew. It was getting toward the end of summer. The house roof was in bad shape and needed to be fixed before the fall rains began. They built the garage, with its roof adjoined to the house, documented their work with photos, and later hired a private engineer who inspected the work. If anything, the engineer deemed the garage "overbuilt." The county posted a stop-work order before the garage was complete. Builders got the roof on but no siding, no doors or windows.

Well over a year later, DDES said if the Lechners wanted a permit, they would have to apply for variance. Two years after that, the Lechners discovered the county's site map was nearly a century old. It incorrectly showed a creek flowing through the Lechners' backyard. At that time, DDES offered to update the site map - but for a

high fee.

In February 2004, the couple was served a summons and complaint: They were being sued by King County. The Lechners counter-claimed for expenses, and understandably so. The retired couple were billed for many hours by DDES at rates which have continually increased ever since 1999, for a variance permit the couple was later found not to need; for engineering costs to gather "wetland" information required for the unneeded variance; for penalties and interest. And on top of all that, King County placed a lien on their house. Moreover, the Lechners could not fetch fair-market value for their rental house since it had an attached garage with no siding, no doors and no windows.

The ordeal has all but depleted the retired couple's savings, as they have spent over \$30,000 on attorney fees and other related court costs, and it has diminished the earnings they expected from their rental property. It has damaged them financially and taken a toll on their lives, their spirits, their health; but the tribulation is now over.

Resolution On July 19, the Lechners got their building permit. They paid \$600 to have a private mediator settle their case with King County.

"We did not get a nickel back for our trouble," said Diana Lechner in a phone conversation.

They did not get reimbursed for their expenses, but for \$568.50, the final half of the amount owed on their building permit, they got a building permit for their simple two-car garage. Of course, they had to sign two notices on their title. One absolved King County from liability should someone buy the property and say something was wrong with the garage. The other said that they have sensitive areas on their property.

"If you have buttercups on your property," said Diana, "the county can claim you have a 'wetland.' Unless you live in downtown Duvall on the top of a hill, chances are DDES could claim you have a wetland on your property."

She bets most of those who have land in unincorporated King County, have so-called wetlands on their property - not because that many wetlands truly exist, but because designating land as such by the county makes it unbuildable and/or heavily regulated.

So the couple went to DDES to pay the second half of the permit fee and to submit the two notices on their title. They have one year in which to build their garage.

"Joelyn Higgins of DDES helped us," said Diana. "She seemed to understand our situation and was very helpful. She made it very easy, and I bet we were not in her cubicle 20 minutes. We told her we could have used her seven years ago."

Now that the Lechners have settled, they cannot sue the county again on this issue. Though they did not get their expenses back, they did not pay one penny more for the project than the original estimated fee for the building permit. The county had been demanding interest, penalties, fees and costs of engineering studies.

"We don't feel better," said Diana, "just better educated on how to handle a disagreement with DDES."

Here is the Lechners' advice: "If you must apply for a permit, consider hiring a permit specialist to walk you through the permitting procedure. Pay what the county asks. Go through their process.

If a problem arises, file a waiver to get fees back should a hearing examiner find in your favor. Also, file an appeal. Get back what you can.

Exhaust every administrative remedy you possibly can, even though it's painful. Avoid a lawyer at all costs because you pay whether you win or lose your case. Should you decide to take action against DDES, take the case outside King County to Snohomish County or Pierce County."

Other DDES issues Steve Hammond, who has been acting as a part-time rural advocate for the Citizens Alliance for Property Rights, said, "Obscene costs notwithstanding, the Lechners won. Nothing King County was trying to impose on them went through."

As for his role as rural advocate, Hammond said, "Cases are coming in faster than I can deal with them. People have to have patience. There is a lot of unrest, a lot of unhappiness over land use issues in King County."

Indeed. About 30,000 people who filed applications for building permits and land-use approvals with DDES after Aug. 8, 2000, are participating in a class-action lawsuit against King County about the

reasonableness and monitoring of DDES permitting-fee practices. The case is complex and has been going on for three years.

Bill H. Williamson, attorney for the plaintiffs, believes that permit applicants shouldn't have to foot the bill for DDES.

"There were no public meetings, no public hearings about this," he said. "Environmental groups, neighborhood groups, small businesses, individual property owners did not participate in the process to change the department's billing system. It was hatched by internal staff to make DDES solely independent. Permit fees pay for everything, but state law requires a reasonableness of fees. You can't capture all of your costs through applicant fees. (DDES) is supposed to be service-based.

"The current system is corrupt and abusive and lacks monitoring. It is unconstitutional and a violation of state statutes.

Government is passing through a large amount of indirect governmental costs to the consumer. We've been able to show that the King County Council, the Prosecutor's Office and the King County Executive passed through a percentage of their

budgets to permit applicants. That is an unlawful tax,"

said Williamson.

Stephanie Warden, director of DDES, said in a past interview that the total annual budget for DDES is \$30 million, 85 percent of which comes from permit fees paid by homeowners, builders and developers. Approximately 15 percent of the DDES budget comes from tax dollars. The tax dollars are used for non-permitting functions such as code enforcement and fire investigations. She said the department processes between 5,000 and 8,000 permits a year. Most go very smoothly; some of them don't.

"We do try to make it right," she said. "There are some cases (that are more difficult to resolve). It doesn't mean the entire system is flawed. We are committed to continue to work on the systems.

We're not perfect. We need to address the problems that have arisen in the past."

Warden also said as a result of the class-action lawsuit, the department has already applied fixes to quality control and transparency in billing issues.

Snohomish County Superior Court Judge James H.

Allendoerfer heard the class-action suit on June 16. Judge Allendoerfer has made a ruling, but Williamson does not know what the ruling is.

"King County filed a notice of removal to have the case moved to federal court, (saying it was a federal case having to do with federally protected rights)," said Williamson. "Apparently Judge Allendoerfer's ruling was sent with the notice. We filed a motion to remand the case (to Snohomish County Superior Court where it was originally heard). We feel King County was 'forum shopping.' (They didn't think they'd like the ruling from Judge Allendoerfer, so they tried to find another court to hear the case in hopes of getting a more favorable ruling.)"

Williamson said, "King County is the state's largest permitting jurisdiction. The plaintiffs feel good about their chances. They hope the judge finds the DDES billing system is unlawful and unconstitutional."