

Evans, Elizabeth

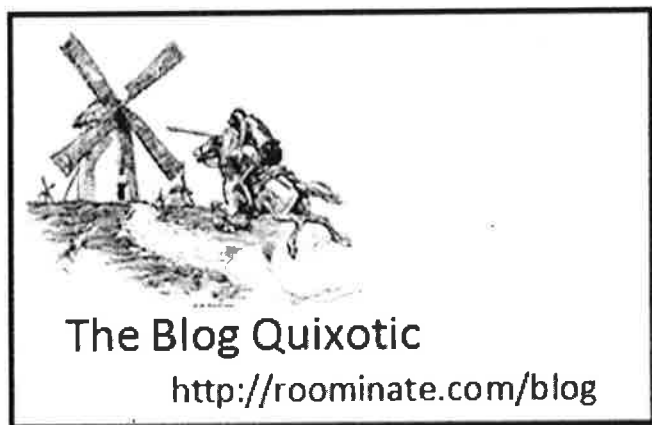
From: Evans, Elizabeth
Sent: Monday, October 13, 2014 10:21 AM
To: Dembowski, Rod
Subject: FW: Follow-up on Mr. Peter Sikov (Re: TEMP13-0006)

From: David Preston [mailto:preston.david@comcast.net]
Sent: Tuesday, October 15, 2013 3:13 PM
To: Rhyne, Paula
Cc: Dembowski, Rod
Subject: Re: Follow-up on Mr. Peter Sikov (Re: TEMP13-0006)

Thank you for your diligence, Paula. In future, I'll consider Mr. Gossett the lead guy on this and other issues specifically related to Skyway. As you say, he represents that area, though I'm told he shows up there primarily for photo ops. 😊

I've been working with some of the contracts people over at KCHCD, and one of these days I will be presenting the entire Council with all kinds of interesting information about people connected with the Skyway camp. But all in due time.

–David Preston



From: [Rhyne, Paula](#)
Sent: Tuesday, October 15, 2013 2:52 PM
To: [David Preston](#)
Cc: [Dembowski, Rod](#)
Subject: RE: Follow-up on Mr. Peter Sikov (Re: TEMP13-0006)

Hi David:

It was a pleasure to talk with you on the phone today. To recap what we talked about, I left a voicemail for Mr. Jon Stier with the Ombudsman's Office today to ask for an update on his review of the issues you raised. He called me back this

afternoon to let me know that he will absolutely have a response to you by Thursday. As a member of the Law, Justice, Health and Human Services Committee, Councilmember Dembowski is concerned about issues regarding housing and homelessness, but please note that Skyway area of King County is represented by Councilmember Gossett and he may have more specific information about this area.

If you have any additional questions or concerns, please do not hesitate to contact us.

Thanks,
Paula Rhyne

Paula Rhyne

*Legislative Aide & Director of Constituent Relations for
Councilmember Rod Dembowski
The Metropolitan King County Council, District 1*

This e-mail and any response to it constitute a public record and may be subject to public disclosure.

From: David Preston [<mailto:preston.david@comcast.net>]
Sent: Friday, October 11, 2013 4:05 PM
To: Stier, Jonathan
Cc: Starbard, John
Subject: Re: Follow-up on Mr. Peter Sikov (Re: TEMP13-0006)
Importance: High

Some additional information for you, Jonathan . . .

In addition to violating the RCW that specifies that homeless encampments aren't allowed on property for which back tax is owing, I believe Mr. Chan of DPER acted improperly in two other ways. First, he allowed Nickelsville onto the Skyway property without first applying for a permit and giving public notice, etc. and second, he did not justify his reason for doing so.

When one of the Skyway folks asked Mr. Chan why Nickelsville had been allowed to move onto the property without getting the permit first, he said: Because it was an emergency. Another squat they'd planned for had fallen through.

So I wrote him later and asked: How did you know that? What did you do to verify that it was emergency?

His answer: Because Scott Morrow and DCHS both told me so. (!)

Here's the text taken from the attached e-mail:

When I spoke to Mr. Morrow, he confirmed Nickelsville was moving to the Skyway property on September 1st as stated by DCHS. He also said a planned location had fallen through at the last minute as stated by DCHS. I received both of these facts independently from DCHS and Mr. Morrow. I did not receive details on why the planned location had fallen through.

I would point out that neither of the things Mr. Chan mentions (that Scott Morrow told him it was an emergency or that DCHS told him that Nickelsville was moving to Skyway on September 1st) constitutes anything like proof that there was an actual emergency. What *would* have constituted proof would be for Mr. Chan to have followed up with Mr. Morrow and asked him: "What was Plan A, Scott? and Why did it fall through? Can you give me a piece of paper or number to call so I can check that out?"

As far as the King County DCHS goes, that department has nothing to do with the question of whether Mr. Morrow's Plan A fell through, so Mr. Chan's reference to them is irrelevant.

Why is all this a problem? Why do I care so much? I care because, if you look at the facts of the matter, you will see that Mr. Morrow and Nickelsville are abusing the permitting system with the aid (knowing or otherwise) of County officials. Officials like Mr. Chan.

Here are some other facts to consider in this case, and I believe Mr. Chan is well aware of each of them. If not, then he doesn't watch TV or read the newspapers:

- **Nickelsville** had more than two months' warning that they had to leave the Highland Park property where they'd been squatting. Signs had been posted around the camp in late June ("Everyone has to be out of here by September"). There shouldn't have been anyone left to relocate by that time anyway, but let's suppose – as should be obvious – that a certain hard-core cadre of homeless people was determined to stay homeless and needed a place to squat. In the first place, hard-core homelessness is not an "emergency," but even if it were, two months was more than enough time for Mr. Morrow to have lined up space for the 30+ people who moved into the Skyway property on September 1st.
- The last time Nickelsville moved onto the Skyway property, they did the same thing: Just move on in and worry about the permit process and public notification later. Call it an "emergency" if that's what you have to do, but just get yourself on the property whatever it takes. This is Nickelsville's *modus operandi*. It's what they do. (I believe that fees and penalties were waived the last time they did this as well, but that's something you should look into while you're doing your research.)
- After being evicted from Highland Park, Nickelsville moved into its other two "neighborhoods" in Seattle using a similar tactic: No public notice; no permit application; nothing. As with the Skyway neighborhood, people in downtown Seattle were simply told: There's gonna be a Nickelsville here. Deal with it.

So please consider these additional facts as you're looking into this matter.

Nickelsville did not have an "emergency situation" that would have justified Mr. Chan letting them occupy the property in disregard of the process. And when I asked Mr. Chan: "So what was the big emergency?" he wasn't able to give me an answer, other than "Scott Morrow said so."

"Because Scott Morrow said so."

Tell me . . . what does that sound like to you?

–David Preston
206.768.809

P.S. If you go to my blog, on the front page (upper right hand), you can download a slideshow that shows how the Highland Park move-out looked from our perspective. Is that what awaits Skyway?

From: Stier, Jonathan
Sent: Thursday, October 10, 2013 2:53 PM
To: <mailto:preston.david@comcast.net>
Subject: RE: Follow-up on Mr. Peter Sikov (Re: TEMP13-0006)

Mr. Preston,

Thank you for contacting the Ombudsman's Office. I have been assigned to review your concerns. I will read the code provisions at issue, and your correspondence with county personnel. I expect to be able to respond to you substantively in about a week. Thank you for your patience in the meantime.

Jon Stier

Jonathan T. Stier | Senior Deputy Ombudsman | King County Ombudsman's Office | 516 Third Ave, Ste. W1039 | Seattle, WA 98104 | 206-477-1059 Phone | 206-296-0948 Fax

From: David Preston [<mailto:preston.david@comcast.net>]
Sent: Thursday, October 10, 2013 10:41 AM
To: OmbudsMail
Cc: kcexec@kingcounty.gov; Dembowski, Rod; Chan, Jim; Starbard, John; Thompson, Mark-Treasury; Hara, Lloyd; Roe, Stan; Miklethun, Shelby
Subject: Fw: Follow-up on Mr. Peter Sikov (Re: TEMP13-0006)
Importance: High

Mr. Steve Birge
King County Ombudsman's Office

October 10, 2013

Dear Steve:

Hi. Remember me? We talked about the SHARE/King County contract a while back and, based on that conversation, I learned a lot about what your office does. I want to thank you for that.

Anyway, this time I think I have a fish on the line. I've been asking various people at King County to supply me with an answer to the following question, but after weeks of trying to get a clear and comprehensive answer, I have not yet gotten one. So that's where I'm hoping you can help out.

Recently the **Department of Planning and Environmental Review (DPER)** granted a temporary use permit for a homeless encampment to a King County property owner, Mr. Peter Sikov, who is some three years behind on his property tax. So I began asking around at the County to find out how this could have happened. The question I put to people was this:

How could a property owner who owes back taxes on a property even be considered for a temporary use permit on that property?

Now, in fairness, I must say that it's not like County officials simply ignored me. They didn't do that, at least not at first. For example, when I asked **Jim Chan** of DPER to cite me the law that applied, he *did* cite the law. But then, when I pointed out that the law he cited clearly *requires* the property owner to be up to date on

taxes, he waffled, telling me that I was misinterpreting the law and that it really means something other than what it appears to.

I've included Mr. Chan's explanation as an attachment to this e-mail, but for right now, please just read the law for yourself, below. It clearly says that Homeless Encampments, 21A.45 –a subsection of 21A– require that a property owner be up to date on taxes.)

When I pressed with the matter with him and others, I got a call from Mark Thompson at the Treasurer's Office, who explained to me, among other things, that the permit must've been granted as a "Section 1" or "Title 1" –something like that. I don't think that was Mr. Thompson's area of expertise. In any case, I told him that I didn't know what a "Section 1" was and would still need some follow-up on that, but nobody's followed up with me yet and it's been two weeks.

So I guess it's at your level now. Please look into this and have someone get back in touch with me and explain to me how it is that Mr. Sikov and Nickelsville were granted this permit in what appears to be a clear violation of the RCW. If the answer is "Dow Constantine did an executive override on this one," or some such thing, just be up-front with me and tell me that. But please don't try to redefine the English language or cite some obscure provision of the law . . . unless you can spell out for me exactly how it applies to this case.

I would also add that if the County has erred on this it is better for them to admit that to me now, because then I will be somewhat understanding. But if they've erred and refuse to admit it, and I can catch them out at it, there will be some consequences.

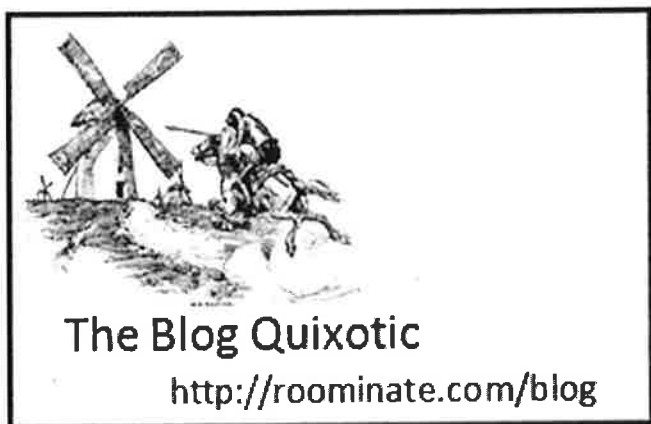
If you are unclear about what I'm asking here, please contact me at once. Thank you!

Regards,



David Preston
206.768.8090

The Blog Quixotic



From: [David Preston](#)
Sent: Monday, September 30, 2013 6:28 PM
To: [Dembowski, Rod](#)
Cc: [Chan, Jim](#) ; [Lux, Sheryl](#) ; kcexec@kingcounty.gov ; [John Starbard](#) ; assessor.info@kingcounty.gov
Subject: Follow-up on Mr. Peter Sikov

Hi, Rod. You know, I never *did* get a response back from the King County Executive's office on this. It's been nearly three weeks now . . . Do you think maybe you should ring them again?

As you know, I had a discussion with Mr. Chan of the **Dept. of Permitting and Environmental Review** on this, but I was not satisfied with his answer. He seemed to feel there was some kind of exception for permitting homeless camps, but he couldn't point out to me where in the law that exception is codified.

Specifically, I want to know where the law says a landowner (such as Mr. Peter Sikov, in Skyway) can apply for a temporary use permit to put a homeless camp on his land when he owes back taxes on that land. My reading of the permitting code is that a landowner must be up-to-date on his taxes if he wants a permit for a homeless camp. (See below.)

4.68 NONDELINQUENT PROPERTY TAX CERTIFICATION

Sections:

- 4.68.010 Certification of nondelinquent property tax account required for building and land development permits.
- 4.68.020 Application of chapter.

4.68.010 Certification of nondelinquent property tax account required for building and land development permits. The applicant for any of the permits listed below shall be required to provide certification from the manager of the finance and business operations division that property taxes for the subject property are not delinquent prior to county issuance of said permit. The certification shall be obtained by the applicant from the manager of the finance and business operations division. (Ord. 14199 § 109, 2001; Ord. 12076 § 56, 1995).

4.68.020 Application of chapter. This chapter shall apply to the following county permits:

- A. Building permits authorized by Title 16;
- B. Reclassification permits authorized by Title 21A;
- C. Subdivisions permits authorized by Title 19;
- D. Short subdivisions permits authorized by Title 19;
- E. Shoreline development permits authorized by Title 25;
- F. Grading permits authorized by Title 16;
- G. Condominium conversion permits authorized by Title 20;
- H. Demolition permits authorized by Title 16;
- I. Right-of-way use permits authorized by Title 6;
- J. Septic tank permits authorized by Title 13. (Ord. 11792 § 2, 1995; Ord. 5284 § 2, 1981).

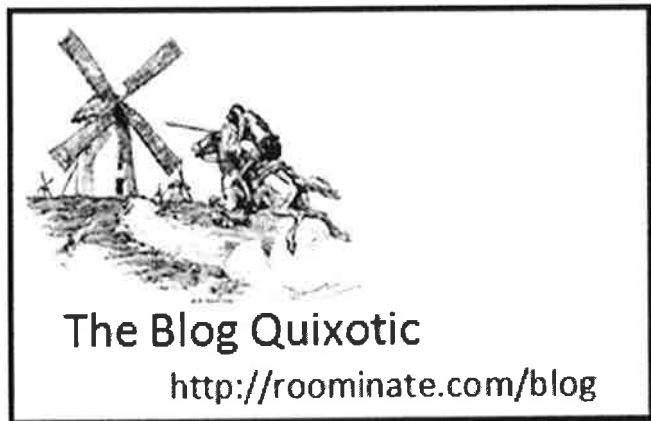
Homeless encampments come under section **21A.45**, so clearly, they are included in the list of things that are NOT allowed for property owners who owe back taxes.

I'd also like to know just what King County's plan for collecting back taxes from Mr. Sikov is. My understanding is that this guy owes quite a bit of taxes on several different properties in the County.

Please contact me within the next few days. If you're not able to do that, I'll have to go ahead and contact the County Ombudsman on this.

Thanks.

—David Preston
206.768.8090



-----Original Message-----

From: Dembowski, Rod

Sent: Thursday, September 12, 2013 5:33 PM

To: David Preston

Cc: Chan, Jim ; Bob Ferguson ; Lux, Sheryl ; kcexec@kingcounty.gov

Subject: Re: Peter Sikov: Soon to be a household name?

Thanks for your email and questions. I visited the site last week and I'm familiar with its conditions. I'm concerned about the lack of running water. I'm concerned about the families with children that I visited with on-site. And I am concerned about potential impacts to neighbors. Obviously these encampments are not an ideal way to address the homelessness challenge facing our community.

By copy of this email, I am referring your questions regarding code enforcement to the King County executive's office who oversees these enforcement issues. I am asking the executive to copy me on his response to you.

Thanks for writing,

Rod Dembowski
King County Councilmember
206.296.1001

On Sep 12, 2013, at 5:17 PM, "David Preston" <preston.david@comcast.net> wrote:

> Greetings, Mr. Dembowski:

>

> I'm not sure how I got onto your e-mail list, but I just got an e-mail notice from you about a Property Tax Town Hall Meeting in Lake Forest Park. I don't live near LFP, but I am a King County Resident, and I do have a property tax issue I'd like to raise with you and Mr. Hara.

>

> I'll try this out on you first, and if I can't get any traction, I'll bring the issue up in a town meeting, whenever it comes to my neck of the woods, here on the south side . . .

>

> In the meantime, I may bring this issue up on my West Seattle-based news blog.

>

> I may also resort to the courts, should that become necessary. I hope it won't.

>

> My issue is this:

>

> Last night, Mr. James Chan, of the King County Department of Permitting (DPER), told a meeting of Skyway neighbors that his department was (probably) going to grant a temporary land use permit to a group of homeless people calling themselves "Nickelsville." (See the attachment.)

>

> Mr. Chan told us that he would be granting the permit despite the fact that the group had already moved onto the property without notifying the neighborhood first and despite the fact that the property owner, a certain Peter Sikov, is two years and \$15,000 in arrears on this property tax on this one parcel alone.

>

> Beyond his unwillingness to pay property tax, Mr. Sikov appears to be somewhat of a "slumlord." You can find some news stories about properties he manages at the following links:

>

>

> <http://www.seattlepi.com/local/article/County-s-mentally-ill-fade-into-the-system-1291674.php>

>

> <http://www.capitolhillseattle.com/2012/07/capitol-hills-transitional-homes-offer-second-chances/>

>

> <http://www.thestranger.com/seattle/house-of-blues/Content?oid=20428>

>

> <http://q13fox.com/2013/04/18/renter-fears-disease-health-problems-following-sewage-backup/#axzz2eVUC3XoS>

>

> <http://mynorthwest.com/11/2230270/Everett-firefighter-investigated-as-items-from-burned-down-building-end-up-for-sale-online>

>

> Mr. Chan assured the Skyway group that, for this particular use – a homeless encampment – DPER does not require that the owner be up-to-date on his property taxes. That seems wrong to me, but I'll be following up on that separately with Mr. Chan. For right now, I'd like to know why the County has not engaged in more serious enforcement actions with Mr. Sikov. Mr. Sikov is, after all, a wealthy real estate owner who owns several parcels of land. If anyone can afford to pay his taxes, it's him. I'm hoping that the County would be no less stringent with a millionaire real-estate investor like Mr. Sikov than it would be with a middle-class homeowner like me.

>

> Please get back to me and tell me what your specific enforcement plan is with regard to Mr. Sikov, and please understand that I may make your response (or lack thereof) public through my blog.

>
> Thank you!
>
>
> -David Preston
> The Blog Quixotic<<http://roominate.com/blog>>
> 206.768.8090
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> <BQ.fw[1].png>
> <NV_Skyway_Camping_Application.jpg>

Evans, Elizabeth

From: Evans, Elizabeth
Sent: Monday, October 13, 2014 10:17 AM
To: Dembowski, Rod
Subject: FW: Follow-up on Mr. Peter Sikov (Re: TEMP13-0006)

From: Stier, Jonathan
Sent: Friday, October 18, 2013 4:08 PM
To: 'David Preston'
Cc: Rhyne, Paula; Dembowski, Rod; Starbard, John; Chan, Jim; kcexec@kingcounty.gov
Subject: RE: Follow-up on Mr. Peter Sikov (Re: TEMP13-0006)

David,

Thank you for the phone conversation earlier today regarding your October 10 complaint to the Ombudsman's Office. I'm glad we were able to talk before I send this message.

As I explained today, I have reviewed your concerns about the King County Department of Permitting and Environmental Review (DPER) interpretation of "reclassification" in KCC 4.68.020. Here is my understanding of the disagreement: You believe that the grant of a temporary use permit to a homeless encampment is, clearly and on its face, a reclassification. If that is so, you argue that King County Code Title 21A would apply, and thus DPER could not have lawfully granted the permit if property taxes on the subject property are delinquent. Mr. Chan of DPER argued that the presence of the term "reclassification" in the KCC 4.68.020 is a remnant of the old Title 21 zoning code, and is not defined in the newer Title 21A that replaced it. Mr. Chan argued that temporary use permits do not change zoning classifications, that KCC 21A.45 (governing homeless encampments) does not discuss or provide for zoning reclassifications, and therefore the non-delinquency requirement does not apply.

Based on my research to date, it appears that the "remnant" status of the term "reclassification" in KCC 4.68.020 creates an ambiguity in the code. Administrative agencies at all levels of government are routinely given deference by courts to interpret laws and rules that those agencies administer. An agency interpretation of an ambiguous term does not have to be the only possible interpretation, or even the most rational. It has to be reasonable. Courts will generally uphold an agency's interpretation of an ambiguous legal term even if other more-compelling interpretations exist.

In this instance, you have articulated an interpretation of "reclassification" that seems reasonable to me based on the information that you and DPER have discussed. As I explained, DPER also appears to have interpreted that term in a reasonable way. Given the deference normally accorded agency interpretations of ambiguous terms in the statutes they administer, DPER appears to have lawfully issued the temporary use permit even if the property taxes were delinquent.

In our conversation, you indicated that you wanted to do further research into the use of the term "reclassification" in the code, and that the results of that research could have a bearing on my conclusions to date. Please do feel free to let me know if you find information that could change my analysis.

On October 11, the day after your initial complaint to our office, you followed up by email with another issue regarding whether DPER legitimately found an "emergency" and allowed the homeless encampment onto the Skyway property before a permit was issued. As we discussed today, I have not yet had time to research that issue, but will do so and get back to you about it as soon as I can. Feel free to contact me in the meantime.

Thank you for contacting the Ombudsman's Office.

Jon Stier

Jonathan T. Stier | Senior Deputy Ombudsman | King County Ombudsman's Office | 516 Third Ave, Ste. W1039 | Seattle, WA 98104 | 206-477-1059 Phone | 206-296-0948 Fax

From: David Preston [<mailto:preston.david@comcast.net>]
Sent: Friday, October 11, 2013 4:05 PM
To: Stier, Jonathan
Cc: Starbard, John
Subject: Re: Follow-up on Mr. Peter Sikov (Re: TEMP13-0006)
Importance: High

Some additional information for you, Jonathan . . .

In addition to violating the RCW that specifies that homeless encampments aren't allowed on property for which back tax is owing, I believe Mr. Chan of DPER acted improperly in two other ways. First, he allowed Nickelsville onto the Skyway property without first applying for a permit and giving public notice, etc. and second, he did not justify his reason for doing so.

When one of the Skyway folks asked Mr. Chan why Nickelsville had been allowed to move onto the property without getting the permit first, he said: Because it was an emergency. Another squat they'd planned for had fallen through.

So I wrote him later and asked: How did you know that? What did you do to verify that it was emergency?

His answer: Because Scott Morrow and DCHS both told me so. (!)

Here's the text taken from the attached e-mail:

When I spoke to Mr. Morrow, he confirmed Nickelsville was moving to the Skyway property on September 1st as stated by DCHS. He also said a planned location had fallen through at the last minute as stated by DCHS. I received both of these facts independently from DCHS and Mr. Morrow. I did not receive details on why the planned location had fallen through.

I would point out that neither of the things Mr. Chan mentions (that Scott Morrow told him it was an emergency or that DCHS told him that Nickelsville was moving to Skyway on September 1st) constitutes anything like proof that there was an actual emergency. What *would* have constituted proof would be for Mr. Chan to have followed up with Mr. Morrow and asked him: "What was Plan A, Scott? and Why did it fall through? Can you give me a piece of paper or number to call so I can check that out?"

As far the King County DCHS goes, that department has nothing to do with the question of whether Mr. Morrow's Plan A fell through, so Mr. Chan's reference to them is irrelevant.

Why is all this a problem? Why do I care so much? I care because, if you look at the facts of the matter, you will see that that Mr. Morrow and Nickelsville are abusing the permitting system with the aid (knowing or otherwise) of County officials. Officials like Mr. Chan.

Here are some other facts to consider in this case, and I believe Mr. Chan is well aware of each of them. If not, then he doesn't watch TV or read the newspapers:

- **Nickelsville** had more than two months' warning that they had to leave the Highland Park property where they'd been squatting. Signs had been posted around the camp in late June ("Everyone has to be out of here by September"). There shouldn't have been anyone left to relocate by that time anyway, but let's suppose – as should be obvious – that a certain hard-core cadre of homeless people was determined to stay homeless and needed a place to squat. In the first place, hard-core homelessness is not an "emergency," but even if it were, two months was more than enough time for Mr. Morrow to have lined up space for the 30+ people who moved into the Skyway property on September 1st.
- The last time Nickelsville moved onto the Skyway property, they did the same thing: Just move on in and worry about the permit process and public notification later. Call it an "emergency" if that's what you have to do, but just get yourself on the property whatever it takes. This is Nickelsville's *modus operandi*. It's what they do. (I believe that fees and penalties were waived the last time they did this as well, but that's something you should look into while you're doing your research.)
- After being evicted from Highland Park, Nickelsville moved into its other two "neighborhoods" in Seattle using a similar tactic: No public notice; no permit application; nothing. As with the Skyway neighborhood, people in downtown Seattle were simply told: There's gonna be a Nickelsville here. Deal with it.

So please consider these additional facts as you're looking into this matter.

Nickelsville did not have an "emergency situation" that would have justified Mr. Chan letting them occupy the property in disregard of the process. And when I asked Mr. Chan: "So what was the big emergency?" he wasn't able to give me an answer, other than "Scott Morrow said so."

"Because Scott Morrow said so."

Tell me . . . what does that sound like to you?

–David Preston
206.768.809

P.S. If you go to my blog, on the front page (upper right hand), you can download a slideshow that shows how the Highland Park move-out looked from our perspective. Is that what awaits Skyway?

From: Stier, Jonathan
Sent: Thursday, October 10, 2013 2:53 PM
To: <mailto:preston.david@comcast.net>
Subject: RE: Follow-up on Mr. Peter Sikov (Re: TEMP13-0006)

Mr. Preston,

Thank you for contacting the Ombudsman's Office. I have been assigned to review your concerns. I will read the code provisions at issue, and your correspondence with county personnel. I expect to be able to respond to you substantively in about a week. Thank you for your patience in the meantime.

Jon Stier

Jonathan T. Stier | Senior Deputy Ombudsman | King County Ombudsman's Office | 516 Third Ave, Ste. W1039 | Seattle, WA 98104 | 206-477-1059 Phone | 206-296-0948 Fax

From: David Preston [<mailto:preston.david@comcast.net>]
Sent: Thursday, October 10, 2013 10:41 AM
To: OmbudsMail
Cc: kcexec@kingcounty.gov; Dembowski, Rod; Chan, Jim; Starbard, John; Thompson, Mark-Treasury; Hara, Lloyd; Roe, Stan; Miklethun, Shelby
Subject: Fw: Follow-up on Mr. Peter Sikov (Re: TEMP13-0006)
Importance: High

Mr. Steve Birge
King County Ombudsman's Office

October 10, 2013

Dear Steve:

Hi. Remember me? We talked about the SHARE/King County contract a while back and, based on that conversation, I learned a lot about what your office does. I want to thank you for that.

Anyway, this time I think I have a fish on the line. I've been asking various people at King County to supply me with an answer to the following question, but after weeks of trying to get a clear and comprehensive answer, I have not yet gotten one. So that's where I'm hoping you can help out.

Recently the **Department of Planning and Environmental Review (DPER)** granted a temporary use permit for a homeless encampment to a King County property owner, Mr. Peter Sikov, who is some three years behind on his property tax. So I began asking around at the County to find out how this could have happened. The question I put to people was this:

How could a property owner who owes back taxes on a property even be considered for a temporary use permit on that property?

Now, in fairness, I must say that it's not like County officials simply ignored me. They didn't do that, at least not at first. For example, when I asked **Jim Chan** of DPER to cite me the law that applied, he *did* cite the law. But then, when I pointed out that the law he cited clearly *requires* the property owner to be up to date on taxes, he waffled, telling me that I was misinterpreting the law and that it really means something other than what it appears to.

I've included Mr. Chan's explanation as an attachment to this e-mail, but for right now, please just read the law for yourself, below. It clearly says that Homeless Encampments, 21A.45 – a subsection of 21A– require that a property owner be up to date on taxes.)

When I pressed with the matter with him and others, I got a call from Mark Thompson at the Treasurer's Office, who explained to me, among other things, that the permit must've been granted as a "Section 1" or

"Title 1" –something like that. I don't think that was Mr. Thompson's area of expertise. In any case, I told him that I didn't know what a "Section 1" was and would still need some follow-up on that, but nobody's followed up with me yet and it's been two weeks.

So I guess it's at your level now. Please look into this and have someone get back in touch with me and explain to me how it is that Mr. Sikov and Nickelsville were granted this permit in what appears to be a clear violation of the RCW. If the answer is "Dow Constantine did an executive override on this one," or some such thing, just be up-front with me and tell me that. But please don't try to redefine the English language or cite some obscure provision of the law . . . unless you can spell out for me exactly how it applies to this case.

I would also add that if the County has erred on this it is better for them to admit that to me now, because then I will be somewhat understanding. But if they've erred and refuse to admit it, and I can catch them out at it, there will be some consequences.

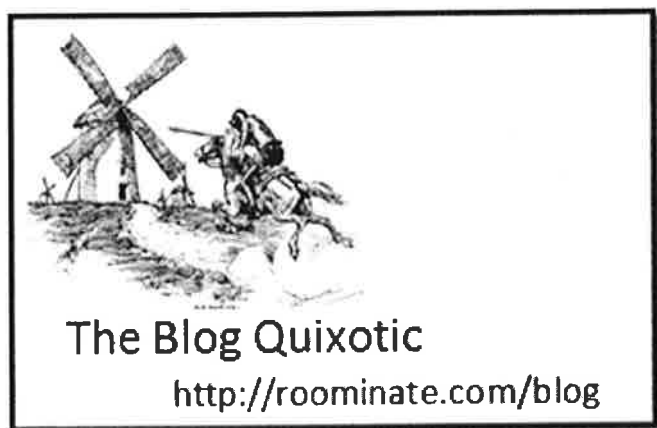
If you are unclear about what I'm asking here, please contact me at once. Thank you!

Regards,



David Preston
206.768.8090

[The Blog Quixotic](#)



From: [David Preston](#)
Sent: Monday, September 30, 2013 6:28 PM
To: [Dembowski, Rod](#)
Cc: [Chan, Jim](#) ; [Lux, Sheryl](#) ; kcexec@kingcounty.gov ; [John Starbard](#) ; assessor.info@kingcounty.gov
Subject: Follow-up on Mr. Peter Sikov

Hi, Rod. You know, I never *did* get a response back from the King County Executive's office on this. It's been nearly three weeks now . . . Do you think maybe you should ring them again?

As you know, I had a discussion with Mr. Chan of the **Dept. of Permitting and Environmental Review** on this, but I was not satisfied with his answer. He seemed to feel there was some kind of exception for permitting homeless camps, but he couldn't point out to me where in the law that exception is codified.

Specifically, I want to know where the law says a landowner (such as Mr. Peter Sikov, in Skyway) can apply for a temporary use permit to put a homeless camp on his land when he owes back taxes on that land. My reading of the permitting code is that a landowner must be up-to-date on his taxes if he wants a permit for a homeless camp. (See below.)

4.68 NONDELINQUENT PROPERTY TAX CERTIFICATION

Sections:

- 4.68.010 Certification of nondelinquent property tax account required for building and land development permits.
- 4.68.020 Application of chapter.

4.68.010 Certification of nondelinquent property tax account required for building and land development permits. The applicant for any of the permits listed below shall be required to provide certification from the manager of the finance and business operations division that property taxes for the subject property are not delinquent prior to county issuance of said permit. The certification shall be obtained by the applicant from the manager of the finance and business operations division. (Ord. 14199 § 109, 2001; Ord. 12076 § 56, 1995).

4.68.020 Application of chapter. This chapter shall apply to the following county permits:

- A. Building permits authorized by Title 16;
- B. Reclassification permits authorized by Title 21A;
- C. Subdivisions permits authorized by Title 19;
- D. Short subdivisions permits authorized by Title 19;
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- G. Condominium conversion permits authorized by Title 20;
- H. Demolition permits authorized by Title 16;
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- J. Septic tank permits authorized by Title 13. (Ord. 11792 § 2, 1995; Ord. 5284 § 2, 1981).

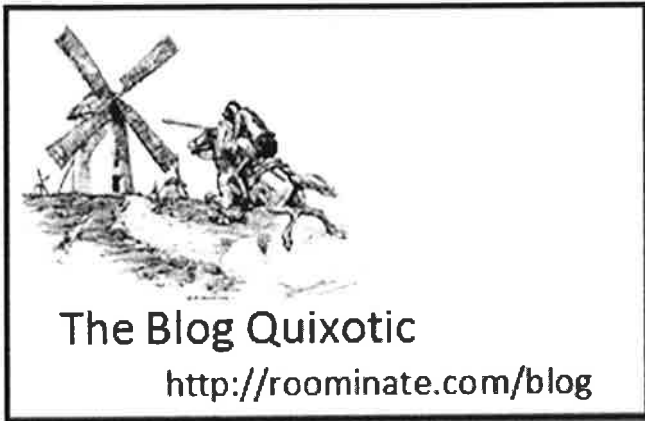
Homeless encampments come under section **21A.45**, so clearly, they are included in the list of things that are NOT allowed for property owners who owe back taxes.

I'd also like to know just what King County's plan for collecting back taxes from Mr. Sikov is. My understanding is that this guy owes quite a bit of taxes on several different properties in the County.

Please contact me within the next few days. If you're not able to do that, I'll have to go ahead and contact the County Ombudsman on this.

Thanks.

-David Preston
206.768.8090



-----Original Message-----

From: Dembowski, Rod
Sent: Thursday, September 12, 2013 5:33 PM
To: David Preston
Cc: Chan, Jim ; Bob Ferguson ; Lux, Sheryl ; kcexec@kingcounty.gov
Subject: Re: Peter Sikov: Soon to be a household name?

Thanks for your email and questions. I visited the site last week and I'm familiar with its conditions. I'm concerned about the lack of running water. I'm concerned about the families with children that I visited with on-site. And I am concerned about potential impacts to neighbors. Obviously these encampments are not an ideal way to address the homelessness challenge facing our community.

By copy of this email, I am referring your questions regarding code enforcement to the King County executive's office who oversees these enforcement issues. I am asking the executive to copy me on his response to you.

Thanks for writing,

Rod Dembowski
King County Councilmember
206.296.1001

On Sep 12, 2013, at 5:17 PM, "David Preston" <preston.david@comcast.net> wrote:

> Greetings, Mr. Dembowski:

>

> I'm not sure how I got onto your e-mail list, but I just got an e-mail notice from you about a Property Tax Town Hall Meeting in Lake Forest Park. I don't live near LFP, but I am a King County Resident, and I do have a property tax issue I'd like to raise with you and Mr. Hara.

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> I'll try this out on you first, and if I can't get any traction, I'll bring the issue up in a town meeting, whenever it comes to my neck of the woods, here on the south side . . .

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> In the meantime, I may bring this issue up on my West Seattle-based news blog.
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> My issue is this:
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> Last night, Mr. James Chan, of the King County Department of Permitting (DPER), told a meeting of Skyway neighbors that his department was (probably) going to grant a temporary land use permit to a group of homeless people calling themselves "Nickelsville." (See the attachment.)
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> Mr. Chan told us that he would be granting the permit despite the fact that the group had already moved onto the property without notifying the neighborhood first and despite the fact that the property owner, a certain Peter Sikov, is two years and \$15,000 in arrears on this property tax on this one parcel alone.
>
> Beyond his unwillingness to pay property tax, Mr. Sikov appears to be somewhat of a "slumlord." You can find some news stories about properties he manages at the following links:
>
>
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>
> <http://www.capitolhillseattle.com/2012/07/capitol-hills-transitional-homes-offer-second-chances/>
>
> <http://www.thestranger.com/seattle/house-of-blues/Content?oid=20428>
>
> <http://q13fox.com/2013/04/18/renter-fears-disease-health-problems-following-sewage-backup/#axzz2eVUC3XoS>
>
> <http://mynorthwest.com/11/2230270/Everett-firefighter-investigated-as-items-from-burned-down-building-end-up-for-sale-online>
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> Mr. Chan assured the Skyway group that, for this particular use – a homeless encampment – DPER does not require that the owner be up-to-date on his property taxes. That seems wrong to me, but I'll be following up on that separately with Mr. Chan. For right now, I'd like to know why the County has not engaged in more serious enforcement actions with Mr. Sikov. Mr. Sikov is, after all, a wealthy real estate owner who owns several parcels of land. If anyone can afford to pay his taxes, it's him. I'm hoping that the County would be no less stringent with a millionaire real-estate investor like Mr. Sikov than it would be with a middle-class homeowner like me.
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> Please get back to me and tell me what your specific enforcement plan is with regard to Mr. Sikov, and please understand that I may make your response (or lack thereof) public through my blog.
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> Thank you!
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> The Blog Quixotic<<http://roominate.com/blog>>
> 206.768.8090
>

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> <BQ.fw[1].png>
> <NV_Skyway_Camping_Application.jpg>

Evans, Elizabeth

From: Evans, Elizabeth
Sent: Monday, October 13, 2014 10:15 AM
To: Dembowski, Rod
Subject: FW: Thanks!

From: David Preston [mailto:preston.david@comcast.net]
Sent: Thursday, September 12, 2013 6:02 PM
To: Dembowski, Rod
Subject: Thanks!

Excellent, Rod! It sounds like you might be one of the few politicians who really gets this issue.

I myself am very engaged on the problem of poverty and homelessness, but I believe that government and citizens *should* be coming together to address it, rather than handing it over to any old non-profit group that claims to be finding homes for homeless people (but can't seem to show any results for all the money spent).

If you'll commit to doing the right thing on this and sticking with it – as I have – you won't be sorry.

Good karma.

–David Preston

-----Original Message-----

From: Dembowski, Rod
Sent: Thursday, September 12, 2013 5:33 PM
To: David Preston
Cc: Chan, Jim ; Bob Ferguson ; Lux, Sheryl ; kcexec@kingcounty.gov
Subject: Re: Peter Sikov: Soon to be a household name?

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>

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>

> <http://www.thestranger.com/seattle/house-of-blues/Content?oid=20428>

>

> <http://q13fox.com/2013/04/18/renter-fears-disease-health-problems-following-sewage-backup/#axzz2eVUC3XoS>

>

> <http://mynorthwest.com/11/2230270/Everett-firefighter-investigated-as-items-from-burned-down-building-end-up-for-sale-online>

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> [BQ.fw]
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> <NV_Skyway_Camping_Application.jpg>

Evans, Elizabeth

From: Evans, Elizabeth
Sent: Monday, October 13, 2014 10:15 AM
To: Dembowski, Rod
Subject: FW: Questions regarding the Nickelsville Skyway Temp Use Permit (TEMP13-0006)
Attachments: photo.JPG

From: Chan, Jim
Sent: Tuesday, September 17, 2013 9:33 AM
To: David Preston
Cc: Dembowski, Rod
Subject: RE: Questions regarding the Nickelsville Skyway Temp Use Permit (TEMP13-0006)

Mr. Preston –

The term “Reclassification” is a remnant of the old zoning code Title 21. It was defined as a change in the zoning classification of a property (see photo of the old code attached). A temporary use permit for homeless encampment is not a change in the zoning classification of the property, therefore 4.68.020 does not apply.

When I spoke to Mr. Morrow, he confirmed Nickelsville was moving to the Skyway property on September 1st as stated by DCHS. He also said a planned location had fallen through at the last minute as stated by DCHS. I received both of these facts independently from DCHS and Mr. Morrow. I did not receive details on why the planned location had fallen through.

Thank you,

Jim Chan, Assistant Director for Permitting
King County
Department of Permitting and Environmental Review
35030 S.E. Douglas Street, Suite 210
Snoqualmie, WA 98065
Phone: (206) 477-0385

From: David Preston [<mailto:preston.david@comcast.net>]
Sent: Monday, September 16, 2013 8:01 PM
To: Chan, Jim
Cc: Dembowski, Rod
Subject: Re: Questions regarding the Nickelsville Skyway Temp Use Permit (TEMP13-0006)
Importance: High

Thanks for answering my questions so promptly, Jim. You get extra credit points for that. However, as I read the regulations as you quote them below, the proposed Nickelsville encampment on unincorporated King County land (in Skyway) should NOT have qualified for exemption from the requirement that the property be current on taxes. I quote, in pertinent part:

The applicant for any of the permits listed below shall be required to provide certification from the manager of the finance and business operations division that property taxes for the subject property are not delinquent prior to county issuance of said permit. The certification shall be obtained by the applicant from the manager of the finance and business operations division. (Ord. 14199 § 109, 2001; Ord. 12076 § 56, 1995).

4.68.020 Application of chapter. This chapter shall apply to the following county permits:

- A. Building permits authorized by Title 16;
- B. Reclassification permits authorized by Title 21A;
- C. Subdivisions permits authorized by Title 19;

Tell me, is the Title 21A subsection you quoted me below (Section 21A.45 Homeless Encampments) part of some *different* 21A than the 21A mentioned above? 😊

Again, unless I'm missing something, it appears that you should NOT have exempted the Nickelsville application for this property because it DOES, in fact, fall within the category of those uses where property tax must be current. Am I correct?

In answer to my third question . . . regarding why the Nickelsville application was treated as an emergency when Nickelsville had ample notice of their eviction . . . you said that you spoke with Mr. Morrow on the phone and verified some facts. Quoting you:

The reason given for the short notice [of the Nickelsville move to Skyway] was that it was an emergency because a planned location had fallen through in the last minute. A phone call with Mr. Morrow confirmed the facts given to us by DCHS. I did not receive details on why the planned location had fallen through.

Which "facts given to us by DCHS" did you verify with Mr. Morrow, exactly? If you verified that the planned location had fallen through, how *did* you verify that, exactly? Or did you simply take Mr. Morrow's word for that?

Thank you.

Regards,

David Preston
206.768.8090



From: Chan, Jim
Sent: Friday, September 13, 2013 4:29 PM
To: David Preston
Cc: Dembowski, Rod
Subject: RE: Questions regarding the Nickelsville Skyway Temp Use Permit (TEMP13-0006)

Mr. Preston –

Thank you for your inquiry. I addressed each of your questions in the order received below.

Thank you,

Jim Chan, Assistant Director for Permitting
King County
Department of Permitting and Environmental Review
35030 S.E. Douglas Street, Suite 210
Snoqualmie, WA 98065
Phone: (206) 477-0385

Question: What are the uses for which a property tax arrears *would* be a deal killer?
King County Code Title 4 specifies those permit applications where property tax must be current (see attached below).

4.68 NONDELINQUENT PROPERTY TAX CERTIFICATION

Sections:

- 4.68.010 Certification of nondelinquent property tax account required for building and land development permits.
- 4.68.020 Application of chapter.

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- H. Demolition permits authorized by Title 16;
- I. Right-of-way use permits authorized by Title 6;
- J. Septic tank permits authorized by Title 13. (Ord. 11792 § 2, 1995: Ord. 5284 § 2, 1981).

Question: What is the specific provision of the law under which you propose to grant this permit?

King County Code 21A.45 is the specific provision of code which authorizes a homeless encampment under a Temporary Use Permit (see attached below).

21A.45 HOMELESS ENCAMPMENTS

Sections:

21A.45.010 Purpose. (Effective until January 1, 2015.)

21A.45.020 Definitions. (Effective until January 1, 2015.)

21A.45.030 Approval required. (Effective until January 1, 2015.)

21A.45.040 Use and sponsorship agreements. (Effective until January 1, 2015.)

21A.45.050 Application submittal and content. (Effective until January 1, 2015.)

21A.45.060 Homeless encampment standards. (Effective until January 1, 2015.)

21A.45.070 Parking impacts. (Effective until January 1, 2015.)

21A.45.080 Community notice and informational meeting. (Effective until January 1, 2015.)

21A.45.090 Compliance with permit conditions and written code of conduct. (Effective until January 1, 2015.)

21A.45.100 Option to modify standards. (Effective until January 1, 2015.)

21A.45.010 Purpose. (Effective until January 1, 2015.) It is the purpose of this chapter to ensure the maintenance of a safe environment within the homeless encampments and to address the potential impacts to neighborhoods by establishment of such homeless encampments. (Ord. 15170 § 6, 2005).

21A.45.020 Definitions. (Effective until January 1, 2015.) The definitions in this section apply throughout this chapter and to K.C.C. 20.20.020 unless the context clearly requires otherwise.

A. "Homeless encampment" means a group of homeless persons temporarily residing out of doors on a site with a host and services provided by a sponsor and supervised by a managing agency.

B. "Host" means the owner of the site property that has an agreement with the managing agency to allow the use of property for a homeless encampment. A "host" may be the same entity as the sponsor or the managing agency.

C. "Managing agency" means an organization that has the capacity to organize and manage a homeless encampment. A "managing agency" may be the same entity as the host or the sponsor.

D. "Public health" means the Seattle-King County department of public health.

E. "Sponsor" means a local church or other local, community-based organization that has an agreement with the managing agency to provide basic services and support for the residents of a homeless encampment and liaison with the surrounding community and joins with the managing agency in an application for a county permit. A "sponsor" may be the same entity as the host or the managing agency. (Ord. 15170 § 7, 2005).

21A.45.030 Approval required. (Effective until January 1, 2015.) A homeless encampment may be permitted as a temporary use in accordance with K.C.C. chapter 21A.32 only in compliance with this chapter. (Ord. 15170 § 8, 2005).

21A.45.040 Use and sponsorship agreements. (Effective until January 1, 2015.) The following written agreements shall be provided by the applicant:

A. If the applicant is not the sponsor, an agreement to provide or coordinate basic services and support for the homeless encampment residents and to join with the applicant in all applications for relevant permits; and

B. If the applicant is not the host, an agreement granting permission to locate the homeless encampment at the proposed location and to join with the applicant in all applications for relevant permits. (Ord. 15170 § 9, 2005).

21A.45.050 Application submittal and content. (Effective until January 1, 2015.)

A. An application for a homeless encampment shall be submitted to the department at least thirty days in advance of the desired date to commence the use for a type 1 permit or forty days in advance of the desired date to commence the use for a type 2 permit.

B. In addition to contents otherwise required for such applications, the application shall include:

1. A copy of a written code of conduct adopted by the host or entered into between the host and managing agency addressing the issues identified in the example code of conduct, Attachment A to Ordinance 15170*. The written code of conduct must require homeless encampment residents to abide by specific standards of conduct to promote health and safety within the homeless encampment and within the adjoining neighborhoods. Nothing in this subsection is intended to preclude the host and the managing agency from agreeing, in the written code of conduct, to additional terms or standards of conduct stricter than the example code of conduct;

2. The name of the managing agency and the sponsor; and

3. The host signature. (Ord. 15170 § 10, 2005).

*Available in the office of the clerk of the council.

21A.45.060 Homeless encampment standards. (Effective until January 1, 2015.) A homeless encampment is subject to the following standards:

A. The maximum number of residents at a homeless encampment site shall be determined taking into consideration site conditions, but in no case shall be greater than one hundred at any one time;

- B. The duration of a homeless encampment at any specific location shall not exceed ninety-two days at any one time, including setup and dismantling of the homeless encampment;
- C. A homeless encampment may be located at the same site no more than once every twelve months;
- D. The host and managing agency will assure all applicable public health regulations, including but not limited to the following, will be met:
1. Sanitary portable toilets;
 2. Hand washing stations by the toilets;
 3. Food preparation or service tents;
 4. Security tents; and
 5. Refuse receptacles;
- E. The homeless encampment shall be within a half mile of a public transportation stop or the sponsor or host must demonstrate the ability for residents to obtain access to the nearest public transportation stop through sponsor or host provided van or car pools. During hours when public transportation is not available, the sponsor or host shall also make transportation available to anyone who is rejected from or ordered to leave the homeless encampment;
- F. The homeless encampment site must be buffered from surrounding properties with:
1. A minimum twenty-foot setback in each direction from the boundary of the lot on which the homeless encampment is located, excluding access;
 2. Established vegetation sufficiently dense to obscure view; or
 3. A six foot high, view-obscuring fence;
- G. No permanent structures shall be erected on the homeless encampment site;
- H. A regular trash patrol in the immediate vicinity of the homeless encampment site shall be provided;
- I. Public health guidelines on food donations and food handling and storage, including proper temperature control, shall be followed and homeless encampment residents involved in food donations and storage shall be made aware of these guidelines;
- J. The managing agency shall not permit children under the age of eighteen to stay overnight in the homeless encampment except under exigent circumstances. If a child under the age of eighteen, either alone or accompanied by a parent or guardian, attempts to stay overnight, the managing agency will immediately contact child protective services and endeavor to find alternative shelter for the child and any accompanying parent or guardian;
- K. The managing agency shall keep a log of all people who stay overnight in the homeless encampment, including names and dates;
- L. The managing agency shall take all reasonable and legal steps to obtain verifiable identification, such as a driver's license, government-issued identification card, military identification or passport from prospective and homeless encampment residents;
- M. The managing agency shall enforce the written code of conduct;
- N. The site property is owned or leased by the sponsor or an affiliated entity; and
- O. The host shall provide a transportation plan as part of the permit process. (Ord. 15170 § 11, 2005).
- 21A.45.070 Parking impacts. (Effective until January 1, 2015.)** On-site parking spaces of the host use shall not be displaced unless sufficient parking remains available for the host's use to compensate for the loss of on-site parking spaces. (Ord. 15170 § 12, 2005).
- 21A.45.080 Community notice and informational meeting. (Effective until January 1, 2015.)** The managing agency, in partnership with the sponsor, shall:
- A. At least fourteen days before the anticipated start date of the homeless encampment, provide notification to all residences and businesses within five hundred feet of the boundary of the proposed homeless encampment site, but the area shall be expanded as necessary to provide notices to at least twenty different residences or businesses, as well as any homeowner association representing residents receiving notice. The notice shall contain the following specific information:
1. Name of sponsor;
 2. Name of host if different from the sponsor;
 3. Date the homeless encampment will begin;
 4. Length of stay;
 5. Maximum number of residents allowed;
 6. Planned location of the homeless encampment;
 7. Dates, times and locations of community informational meetings about the homeless encampment;
 8. Contact information including names and phone numbers for the managing agency and the sponsor; and

9. A county contact person or agency; and

B. Conduct at least one community informational meeting held on the host site, or nearby, at least ten days before the anticipated start date of the homeless encampment. The purpose of the meeting is to provide those residences and businesses that are entitled to notice under this section with information regarding the proposed duration and operation of the homeless encampment, conditions that will be placed on the operation of the homeless encampment and requirements of the written code of conduct, and to answer questions regarding the homeless encampment. (17416 § 19, 2012; Ord. 15170 § 13, 2005).

21A.45.090 Compliance with permit conditions and written code of conduct. (Effective until January 1, 2015.)

A. In order to assess compliance with the terms of the permit, inspections may be conducted at reasonable times without prior notice by the fire district, public health or department staff. The managing agency shall implement all directives of the fire district within forty-eight hours. Public health and department directives shall be implemented within the time specified by the respective agencies.

B. Failure by the managing agency to take action against a resident who violates the terms of the written code of conduct may result in cancellation of the permit. (Ord. 15170 § 14, 2005).

21A.45.100 Option to modify standards. (Effective until January 1, 2015.) An applicant for a homeless encampment may apply for a temporary use permit that applies standards that differ from those established by K.C.C. 21A.45.030, 21A.45.040, 21A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090. In addition to all other permit application requirements, the applicant shall submit a description of the requirements to be modified and shall demonstrate how the modification will result in a safe homeless encampment under the specific circumstances of the application. The department shall review the proposed modifications and shall either deny or approve the application, with conditions if necessary, to ensure a safe homeless encampment with minimal impacts to the host neighborhood. The hearing examiner shall expedite the hearing on an appeal of the department's decision under this section. (Ord. 15170 § 15, 2005).

Question: What steps did you take to verify that Mr. Morrow was telling you the truth? For example, did you ask him to demonstrate that another planned encampment host had turned Nickelsville down? If so, did you ask him why they had turned him down? (These questions all go to the matter of whether the Skyway situation was, in fact, an emergency.)

Our department received a call from King County Department of Community and Human Service (DCHS) on August 28th informing us that Nickelsville would be moving to the Skyway property owned by Peter Sikov on Sunday, September 1st. The reason given for the short notice was that it was an emergency because a planned location had fallen through in the last minute. A phone call with Mr. Morrow confirmed the facts given to us by DCHS. I did not receive details on why the planned location had fallen through.

Question: Is that a fair characterization of what you said . . . that your job is sometimes to grant permits for things people are already doing? Are there any penalties that would accrue to a person/business entity that hadn't followed the process?

The Department of Permitting and Environmental Review (DPER) includes the county's Code Enforcement unit. Code Enforcement is codified under King County Code Title 23 and is in place to address development violations. If a development is constructed or a use is established without permit authorization, often the resolution is to obtain the required permits during or after the fact. Title 27 allows the assessment of a double fee on these permits. Title 23 allows the assessment of civil penalties on non-compliance of violations. The county does have an appeal process for violators to contest both the double fee and civil penalties.

From: David Preston [<mailto:preston.david@comcast.net>]

Sent: Friday, September 13, 2013 1:12 PM

To: Chan, Jim

Cc: Dembowski, Rod

Subject: Questions regarding the Nickelsville Skyway Temp Use Permit (TEMP13-0006)

Importance: High

Greetings, James:

I have a few follow-up questions regarding things you said at the **Westhill Community Association** meeting this last Wednesday (9/11/13). I was at that meeting, but you left the room before I could introduce myself. I did, however, pick up one of the business cards you left on the table on your way out.

The reason you were at that meeting is that the “Nickelsville” homeless group has requested a “temporary use permit” to camp out for 90 days on a property at 12914 Martin Luther King Way. (Parcel: 2172000596)

This property is in unincorporated King County, in an area known as Skyway and is owned by Mr. Peter Sikov, under his corporation **Windy Associates, LLC**. As someone in the meeting pointed out, **this property is in arrears for two years’ worth of property tax, or more than \$15,000.**

When someone at the Westhill Community Association meeting asked you if the property tax arrears would be an obstacle to your department (King County Dept. of Permitting) granting the application, you said no, it wouldn’t be. You said you had looked into the matter and had found that, although there were *some* uses for which a property tax arrears *would* prevent a temporary use permit from being granted, a homeless encampment was not one of them.

Question: What are the uses for which a property tax arrears *would* be a deal killer?

Question: What is the specific provision of the law under which you propose to grant this permit?

Nickelsville had been on notice since late June, 2013 that they were being evicted from their illegal encampment site in southwest Seattle and would have to be out by September 1st. (FYI: They weren’t actually out until about September 8th.) When someone from the Westhill Community Association asked you why the Nickelsville group was allowed to move onto the Skyway property without getting the permit first – and why that action itself wasn’t a deal killer – you told us that Scott Morrow, who runs Nickelsville, told you this was an “emergency” and that Nickelsville had no place else to go, since another arrangement they were depending on had fallen through at the last minute.

Question: What steps did you take to verify that Mr. Morrow was telling you the truth? For example, did you ask him to demonstrate that another planned encampment host had turned Nickelsville down? If so, did you ask him why they had turned him down? (These questions all go to the matter of whether the Skyway situation was, in fact, an emergency.)

Finally, I want to clarify something you told the Westhill Community Association about what you do at DPER. You told us that, while your job is normally to grant permits for things people want to do with their property, in some cases your job is to grant permits for things people are *already doing* with their property. Is that a fair characterization of what you said . . . that your job is sometimes to grant permits for things people are already doing? Are there any penalties that would accrue to a person/business entity that hadn’t followed the process?

I appreciate your timely answers to my questions. If I haven't heard back from you by next Thursday, I'll follow up with the next person in the chain of command. Please be aware that I may be publishing your answers on my West Seattle-based news blog: The Blog Quixotic. Thank you!

Regards,

–David Preston

P.S. Just a heads up. Sometime in the near future, I will be submitting a Public Disclosure Request to your office regarding permitting decisions DPER has taken with regard to other applicants. As I'm sure you know, ordinary citizens often grumble about how hard it is to get a permit to do various things with their property. I'd like to get a feel whether that grumbling is justified or not.

