

After Recording Return to:
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon WA 98273

Certificate of Non-Compliance

Recorded By: **Skagit County, a political subdivision of the State of Washington**
 Skagit County Planning & Development Services
 1800 Continental Place
 Mount Vernon WA 98273

Property Owner: Paul A. & Paula J. Spilsbury

Legal Description: COUNTRY CLUB ADD NO 5 LT 30 DR 19

Address of Violation: 12440 Eagle Drive, Burlington, WA 98233

Assessor's Property No(s): P79356

Code Enforcement Case No: CE07-0141

Skagit County Planning and Development Services has found the property described above in non-compliance with Skagit County Code Title 14 or 15, or both, pursuant to the attached Notice and Order to Abate. The property owner has been notified. This Certificate of Non-Compliance will remain in effect until compliance is achieved and a release is recorded.

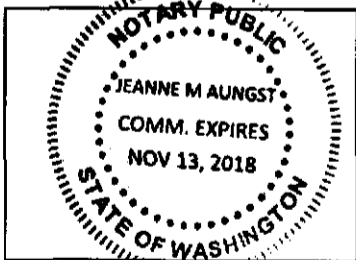
I, Sandra Perkins, hereby certify that the information above is correct to the best of my knowledge.

Sandra Perkins
Code Compliance Officer

3/22/16
Date

I certify that I know or have satisfactory evidence that Sandra Perkins is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Code Compliance Officer of Skagit County Planning & Development Services to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 3/22/16



(Notary seal of stamp above)

Jeanne M Aungst
Signature of Notary Public

Jeanne M Aungst
Printed Name of Notary Public

My appointment expires 11/13/18



Administrative Order to Abate Violation

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273
voice 360-336-9410 · www.skagitcounty.net/planning

Case Number
CE07-0141

Property Owner

Name Paul A. & Paula J. Spilsbury Mailing Address 12440 Eagle Drive
City Burlington Zip 98233 Phone _____

Additional Responsible Persons

No additional persons known

Name _____ Mailing Address _____
City _____ Zip _____ Phone _____

Site of Violation

Same as Owner Mailing Address

Address _____ City _____ Zip _____
Parcel No(s) P79356 Zoning Bayview Ridge Residential

Background

The Administrative Official has issued the following findings of fact relating to code violations on your property:

1. On Feb. 21, 2007, a Request for Investigation was received by Planning & Development Services (PDS). On August 7, 2007 a site visit was performed. On August 20, 2007, a contact letter was sent to the above property owners regarding construction of a deck without a permit.
2. On September 17, 2007, building permit #BP07-1120 was applied for. During PDS development review it was determined that the deck that had been constructed did not meet setback requirements. In October 2007, the property owners were notified of the setback issue via phone and mail (copy of letter attached). No site plan revisions were submitted to PDS and on September 11, 2011, BP07-1120 expired.
3. On June 10, 2015, during a review of expired building permits and open Code Compliance cases, a new contact letter was sent to the above property owners. On July 9, 2015, Paula Spilsbury came into the PDS office requesting a delay in code enforcement so she could measure the height of the deck and have a property line survey performed. Several additional extensions were granted. On December 9, 2015, Code Compliance Officer Sandra Perkins called and left a message for Ms. Spilsbury, giving a final deadline of the end of December to either modify the deck, obtain a side yard easement agreement with the neighbor, or apply for a variance. As of January 12, 2016, nothing has been received by PDS.

Description of Violation(s)

Based on our investigation, the Administrative Official has found you in violation of the following specific provision(s) of Skagit County Code.

Violation 1:

SCC 15.04 and IBC 105.1. Construction shall not occur without first making application and obtaining the required building permit. Your construction of a deck without a permit violates these code sections

Violation 2:

SCC 14.10 and 14.16.810. Construction shall not occur within setbacks without obtaining a variance for an administrative reduction in setbacks. Your construction of a deck within the setback violates these code sections.

Corrective Action Ordered

You are hereby ordered to take the following action to abate the above violations:

Correction Options:

1. **If you want to modify your deck to meet setback requirements:** Provide a complete building permit application that shows a modified, code-compliant deck, including fees, by **February 17, 2016**, and obtain the required permit inspection approval up to current stage of construction **90 days** from the date your building permit is approved,

Or,

2. **If you want to leave your deck in its current location:** Provide a complete application, including fees, for a setback variance, and provide a complete building permit application, including fees, for your deck by **February 17, 2016**, and obtain the required permit inspection approval up to current stage of construction **90 days** from the date your building permit is approved,

Or,

3. **Remove or dismantle the deck structure by February 17, 2016.**

Civil Penalties

You are hereby ordered to pay the following civil penalties:

- \$100 per day, per violation, from date violation occurred until the violation is abated and you have notified the Administrative Official. SCC 14.44.330(2)(a)
- For flood hazard violation, \$1000 per day per violation from date violation occurred until the violation is abated and you have notified the Administrative Official. SCC 14.44.330(2)(c)
- For critical areas or drainage violations, the amount of _____. SCC 14.44.330(2)(b)

If you do not take the corrective action described above to abate the violations by the specified deadlines, you will be liable for the following additional civil penalties:

- \$100 per day, per violation, until the violation is abated and you have notified the Administrative Official. SCC 14.44.330(2)(a)
- For flood hazard violation, up to \$1,000 per day per violation. SCC 14.44.330(2)(c)
- For critical areas or drainage violations, the amount of _____. SCC 14.44.330(2)(b)

Due to a new and separate violation within one year of resolution of prior violation:

- All penalties normally imposed are doubled. SCC 14.44.330(2)(d)

Disclosures

Voluntary Compliance Agreement. The County and the violator may enter into a binding Voluntary Compliance Agreement to correct the violation by a specified deadline with a reduction or waiver of civil penalties. Contact the Department for more information. SCC 14.44.310.

Reduction in civil penalties. The Administrative Official may reduce a civil penalty if the violator cooperates with efforts to correct the violation. SCC 14.44.330(2)(e).

Failure to comply with this order. If you do not fully comply with this order by the deadlines, Skagit County may do the following:

- Issue supplemental orders to pay accrued civil penalties. SCC 14.44.330(3)(b).
- Refer unpaid civil penalties to a collection agency 30 days after service of this order. Per RCW 19.16.500, Skagit County or collection agency may add a reasonable fee, payable by the debtor, to the outstanding debt for the collection agency fee incurred or to be incurred. SCC 14.44.330(3)(c).
- Record a certificate of non-compliance against your property, which may make it difficult to sell your property.
- Refer this matter to the Prosecuting Attorney's office for further enforcement action including criminal charges, an injunction, or the collection of civil penalties.
- If you do not fully correct the violation, Skagit County may do the work itself. Any County costs incurred to abate the violation(s) may be charged as a public nuisance lien against your property. A public nuisance lien may violate the terms of your real estate loan and Deed of Trust or Mortgage. It may cause your lender to start foreclosure proceedings against your property. If you have any questions about that, please contact your lender.

Additional Disclosures.

- You may have to pay additional enforcement fees equal to 100% of the cost of the application fees, and 200% of the cost of critical areas fees, for any permits required by code enforcement actions. Resolution R20110111.
- Skagit County may deny any other permits you apply for on the same site until the violation is corrected and payment of any civil penalties is complete. SCC 14.44.360
- If you commit a new and separate violation within a year after the resolution of a prior violation, you may be subject to double the civil penalties normally imposed for such violation. SCC 14.44.330(2)(d).

Effective date. This order is effective upon service. Service is the date of mailing via certified mail. SCC 14.44.220(2)(e) and (3)(b).

Appeal. This order becomes final unless you file an appeal to the Skagit County Hearing Examiner, with the required fees, within 14 days of service. Appeal forms are available from, and must be submitted to Skagit County Planning and Development Services. Appeals are processed as appeals of Level I decisions under Skagit County Code 14.05.110. Failure to appeal may constitute waiver of all rights to appeal the order.

No verbal agreements. The Administrative Official may only rescind or modify this order in writing.

If you have any questions regarding this order, please contact the undersigned at (360) 416-1343.

Issued By


Sandra Perkins, Code Compliance Officer

Date

1/12/16