

July 13, 2012

OFFICE OF THE HEARING EXAMINER
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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E11G0020**

NEIL AND LISA MICHAUD
Code Enforcement Appeal

Location: 22641 276th Avenue SE

Appellants: **Neil and Lisa Michaud**
36020 249th Avenue SE
Enumclaw, WA 98022
Telephone: (206) 235-3728
Email: michaudisar@gmail.com

King County: Department of Development and Environmental Services
represented by **Holly Sawin**
900 Oakesdale Avenue SW
Renton, WA 98057
Telephone: (206) 296-6772
Email: holly.sawin@kingcounty.gov

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Deny appeal

EXAMINER PROCEEDINGS

Hearing Opened:	May 8, 2012
Hearing Closed:	May 8, 2012

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

FINDINGS, CONCLUSIONS AND DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. On March 8, 2012, King County Department of Development and Environmental Services (DDES) Code Enforcement Section issued a notice and order to Neil and Lisa Michaud concerning property located in the RA-5 zone at 22641 276th Avenue SE, Maple Valley. The property was cited for an accumulation of rubbish, salvage and debris; outdoor storage of household goods; accumulations of inoperable vehicles and vehicle parts; and placement of a cargo container within a regulated critical area.
2. Neil and Lisa Michaud filed a timely appeal of the notice and order, asserting that the violations were caused by their renters, the renters are being evicted, and the cited matters would be remedied. The renters were also cited in the notice and order but did not appeal it.
3. A public hearing was held on this appeal on May 8, 2012, at which time six exhibits were admitted to the record. Exhibit no. 5 contains photographs taken by Code Enforcement Officer Holly Sawin on February 2, 2012. They amply document the conditions on the site alleged within the notice and order.

CONCLUSIONS:

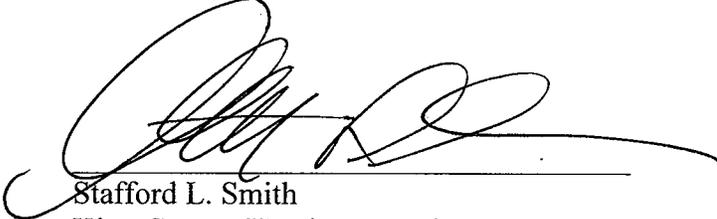
1. The Appellants have not contested the notice and order, and the evidence of record supports its citations. Therefore, the notice and order must be upheld and the appeal denied.

DECISION:

The appeal is DENIED. No penalties shall be assessed against the Appellants or their property if the following deadline is met:

1. The items cited in the March 8, 2012 notice and order shall be removed from the premises within **60 days** of the date of this order.
2. If the deadline stated above is not met, DDES may assess penalties against the Appellants and their property retroactive to the date of this order.

ORDERED July 13, 2012.



Stafford L. Smith
King County Hearing Examiner *pro tem*

NOTICE OF APPEAL

Pursuant to King County Code Chapter 20.24, the King County Council has directed that the Examiner make the final decision on behalf of the county regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in King County Superior Court within 21 days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE MAY 8, 2012, PUBLIC HEARING ON DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E11G0020.

Peter T. Donahue conducted the hearing on this matter. Participating in the hearing were Holly Sawin representing the Department and Lisa and Neil Michaud the Appellants.

The following Exhibits were offered and entered into the record:

- Exhibit no. 1 Development and Environmental Services staff report to the Hearing Examiner for file no. E11G0020.
- Exhibit no. 2 Copy of the Notice and Order issued March 8, 2012
- Exhibit no. 3 A Copy of the Notice Appeal received March 27, 2012
- Exhibit no. 3 B Copy of the Notice and Statement of Appeal received March 30, 2012
- Exhibit no. 4 Copies of codes cited in the Notice and Order
- Exhibit no. 5 Photographs of the subject property taken by Holly Sawin on February 2, 2012
- Exhibit no. 6 Notice to Terminate Tenancy

SLS/vsm