



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: James and Debby Benningfield

Legal Description: CAPE HORN ON THE SKAGIT LOT 8 BLK C

Address of Violation: 41500 North Shore Lane, Concrete, WA 98237

Assessor's Property No(s): P62931

Code Enforcement Case No: CE14-0008

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.

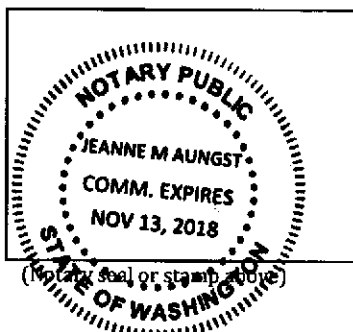
I, Sandra Perkins, hereby certify that the information above is correct to the best of my knowledge.

Sandra Perkins
Code Compliance Officer

3/15/16
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: 3/15/16



Shannen 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 360-416-1320 · www.skagitcounty.net/planning

Case Number
CE14-0008

Property Owner

Name James & Debby Benningfield Mailing Address 41514 N. Shore Lane
City Concrete Zip 98237 Phone

Additional Responsible Persons ☒ No additional persons known

Name Mailing Address
City Zip Phone

Site of Violation ☐ Same as Owner Mailing Address

Address 41500 N. Shore Lane City Concrete Zip 98237
Parcel No(s) P62931 Zoning Rural Intermediate

Background

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

1. In 2014, the Federal Emergency Management Agency (FEMA) and the Department of Ecology (DOE) performed Community Assistance Visits (CAV) in parts of Skagit County. The CAV audit focused on unpermitted structures and recreational vehicles in the floodway. Skagit County Planning & Development Services is tasked with bringing these floodway properties into compliance with floodway laws, regulations and codes.
2. Contact letters were sent to the above property owner on March 19, 2014, July 16, 2015, August 31, 2015, November 17, 2015 and January 20, 2016. These letters contained information about possible floodway violations and the associated remedies, and explained compliance deadlines. Owners of properties that were found to be non-compliant with floodway codes were encouraged to sign a Voluntary Compliance Agreement (VCA), which would extend the compliance deadline to December 31, 2018.
3. As of February 9, 2016, the above property owners have not signed a VCA agreeing to remedy the code violations on the property.

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:

The sheds placed in the floodway without permits are prohibited.

SCC 14.34.190 (1) Prohibit encroachments including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer licensed in the State of Washington is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice as well as the "Procedures for No-Rise Certification" as published by FEMA, that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. Additionally, Skagit County reserves the right to have this analysis reviewed by a qualified third party to be selected by the County. The cost of such review, if any, shall be the responsibility of the applicant.

Violation 2:

The recreational vehicle placed in the floodway is not fully licensed and road ready and does not comply with SCC 14.34.190(4).

SCC 14.34.190 (4) Recreational vehicles placed in the floodway shall meet the following requirements:

(a) Be fully licensed and ready for highway use without the requirement for special highway permits, be towable by a regular duty truck without the requirement for special licenses, be on its wheels or jacking system, and have no permanently attached additions.

(b) Shall not be placed in the floodway from November through April of any calendar year.

(i) Exception. Recreational vehicles are allowed to be placed for weekend and holiday use for a period not to exceed 14 days

Corrective Action Ordered

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

Correction 1:

Remove the non-compliant structure(s) or obtain required permits and approvals, or sign a VCA, by March 1, 2016.

Correction 2:

The recreational vehicle placed in the floodway shall meet the following requirements, or sign a VCA, by March 1, 2016:

(a) Be fully licensed and ready for highway use without the requirement for special highway permits, be towable by a regular duty truck without the requirement for special licenses, be on its wheels or jacking system, and have no permanently attached additions.

(b) Shall not be placed in the floodway from November through April of any calendar year.

A. (i) Exception. Recreational vehicles are allowed to be placed for weekend and holiday use for a period not to exceed 14 days.

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, \$1,000 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 14.06.110. 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

2/11/16