



201604040003

Skagit County Auditor

\$76.00

4/4/2016 Page

1 of

4 9:29AM

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: Kerry B. Stark

Legal Description: LOT 32, JANICKI COVE, RECORDED IN VOLUME 10 OF PLATS,  
PAGES 1 TO 3, RECORDS OF SKAGIT COUNTY, WASHINGTON

Address of Violation: 23704 Cove Road, Sedro Woolley

Assessor's Property No(s): P77745

Code Enforcement Case No: CE14-0071

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.

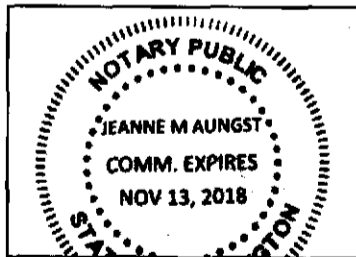
I, Sandra Perkins, hereby certify that the information above is correct to the best of my knowledge.

Sandra Perkins  
Code Compliance Officer

3/29/16  
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: 3/29/16



Jeanne M Aungst  
Signature of Notary Public

Jeanne M Aungst  
Printed Name of Notary Public

My appointment expires 11/13/18

(Notary seal of state of WA)



# 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  
**CE14-0071**

### Property Owner

Name Kerry B. Stark Mailing Address 920 105th Pl. SE  
City Everett Zip 98208 Phone \_\_\_\_\_

### Additional Responsible Persons

No additional persons known

Name \_\_\_\_\_ Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

### Site of Violation

Same as Owner Mailing Address

Address 23704 Cove Rd. City Sedro-Woolley Zip 98284  
Parcel No(s) P77745 Zoning Ag-NRL

### 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 properties with violations into compliance with floodway regulations.*
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 owner has 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:** The residential structure and shed placed in the floodway without permits are prohibited.

Based on the County's investigation, the Administrative Official has found violation of the following specific provision(s) of Skagit County Code:

- SCC14.34.190 (2)** Prohibit construction or reconstruction, repair or replacement of residential structures except for:
- (a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area provided the cost of such reconstruction, repair, or improvement shall be calculated cumulatively with any other activity occurring during the previous 10 years and the total of all improvements or repairs shall not exceed 50% of the market value of

the structure as established in the first year of the 10-year period.

(b) Repair of a structure subsequent to sustaining damage of any origin when the cost of restoring the structure to its pre-damaged condition as calculated cumulatively with any other activity occurring during the previous 10 years and the total of all improvements or repairs shall not exceed 50% of the market value of the structure as established in the first year of the 10-year period and prior to the damage. (i) Work done on structures to comply with existing health, sanitary, or safety codes when determined by the Administrative Official, or to structures identified as historic places, may be excluded in the 50% determination.

(c) Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 shall be permitted subject to the following. For the purposes of this Section, "farmhouse" means a single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

### Corrective Action Ordered

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

**Correction:**

*Return the log storage shed with deck to the originally permitted size and use (storage only), as allowed under building permit #BP94-0347 (Shed 600 sq. ft. and deck 380 sq.ft.). Reduce the separate non-compliant shed structure (lattice with corrugated roof) to 200 sq. ft. or less, or obtain required permits and approvals, or sign a VCA by **March 11, 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, \$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  
Sandra Perkins, Code Compliance Officer

Date

2/18/16