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Skagit County Auditor

\$77.00

6/30/2016 Page

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5 2:22PM

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: John Nestor

Legal Description: CAPE HORN ON THE SKAGIT SUB-DIV 2 LOT 34 BLK H

Address of Violation: 41956 North Shore Lane, Concrete

Assessor's Property No(s): P53270

Code Enforcement Case No: CE15-0142

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

6/29/16  
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: 6/29/16



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

Case Number  
CE15-0142

### Property Owner

Name John Nestor Mailing Address 625 Wellington Ave., Apt. E6  
City Walla Walla Zip 99362 Phone \_\_\_\_\_

### Additional Responsible Persons

No additional persons known

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

### Site of Violation

Same as Owner Mailing Address

Address 41956 North Shore Lane City Concrete Zip 98237  
Parcel No(s) P63270 Zoning Rural Intermediate

### Background

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

1. On November 9, 2015, a Request for Investigation was received by Planning & Development Services.
2. On December 1, 2015, a site visit was performed. Several cars in various stages of repair or demolition were observed on-site as well as several recreational vehicles, and over 500 square feet of junk and junk vehicles.
3. On December 11, 2015, a contact letter was sent to the above property owner citing 4 violations of Skagit County Code. As of February 19, 2016, no response has been received and the violations continue.

### 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 14.16.320. Your activity, specifically the operation of a RV Park/Campground (more than 1 RV or tent on a property), is not an allowed use in Rural Intermediate zoning. A permit for such activity cannot be obtained and therefore constitutes a violation of Skagit County Code.

#### Violation 2:

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

#### Violation 3:

SCC Titles 14 and 15. A recreational vehicle is not considered a dwelling unit and may only be occupied on a temporary basis, which means a period of 180 days or less. Permanent residence in an RV constitutes a violation of Skagit County Code 14.04 (see definition of "Temporary"), 14.16.850(2)(a), and SCC Title 15, IBC.

**Violation 4:**

SCC 14.04. Junkyard means the use of more than 500 square feet of area of a parcel of land for the sorting, dismantling, or storage of junk. Junk means scrap metals, discarded household appliances, furnishings and fixtures, or unlicensed and/or inoperable vehicles, etc. The zoning of your parcel does not permit or allow junkyards and therefore you are in violation of Skagit County Code for this unpermitted use.

**Violation 5:**

SCC 14.16.320 (3) Administrative (or (4) Hearing Examiner) Special Uses. Your activity, specifically a home based business (auto repair/parts sales), requires an Administrative (or Hearing Examiner) Special Use permit in this zoning district. Your activity without this permit is a violation of Skagit County Code.

**Corrective Action Ordered**

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

**Correction 1:**

Remove all but one RV and any standing tents from the property by **April 15, 2016**.

**Correction 2:**

The one remaining recreational vehicle placed in the floodway shall meet the following requirements by **April 15, 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.

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

**Correction 3:**

Discontinue permanently living in the one remaining RV by **April 15, 2016**.

**Correction 4:**

Remove all items of junk and junk vehicles, as defined by SCC 14.04, to a combined area that is 500 square feet or less in size, by **April 15, 2016**.

**Correction 5:**

Provide a complete application, including fees, for the required pre-application meeting and the required Special Use permit by **April 15, 2016**. Unpermitted activities must cease until the required permit has been obtained, or, permanently cease all activities related to this violation and contact Planning and Development Services for approval by **April 15, 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 (violations #1 and #2), 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  
Sandra Perkins, Code Compliance Officer

Date

3/9/16