



201706200072

Skagit County Auditor
6/20/2017 Page

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4

\$76.00

3:00PM

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: **Apter Family Irrevocable Trust / Apter Robert Trustee / Apter Brenda Graham Trustee**

Legal Description: **(0.4900 ac) LOT 2, WILLABELLE ESTATES, AF#200510250130. BEING A PORTION OF THE NE1/4, SECTION 25, TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M. SURVEY AF#201606270170**

Address of Violation: **22239 Willabelle Place**

Assessor's Property No(s): **P123530**

Code Enforcement Case No: **CE16-0054**

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.

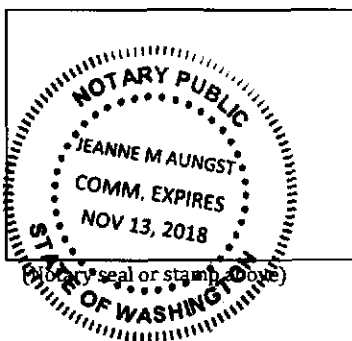
I, Sandra Perkins, hereby certify that the information above is correct to the best of my knowledge.

Sandra Perkins
Code Compliance Officer

6/19/17
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: 6/19/17



Jeanne M Augst
Signature of Notary Public

Jeanne M Augst
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
CE16-0054

Property Owner

Name Apter Family Irrevocable Trust Mailing Address 22239 Willabelle Place
Robert Apter Trustee
Brenda Graham Apter Trustee
City Mount Vernon Zip 98274 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) P123530 Zoning Rural Village Residential

Background

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

1. On August 5, 2016, a Request for Investigation was received by Planning and Development Services (PDS). A site visit was performed which confirmed alteration of critical areas/wetlands and shorelines.
2. On August 15, 2016, a contact letter was sent to the above property owners.
3. On August 26, 2016, Critical Area Review PL16-0407 was applied for.
4. On September 6, 2016, Planner/Geologist John Cooper sent a letter to the above property owner requiring a Fish & Wildlife site assessment with ESA/EFH analysis and mitigation plan be completed by a qualified consultant and submitted to PDS by January 4, 2017 (copy of letter enclosed).
5. As of January 24, 2017, the required Fish & Wildlife site assessment with ESA/EFH analysis and mitigation plan has not been submitted to 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:

SCC 14.24.060. Activities that can impair the functions and values of critical areas or their buffers, including geologically hazardous areas, through a development activity or by disturbance of the soil or water, and/or by removal of, or damage to, existing vegetation, shall require critical areas review and written authorization. Your alteration of critical areas/wetlands and shorelines without the required authorization violates this section of Skagit County Code.

Corrective Action Ordered

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

Correction:

Submit the required Fish & Wildlife site assessment with ESA/EFH analysis and mitigation plan by **February 24, 2017**, and comply with all requirements of the mitigation plan by **March 24, 2017**.

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 \$1,000. 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

1/24/17