

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: FINN HOWRY

Legal Description: (5.5400 ac) (TITLE ELIMINATION) INCLUDING MANUFACTURED HOME 1998 GUERDON KINGSWOOD 48X42 SERIAL NUMBER GDSTOR309820278 TRIPLE WIDE TRACT 6 OF SKAGIT COUNTY SHORT PLAT NUMBER 102-75 AND ALSO EXCEPT RT 3-006-21 WHICH IS A PORTION OF THE SOUTHWEST QUARTER

Address of Violation: 10788 LITTLEFIELD RD. ROCKPORT, WA 98283

Assessor's Property No(s): P44818

Code Enforcement Case No: CE19-0015

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 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.

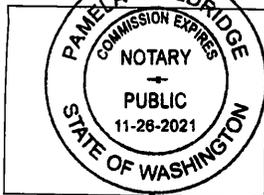
I, Tom Wenzl, hereby certify that the information above is correct to the best of my knowledge.

Tom Wenzl
Code Compliance Officer

11/22/2021
Date

I certify that I know or have satisfactory evidence that Tom Wenzl is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he 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: 11/22/2021



(Notary seal or stamp above)

Pamela G. Aldridge
Signature of Notary Public

Pamela G. Aldridge
Printed Name of Notary Public

My appointment expires 11/26/2021



Notice and Order to Abate

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273
360-416-1320 · www.skagitcounty.net/planning

202111230205
11/23/2021 03:09 PM

Case Number
CE19-0015

COPY

Part 1 Property Owner Information

Property Owner Finn Howry
Mailing Address 10788 Littlefield Rd
City Rockport, WA Zip 98283 Phone 360-826-0949

Part 2 Site Information

Address of Violation 10788 Littlefield Rd Rockport WA 98283 Same as Mailing Address
Parcel Number(s) P44818
Legal Description (5.5400 ac) (TITLE ELIMINATION) INCLUDING MANUFACTURED HOME 1998 GUERDON KINGSWOOD 48X42 SERIAL NUMBER GDSTOR309820278 TRIPLE WIDE TRACT 6 OF SKAGIT COUNTY SHORT PLAT NUMBER 102-75 AND ALSO EXCEPT RT 3-006-21 WHICH IS A PORTION OF THE SOUTHWEST QUARTER

Part 3 Findings of Fact

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

1. On October 5th 2021, Skagit County sent an Order to Abate (hereinafter "Notice") via certified mail outlining violations of the Skagit County Code. See Attachment A.
2. This Notice was not appealed and is now a final order.
3. The Notice ordered that corrective actions be taken to cure the violations by November 4th 2021.
4. The Notice assessed a civil penalty of \$100 per violation, for each day that any violation continues past the compliance deadline.
5. A site inspection conducted by Tom Wenzl on November 5th 2021, revealed that the violations persist and corrective actions have not been taken or completed.
6. Skagit County Code 14.44.030(2) subjects any person who violates SCC Titles 14 or 15, or any order issued pursuant to SCC Titles 14 or 15, to a civil penalty of \$100 per day for each continuous violation. Such penalties shall be assessed until the violation is corrected.
7. 18 days have passed since the compliance deadline.

Part 4 Conclusions of Law

The Administrative Official has found you in violation of the following provisions of Skagit County Code:

- You remain in violation of Skagit County Code 14.44 for failure to correct the violation specified in the Order to Abate.
- You remain in violation of Skagit County Code 14.44 and fines in the amount of \$100.00 per day, per violation, will commence starting on (not yet determined).

Part 5 Corrective Action Ordered

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

1. This Supplemental Notice and Order to Abate assesses civil penalties in the amount of \$100/day for each violation accrued between _____ and _____, plus a \$208.50 County recording fee. **Remit payment to Skagit County in the amount of \$206.50 by December 31st 2021.**

Part 6

Penalty

Skagit County assesses a civil penalty of \$100.00 for each day that any violation noted above continues past the compliance date(s) noted in Part 5 Corrective Action Ordered. Skagit County assesses penalties if the violation continues past the deadline(s) noted above even if the violation is eventually corrected, and refers penalties to a collection agency when necessary.

Part 7

Disclosures

If the required corrective work is not commenced or completed within the time allotted, the Administrative Official may cause the work to be done. Any county costs incurred to abate the violation(s) may be charged as a public nuisance lien against the 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. A failure to comply with this order may result in referral to the Prosecuting Attorney for further enforcement action including commencing a court action for criminal and civil penalties.

Appeal to the Skagit County Hearing Examiner: This order becomes final 15 days after service unless you file an appeal to the Skagit County Hearing Examiner, with the required fees, within 14 days after service. *Any appeal of this supplemental order is limited to the issue of civil penalties, not the underlying violations established in the unappealed final order.* 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.

If you have any questions regarding this order, please contact me at (360) 416-1343.

Issued By



Tom Wenzl, Code Compliance Officer

Date





Administrative Order to Abate Violation

Planning & Development Services · Code Compliance Unit
1800 Continental Place · Mount Vernon WA 98273
voice 360-416-1320 · www.skagitcounty.net/planning

Case Number
CE19-0015

COPY

Property Owner

Name Finn Howry Mailing Address 10788 Littlefield Rd
City Rockport, WA Zip 98283 Phone 360-333-1728

Additional Responsible Persons No additional persons known

Name _____ Mailing Address _____
City _____ Zip _____ Phone _____

Site of Violation Same as Owner Mailing Address

Address Click here to enter text. City Click here to enter text. Zip 00000
Parcel No(s) 044818 044818 Zoning Choose an item. RRV

Background

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

1. On 1/24/2019, a Request for Investigation was received reporting numerous junk vehicles, and excessive RV's. On 2/1/2019 CE Officer Scott Duncan paid a visit noting over 30 junk vehicles, and 5 RV's. On February 12th 2019, a letter was sent to Mr. Howry advising him of the violations and to resolve them by March 13th 2019.
2. On 9/25/2019, I made a site visit and contacted Mr. Howry. I noted 31 junk vehicles, 3 occupied RV's and further noted they were being used as dwellings. I also observed a considerable amount of household garbage and other scrap debris littered around the property. I offered assistance in helping process the junk vehicles for removal. I further told him the RV's could not be used as a dwelling.
3. A second visit was made on 12/4/2019. Still excessive junk vehicles, and both motorhomes being used as a dwelling. Trash and debris was still present on the property.
4. On 12/10/2020, another letter was sent telling Mr. Howry to stop using the RV's as dwellings, and the junk needed to be cleaned up by January 10th 2020.
5. Due to the COVID shutdown in March of 2020, attempts to remove persons from the property, and using RV's as dwellings was paused.
6. In August of 2020, a reminder letter was sent to encourage Mr. Howry to begin making progress now that we were in Phase 2 of the COVID shutdown. No response was received.
7. In the past year, some progress was made to reduce the number of motorhomes, but they are still present. The junk vehicle situation still persists. As does the collection of junk and debris, calls to the Fire Marshal's office for illegal burning, and continued complaints from the neighbors about the impact of the blight this property is, as well as concern for ground water contamination. The community well is fully encircled by the Howry property.
8. Skagit County Health Department, and the Fire Marshals office continue to receive complaints.

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 14.16.945(3) RV's No more than 2 recreational vehicles may be stored on a property. No more than 1 may be occupied on a temporary basis.

Violation 2: SCC 14.16.945(2) Junk/Junkyard No more than 500 square feet of junk, to include junk vehicles as defined in SCC 14.04.020, may accumulate on an parcel of land.

Corrective Action Ordered

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

Correction 1: Remove all but two RV's from the property. Only one of which may be used as a temporary shelter.

Correction 2: Reduce all accumulated junk, debris, junk vehicles, and other assorted trash to an area less than 500 square feet.

Correction 3: Correction 1 & 2 must be completed by November 4th 2021

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 Tom Wenzl Date 10/4/2021
Tom Wenzl, Code Compliance Officer