



Planning & Development Services

1800 Continental Place ▪ Mount Vernon, Washington 98273
office 360-416-1320 ▪ pds@co.skagit.wa.us ▪ www.skagitcounty.net/planning

Date: June 3rd, 2026

STAFF REPORT
re: APPEAL OF ADMINISTRATIVE ORDER

SUMMARY OF INVESTIGATION AND ADMINISTRATIVE ORDER TO ABATE

Appeal Number(s): HE-APPEAL-2026-0010

Code Compliance Number: CODE-2026-0082

Permit(s):

Recommendation: Sustain Administrative Order to Appeal – Order Assessment by Geological Engineer

Investigative Lead: Tom Wenzl

GENERAL INFORMATION

Owner/Applicant: Irina & Vladimir Belova (owners) Tatiana Belova (Applicant)

Agent:

Assessor Number(s): 3973-000-00330008

Parcel Number(s): P68272

Lot Size: 1.25 ac

Zoning Classification: Rural Intermediate

Comprehensive Plan Designation:

Other Development/Critical Area Overlays: Geologically Unstable Area. Steep Slopes >70%. Shoreline jurisdiction.

Topography: Shoreline Bluff. Approx 150' elevation. Geologically Unstable Area

Adjacent Land Uses: Rural Intermediate

Shoreline Presence: Property abuts Rosario Strait on the West coast of Fidalgo Island

Critical Areas Presence: Property is within the shoreline buffer of Rosario Strait

Administrative Order Information:

- Date Order Mailed: May 14th, 2026
- Date Received: Certified Mail not yet claimed. Regular Mail not returned.
- Date Posted: May 14th, 2026
- Date Appeal filed: May 28th, 2026

TABLE OF CONTENTS

Contents

ACRONYMS.....	3
EXHIBITS	4
CODE REFERENCES	5
GENERAL INVESTIGATIVE ANALYSIS.....	9
AND FINDINGS LEADING TO ENFORCEMENT ACTION	9
FACTS & BACKGROUND.....	9
DETERMINATIONS.....	10
APPELLANT’S APPEAL PLEADINGS.....	11
APPEAL RIGHTS.....	12

ACRONYMS

General:

AOA – Administrative Order of Abatement
BFE – Base Flood Elevation
BoCC – Board of County Commissioners
BO – Building Official
BP – Building Permit
CA – Critical Areas
CAO – Critical Area Ordinance
CCO – Code Compliance Officer
CE – Code Enforcement
CNC – Certificate of Non-Compliance
FM – Fire Marshal
FP – Flood Development Permit
HE – Hearing Examiner
IBC – International Building Code
NOA – Notice and Order to Abate
NOV – Notice of Violation
PCA(E) – Protected Critical Area (Easement)
PDS – Planning and Development Services
PR – Person Reporting
PREDEV – Pre-Development/Application meeting
PT – Permit Technician
SCC – Skagit County Code
SUP – Special Use Permit
SWO – Stop Work Order
VCA – Voluntary Compliance Agreement

Specific to this Case:

EXHIBITS

1. Aerial Photos
2. Administrative Order to Abate
3. Administrative Order Posting Photo
4. Certified Mail and Tracking report (as of 6/1/2026)
5. Investigator Reports
6. Photos
7. Department of Ecology Geohazard Map
8. USDA Soil Map – 47 Dystric Xerochrepts
9. Email from Bret Booth and reply
10. Email from Tatiana Belova and reply
11. Belov appeal statement
12. Belov Submitted Photos

CODE REFERENCES

SCC 14.04 Definitions

“Critical areas” means any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in RCW Chapter 36.70A and this Title.

“Geologically hazardous areas” means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns

SCC 14.09.120 Violations defined—Joint and several liability.

- (1) A “violation” is a failure to comply with SCC Title 14, 15, or 16, including failure to comply with a permit or an administrative order issued pursuant to SCC Title 14, 15, or 16.
- (2) A violation includes any act or omission that procures, aids, or abets a violation.
- (3) A violation is detrimental to the public health, safety, and welfare and is a public nuisance. A public nuisance is a continuing offense against the order and economy of Skagit County and is subject to abatement both under this Chapter and RCW Chapter 7.48.
- (4) In addition to any other person who may be liable for violations, the property owner is jointly and severally liable for the violation, payment of any civil penalties, and restoration of the site.
- (5) Each day a violation continues is a separate civil violation. (Ord. O20250005 § 2 (Exh. A); Ord. O20150006 § 2 (Att. A); Ord. O20140004 § 1 (Att. 1 (part)). Formerly 14.44.120)

SCC 14.24.060 Authorizations required—Development permits.

- (1) Authorization Required.
 - (a) The Director’s written authorization is required for any land use or development activity that can impair the functions and values of critical areas or their buffers, including suspect or known geologically hazardous areas.
 - (b) Impairment of the functions and values of critical areas or their buffers may occur by disturbance of the soil or water, by removal of, or damage to, existing vegetation, or any other action creating an impact to a critical area of its buffer.
 - (c) The landowner, or designee, who conducts or proposes to undertake land use or development activities that can adversely impact critical areas or their buffers must obtain County authorization prior to commencing such activities.

SCC 14.24.400 Geologically hazardous areas designations.

Geologically hazardous areas must be designated consistent with the definitions provided in WAC 365-190-030 and 365-190-120. These include areas susceptible to the effects of erosion, sliding, earthquake, or other geologic events. They pose a threat to the health and safety of citizens when incompatible residential, commercial, industrial, or infrastructure development is sited in areas of a hazard. Geologic hazards pose a risk to life, property, and resources when steep slopes are destabilized by inappropriate activities and development or when structures or facilities are sited in areas susceptible

to natural or human-caused geologic events. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices so that risks to health and safety are acceptable. When technology cannot reduce risks to acceptable levels, building and other construction in, above, and below geologically hazardous areas must be avoided. (Ord. O20250011 § 1 (Att. 2); Ord. O20160004 § 6 (Att. 6); Ord. O20080014 (part))

SCC 14.24.410 Geologically hazardous areas known or suspected risk.

Geologically hazardous areas are classified as “known or suspected risk” or “unknown risk.” Areas of known or suspected risk are indicated in Subsections (1) through (5) of this Section.

(1) The following are considered known or suspected erosion hazards:

- (a) Areas with gradients greater than or equal to 30 percent.
- (b) Areas located within the following map units: No. 1 Andic Cryochrepts, Nos. 3 and 4 Andic Xerochrepts, No. 13 Birdview, Nos. 47 and 48 Dystric Xerochrepts, Nos. 50 and 51 Dystric Xerochrepts, Nos. 63 and 65 Guemes, No. 69 Hoogdal, No. 90 Lithic Haploxerolls, No. 91 Marblemount, No. 99 Mundt and Nos. 150 and 151 Typic Cryoxerolls or mapped severe erosion hazard, as identified in the U.S. Department of Agriculture Natural Resources Conservation Service Soil Survey of Skagit County Area, WA (1989 or as revised).
- (c) Coastal beaches or bluffs.
- (d) Areas designated in the Department of Ecology, Coastal Zone Atlas, Washington, Volume Two Skagit County (1978 or as revised) as U (Unstable), URS (Unstable Recent Slide), or UOS (Unstable Old Slide).
- (e) Areas susceptible to rapid stream incision and stream bank erosion.

(2) Landslide hazards are areas potentially subject to landslides based on a combination of geologic, topographic and hydrologic factors. The following are known or suspected landslide hazards:

- (a) Areas designated in the Department of Ecology, Coastal Zone Atlas, Washington, Volume Two, Skagit County (1978 or as revised) as U (Unstable), URS (Unstable Recent Slide), or UOS (Unstable Old Slide).
- (b) Areas with all three of the following characteristics:
 - (i) Slopes steeper than 15 percent;
 - (ii) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - (iii) Springs or groundwater seepage.
- (c) Slopes of 40 percent or steeper and with a vertical relief of 10 feet or more.
- (d) Areas of previous failure such as earth slumps, earthflows, mudflows, lahars, debris flows, rock slides, landslides or other failures as observed in the field or as indicated on maps or in technical reports published by the U.S. Geological Survey, the Washington Geological Survey, or other documents authorized by government agencies.
- (e) Potentially unstable areas resulting from rapid stream incision, stream bank erosion, and undercutting by wave action.
- (f) Coastal bluffs.
- (g) Slopes with a gradient greater than 80 percent and subject to rock fall.
- (h) Areas that are at risk from snow avalanches.
- (i) Areas designated on the Skagit County Alluvial Fan Study Orthophoto Maps as alluvial fans or as identified by the Director during site inspection.

- (j) Areas located in a narrow canyon potentially subject to inundation by debris flows or catastrophic flooding.
- (k) Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service Soil Survey of Skagit County as "severe" (Table 9) limitation for building development.
- (l) Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or which are underlain or covered by mass wastage debris of this epoch.
- (m) Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials.

SCC 14.24.420 Geologically hazardous areas site assessment requirements.

- (1) If the Director determines that the proposed development activity is located within 200 feet of an area of known or suspected risk as indicated in SCC 14.24.410, or within a distance from the base of a landslide hazard area equal to the vertical relief, and that the geologic condition may pose a risk to life and property, or other critical areas on and off the project area, a geologic hazard site assessment as indicated in this Section will be required. This site assessment must be prepared by a qualified professional.
- (2) The geologically hazardous area site assessment must classify the type of geologic hazard(s) in accordance with SCC 14.24.400 and 14.24.410. In addition to the requirements of SCC 14.24.080, the site assessment must include the following:
 - (a) A site plan depicting the height of slope, slope gradient, and cross section indicating the stratigraphy of the site. The site plan must indicate the location of all existing and proposed structures and any significant geologic features such as outcrops, springs, seeps, ponds, streams, or other water bodies; and
 - (b) An assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the subject property and potentially affected adjacent properties. Soils must be described in accordance with the Unified Soil Classification System; and
 - (c) A description of load intensity, surface and groundwater conditions, public and private sewage disposal systems, fills and excavations, and all structural development; and
 - (d) A description of the extent and type of vegetative cover including tree attitude; and
 - (e) For potential coastal bluff geologic hazards: estimate of the bluff retreat rate, which recognizes and reflects potential catastrophic events such as seismic activity or a 100-year storm event; and
 - (f) For potential landslide hazards: estimate slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure. Quantitative analysis of slope stability or slope stability modeling may be required by the Director; and
 - (g) Additional site assessment elements may be required by the Director.
- (3) Properties containing geologically hazardous conditions identified by the Director and the qualified professional require a geologically hazardous area mitigation plan. (Ord. O20250011 § 1 (Att. 2); Ord. O20240005 § 1 (Exh. A); Ord. O20080014 (part))

Skagit County Code 14.48 Shoreline Management Master Program Chapter 7.13.1.C4

Shoreline areas subject to geologic hazards such as, but not limited to, bank and bluff sluffing, failure, or excessive erosion, and other shorelines sensitive to adverse impact from development should not be subject to residential development.

These areas, if a part of development ownership, should be reserved for less intense, non-developmental uses.

GENERAL INVESTIGATIVE ANALYSIS **AND FINDINGS LEADING TO ENFORCEMENT ACTION**

FACTS & BACKGROUND

Sometime late 2025, or early 2026, a landslide happened on the water side of the Belov residence located at 12790 Marine Drive in Anacortes WA. In review of aerial photography over the last 4 years shows significant removal of vegetation on the bluff, as well as the construction of a stairway and platforms from the Belov residence to the beach. (Exhibit 1)

The bluff is steep with more than 150' elevation change from the property to the beach. The horizontal distance from the residence to the beach is approximately 165', resulting in the slope being more than 100% (averaged top to bottom). Or approximately 45 degrees (averaged).

This region of Fidalgo Island is considered a Geologically Unstable area according to the Washington Department of Ecology. (Exhibit 2)

The USDA Soil survey of this region shows the bluff to be 47 Dystric Xerochrepts, 70 to 90 percent slopes. (Exhibit 3)

On 5/7/2026, a site visit was performed. From the property south of the Belov residence, I was able to see that the entire slope had given way. The stairway and other development debris was scattered down the slope and deposited on the beach. On 5/12/2026 we visited the site again by boat and were able to see that the slide was from top to bottom and appears to go underneath the front decks of the Belov property. (Exhibit 4)

In reviewing the history of the Belov Property, there are no permits or applications for Critical Area Review, or Shoreline permits for any development or land disturbance.

Because this is a Geologically Unstable area, there is concern for the slope stability, and the safety of not only the Belov residence, but the residences north and south of Belov. An Administrative Order to Abate was issued, ordering the Belov's to retain a Washington Licensed Geotechnical Engineer to make an assessment of the slide as required in SCC 14.24.420. (Exhibit 5)

The Administrative Order was mailed 'Certified' as well as standard USPS, to the Marine Drive address, as well as the Bellevue address listed with the Assessor's office. (Exhibit 6)

On 5/14/2026, a copy of the Administrative Order was also posted at the Marine Drive property. (Exhibit 7)

On 5/14/2026, I received a phone call from Bret Booth, who is the son-in-law. I explained to him what was going on, and emailed him a copy of the AOA. He replied they had located an Engineer and inquired if he would meet the requirements. I replied that it appears so. Shortly after this exchange, Mr. Booth relayed Tatiana would be handling things from here. (Exhibit 9)

DETERMINATIONS

Review of this case was performed by Leah Forbes, who is a Natural Resources Planner with Skagit County. The development activities performed at the Belov property were not reviewed, and likely would not have been allowed until a Geological Hazard Assessment had been performed, and any development approved by a Washington Licensed Geotechnical Engineer. The purpose of these reviews, as well as Critical Area Reviews, is to help avoid destabilization of critical areas in geologically unstable areas.

Irina and Vladimir Belov are reported to not converse fluently in the English Language. Their daughter Tatiana claims to have power of attorney to assist them in conducting their affairs. Tatiana Belova had emailed stating they were in contact with a Geological Engineer, and requested an extension to file an appeal. Due to the potential danger/risk to the properties, I denied the extension citing that this case needed to move forward with as minimal delays as possible, until we have a determination on the safety of the bluff. (Exhibit 10)

APPELLANT'S APPEAL PLEADINGS

See Exhibits 11 and 12

WITNESSES

CCO Greg Adams
Skagit County Planning and Development Services
1800 Continental Pl
Mount Vernon, WA 98273

Leah Forbes – Natural Resources Senior Planner
Skagit County Planning and Development Services
1800 Continental Pl
Mount Vernon, WA 98273

Randy Johnson – Skagit County Building Official
Skagit County Planning and Development Services
1800 Continental Pl
Mount Vernon, WA 98273

APPEAL RIGHTS

Unless otherwise specified by the law, a Party aggrieved by a final decision of the Hearing Examiner may appeal to the Board of County Commissioners of Skagit County, as provided in SCC 14.06 or other body as specified by the code. Such an appeal must be made within 14 days of the date of that final decision pursuant to SCC 14.06.410(3).

Prepared By:



Tom Wenzl

Reviewed By:



Randy Johnson