

NOTICE OF DECISION

SKAGIT COUNTY HEARING EXAMINER

Matter Appealed: Administrative Order to Pay Civil Penalties, date February 19, 2015.

Appellant: Timothy Rognaldson
15169 North Dewey Beach Drive
Anacortes, WA 98221

File No: PL15-0088 (CE14-0119)

Location: 15169 North Dewey Beach Drive

Land Use Designation: Rural Intermediate

Subject: Creation of Accessory Dwelling Unit (ADU) without Building Permits

Appeal Hearing: May 27, 2015. Ryan Walters, Deputy Prosecuting Attorney, represented Skagit County. Tim Rognaldson represented himself.

Witnesses: Sandra Perkins, Enforcement Officer
Brad Wold, Building Inspector
Dave English, Environmental Health Specialist
Jack Moore, Building Official
Tim Rognaldson, Appellant

Decision/Date: Enforcement of the Administrative Order is deferred pending timely completion of steps by Appellant to remove the structure from the ADU category.

Reconsideration/Appeal: A Request for Reconsideration may be filed with Planning and Development Service (PDS) within 10 calendar days of this decision. The decision may be appealed to the Board of County Commissioners by filing an appeal with the clerk of the Board within 14 days of the decision or decision on reconsideration, if applicable.

Online Text: The entire decision can be viewed at:
[www.skagitcounty.net/hearing examiner](http://www.skagitcounty.net/hearing_examiner)

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

In the Matter of the Appeal of an)	
Enforcement Action)	
)	File No. P115-0088
SKAGIT COUNTY,)	
)	FINDINGS, CONCLUSIONS AND
Complainant,)	ORDER
)	
v.)	
)	
TIM ROGNALDSON,)	
)	
Appellant.)	
_____)	

This matter came on for hearing before the Hearing Examiner on May 27, 2015.

FINDINGS

1. The instant enforcement action arose as a result of a complaint received by Planning and Development Services (PDS) in the summer of 2014. The complaint alleged conditions at 15169 North Dewey Beach Drive that were causing off-site damage. The purported causes were too much fill on the property, creation of a garage/shop apartment and overload of the septic system.
2. Subsequent inspections by the County showed that the septic system and fill allegations were unwarranted. However, inspectors did find that the Appellant had created a functional Accessory Dwelling Unit (ADU) in his garage/shop. It included a kitchen, bedroom and bath.
3. The County's records disclosed no building permits relating to the ADU.
4. On December 5, 2014 the County issued an Administrative Order to Abate Violation to Appellant. The Order required Appellant to submit a completed building permit application for an ADU by January 7, 2015 and to obtain the required permit inspection approval by March 4, 2015 or to remove or dismantle the structure by January 7, 2015.
5. The Order stated that civil penalties of \$100 per day would be assessed if the specified corrective action was not taken by the deadline set. The Order advised that any appeal should be filed within 14 days of the date of service.
6. Appellant did not timely appeal the Order, but sent a letter dated January 5, 2015, stating that he had no intention of using the shop in the future as an ADU and asking if his

assurance not to do so would be a sufficient response. He said that if in the future he wished to alter his use of the space, he would apply for the necessary permits.

7. On February 19, 2015, the County issued an Administrative Order to Pay Civil Penalties to the Appellant. Among other things, the Order stated:

A letter from the property owner to the Skagit County Code Compliance Officer was received on January 7, 2015. In this letter, the homeowner acknowledged conversion of an existing shop, to a dwelling unit. The letter requested that the property owner be allowed to keep the dwelling unit in its current state with no further interference. Unfortunately the County cannot make individual exceptions to County Code.

8. The Appellant filed a timely appeal of the Order to Pay Civil Penalties.

9. At hearing the County showed that the facilities installed by Appellant did indeed convert the shop into an ADU and that permits for the work done to accomplish this had not been obtained.

10. Appellant maintained, as he has throughout these proceedings, that he has no intention of using the shop as an ADU and that he simply wants to employ the space as a place to do canning.

11. As a result of colloquy, it developed that the County would cease to regard the space as an ADU if Appellant were to take out the indoor cooking facilities. The Appellant agreed to take the stove out. The County agreed that he could maintain the gas outlet for an outdoor cooker if the gas supply for indoor use was plugged.

12. It was mutually understood that any permits needed for the installation that remains in the shop building after the stove is removed will be timely sought by the Appellant.

13. Any conclusion herein which may be deemed a finding is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over this matter. SCC 14.44.290.
2. The County proved that an ADU had been installed without the required permits.
3. The Appellant made clear that he has no intention of maintaining an ADU for the future and wishes merely to legitimize the installation that remains after ADU status is eliminated.
4. The purpose of the enforcement provisions of the Code is not to raise money, but to secure compliance. It appears that this purpose can be fulfilled by deferring penalties and

allowing the Appellant a reasonable time to bring his structure into compliance with County requirements.

5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

ORDER

The Administrative Order to Abate Violation is affirmed.

The Administrative Order to Pay Civil Penalties is held in abeyance for 30 days from the Appellant's receipt of this decision. Within that time the Appellant shall take steps, as outlined above, to remove the shop from the ADU category, and shall apply for whatever permits are needed to authorize the installation of the facilities that remain. Within 30 days from receipt of any needed permits, the Appellant shall obtain the required permit inspection approval.

If this corrective action is timely taken, the Order to pay Civil Penalties shall automatically be vacated. If the corrective action is not timely taken, civil penalties may be assessed, upon appropriate notice thereof, in the amount accrued since January 8, 2015.

SO ORDERED, this 15th day of June, 2015.



Wick Dufford, Hearing Examiner

Transmitted to Appellant June 15, 2015.

See Notice of Decision, page 1, for appeal information.