



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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The following is a staff report and summary of the violations pertaining to the hearing scheduled on June 15, 2020 for **Case No. BLV 047/19**.

I - SITE DATA

Complaint Number	BLV 047/19
Initial Complaint	September 2, 2016
Property Owner	David & Maria Muresan

Address	1578 Crestview Dr. Camano Island, WA
Parcel Number(s)	R33119-067-2580
Parcel Area(s)	5.0 acres
Zone Designation	Residential Rural (RR)
Allowable Density	2 DU/AC

II - VICINITY MAP



IV – SUMMARY OF VIOLATIONS

Island County Planning and Community Development (ICPCD) has clear and convincing evidence to support that the property owner is in violation of the following Island County Codes:

1. The property owner has been occupying Recreational Vehicles (RVs), Trailers, and tents for the purpose of long term dwelling units. The ICC prohibits the use of RV's, trailers and portable structures for occupancy unless a temporary use permit has been issued for use during the construction of a residence as described in ICC 17.03.180.V.4. which states:

In R and RR Zones, a temporary residence including a single-wide mobile/manufactured home may be authorized:

When fire or natural disaster has rendered a dwelling unit unfit for human habitation; or

During rehabilitation or remodeling of a dwelling unit or construction of a new dwelling unit;

For a period not to exceed six (6) months. Provided that in the event of circumstances beyond the control of the owner, the Planning Director may extend the use for a period or periods not to exceed six (6) months. Application for the extension shall be made at least fifteen (15) days prior to expiration of the certificate of temporary use;

The temporary structure shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated dwelling unit; and

Mobile/manufactured homes shall meet the requirements of section 17.01.180.N.2. but shall not be placed on a permanent foundation and shall not be subject to section 17.03.180.N.1.

2. The property owner has not adequately stored, handled, and or properly disposed of junk and/or junk vehicles. As described in ICC 17.03.180 M, Outdoor storage of junk vehicles may be permitted in association with, and secondary to, a legally established permitted use. In order for outdoor storage of junk vehicles to be considered secondary the following standards shall be adhered to:
 - a. Not more than one (1) junk vehicle may be placed or situated on a parcel that is one (1) acre or less in size.
 - b. Not more than two (2) junk vehicles may be placed or situated on parcels that are one (1) to five (5) acres in size.
 - c. Not more than five (5) junk vehicles may be placed or situated on a parcel that is greater than five (5) acres in size.
 - d. Junk vehicles shall have all batteries and fluids properly removed and disposed of to protect the groundwater supply pursuant to applicable Island County Health Department regulations.
3. The subject property had two separate stop work orders posted on an unpermitted, hazardous accessory dwelling unit/guest cottage which is continuously occupied by vulnerable members of the community. At best, the structure is an illegal accessory dwelling unit under ICC 17.03.180.I, and this violation will be the focus of the June 15, 2020 hearing. At worst, it is

an ongoing human rights violation and a flagrant disregard of the requirements imposed on landlords to provide habitable shelter for rent-paying tenants under the Landlord-Tenant Act.

4. Moreover, Muresan has continued construction on the “Low-Income Housing Unit” without appropriate permitting in violation of the stop work orders. As described in WAC 51-11R-10800-R108.4, any person who shall continue any work after been served with a stop work order, except such work that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine as set by the applicable governing authority. Furthermore, continuing to complete construction after a stop work order is posted is a violation of ICC 17.03.260.B and 17.03.260.C.

V- ORDER

The property owner was ORDERED to complete the following in order to abate the above referenced violations:

- A. Immediately cease and desist all illegal land use activities, including operation of an illegal campground operating on the subject property. The property is not permitted as a legal campground and does not have the facilities or on-site septic capacity to support renters and occupants.
- B. Immediately cease construction on accessory buildings and apply for a building permit before re-commencing construction.
- C. Immediately cease renting the unpermitted, uninhabitable seven-bedroom “Low-Income Housing Unit” until it has been permitted, inspected, and certified for safe occupancy.
- D. Immediately cease accumulation of additional junk and junk vehicles and remove all items from the parcel that can be considered junk until such items can be property stored on the parcel in accordance with Island County Code. Once removed the property owner is ordered to provide Island County with proof of the location and manner in which the junk and/or junk vehicles will be stored and/or disposed of.

VI – TIMELINE OF EVENTS

September 2, 2016: Initial Island County Planning and Community Development Complaint Investigation Request filed regarding conversion of shop into living space without the appropriate permitting (Exhibit 15).

June 1, 2018: Internal Island County Planning and Community Development Complaint Investigation Request submitted regarding trash and junk accumulation (Exhibit 16).

September 4, 2018: Notice of Violation letter sent for unpermitted outdoor storage of junk and/or junk vehicles. IC Code Enforcement Officer made contact with the complainant for follow up (Exhibit 17).

September 10, 2018: The property owner contacted the IC Code Enforcement Officer stating that there are no violations on site. The IC Code Enforcement Officer informed the property owner that he would be required to vacate the occupants from the garage and that there were concerns regarding the lack of on-site septic systems (OSS).

September 26, 2018: The property owner contacted the IC Code Enforcement Officer to inform him that he has moved the tenants out and will begin cleaning up the property to abate the violations.

October 26, 2018: Property owner requested a one-month extension to continue working on abating the violations.

December 21, 2018: The IC Code Enforcement Office reports that no progress has been made. A Sewage Failure Notice of Violation was sent to the subject property owner from the IC Environmental Health Department. (Exhibit 18)

February 20, 2019: An Island County Building Inspector posts a stop work order for new construction without a building permit (Exhibit 19).

February 22, 2019: Building Violation letter sent regarding a Stop Work Order for unpermitted construction (Exhibit 20).

February 25, 2019: A Department of Labor and Industries Electrical Inspection Witness Statement was also created for submittal by the IC Code Enforcement Officer. (Exhibit 21)

March 4, 2019: Island County PCD receives the signed certified mail receipt back from the property owner indicating receipt of the Stop Work Order dated February 28, 2019 (Exhibit 22).

March 29, 2019: John Brazier follows up and notes that the property owner has failed to comply with the Stop Work Order and continues to construct additions and rent out the unpermitted units.

April 4, 2019: Second Stop Work Order (R105) posted by an Island County Building Inspector (Exhibit 23).

April 5, 2019: Letter from the IC Building Official sent to property owner requesting follow up with the Building Official within ten (10) days working days. (Exhibit 24).

April 11, 2019: Island County PCD holds a Pre-Application meeting to discuss creating tiny houses for homeless tenants.)

April 19, 2019: Initial Enforcement Order was posted on site for BLV 047/19 and COF 092/17 (Exhibit 25).

April 22, 2019: Island County Planning and Community Development Complaint Investigation Request received regarding concern about a failing on-site septic system (Exhibit 26). Email from David Muresan sent to IC Code Enforcement Officer with enclosed Building Application requesting the corresponding fees for submittal (Exhibit 27).

April 29, 2019: Pre-application summary sent to property owner with received comments regarding request for tiny homes for homeless tenants (Exhibit 28).

September 3, 2019: IC Code Enforcement Officer notes that no progress has been made after the Initial Enforcement Order was posted.

January 14, 2020: Notice of Violation letter sent to the property owner establishing a fourteen (14) day timeline for compliance (Exhibit 29).

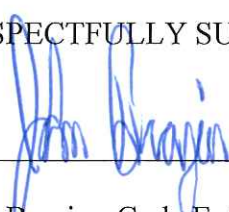
February 19, 2020: Notice of Violation letter sent to the property owner establishing a fourteen (14) day timeline for compliance (Exhibit 30).

April 30, 2020: Second Initial Enforcement Order was posted for BLV 047/19 (Exhibit 31).

May 12, 2020: Island County PCD receives a request for Hearing in response to the Initial Enforcement Order (Exhibit 32).

June 1, 2020: Island County issues an amended Enforcement Order focusing on illegal accessory dwelling unit (ICC 17.03.180.I.). (Exhibit 13).

RESPECTFULLY SUBMITTED THIS 5th DAY OF JUNE 2020,

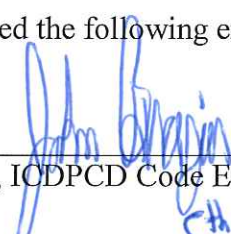


John Brazier, Code Enforcement Officer

Declaration:

I, John Brazier, certify under penalty of perjury that I have reviewed the following enclosures and that they are true and correct copies of the documents described.

s/



John Brazier, ICDPCD Code Enforcement Officer

SIGNED at Coupeville, WA on the 5th day of June, 2020.