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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

KING COUNTY, a political subdivision of the )  
State of Washington, )  
 ) No.  
 )  
 ) Plaintiff, )  
 )  
 ) vs. )  
 )  
 ) VLADAN MILOSAVLJEVIC and ICARUS )  
 ) HOLDING LLC, )  
 )  
 ) Defendants. )  
 )

**COMPLAINT FOR MANDATORY  
INJUNCTION AND COLLECTION  
OF CIVIL PENALTIES AND FEES**

Plaintiff King County, by and through Daniel T. Satterberg, King County Prosecuting Attorney, and Lena Madden, Deputy Prosecuting Attorney, brings this action against the defendants named herein and alleges as follows:

**I. JURISDICTION AND VENUE**

1. This action is brought by plaintiff King County to obtain an injunction requiring correction of land use and zoning code violations in accordance with the King County Code and to collect civil penalties imposed as a result of code violations.

2. The King County Code (“KCC”) violations alleged herein have been and are committed in unincorporated King County by the defendants named herein.

1 **II. PARTIES**

2 1. Plaintiff King County is a political subdivision of the State of Washington,  
3 authorized by Article XI, Section 11 of the Washington State Constitution to make and enforce  
4 land use laws in unincorporated King County.

5 2. At all times relevant to the allegations of this Complaint, defendant Vladan  
6 Milosavljevic, is believed to be a resident of the State of Washington. To the best of plaintiff's  
7 knowledge, defendant is not actively serving in the U.S. military.

8 3. At all times relevant to the allegations of this Complaint, defendant Icarus  
9 Holding LLC, is the owner of the subject property.

10 4. At all times relevant to the allegations in this complaint, defendants are believed  
11 to have been the owners and/or individuals responsible for property located in unincorporated  
12 King County at approximately 16507 140th Pl. NE, Woodinville, King County, WA 98072  
13 described as follows:

14 **Legal Description:**

15 **Account:** 1526059028 **QSTR:** NE 15 26 05

16 LOT 1 OF KC SHORT PLAT #283041 REC #8310270861 SD SP DAF - N 26 AC OF POR  
17 OF NE 1/4 LY WLY OF C L MORRIS RD TGW W 8 AC OF FOLG - POR N 95 AC OF NE 1/4  
18 LY SLY OF S LN OF SD N 26 AC & LY ELY OF LN PLW & 60 FT ELY FR W LN OF SD NE  
1/4 & LY NLY OF LN PLW & 60 FT NLY FR S LN SD N 95 AC

19 (the "subject property").

20 5. The conduct of the named defendants alleged in this complaint occurred in  
21 unincorporated King County.

22 **III. STATEMENT OF FACTS**

1           1.       On March 2, 2018, the King County Department of Local Services (DLS),  
2 Permitting Division (Permitting), formerly the King County Department of Permitting and  
3 Environmental Review (DPER) issued, by certified mail, a Notice and Order (“Notice and  
4 Order”) to defendants formally ordering them to correct code violations on the subject property.  
5 The Notice and Order is attached to this complaint as Exhibit A and is adopted by reference  
6 pursuant to CR 10(c).

7           2.       The Notice and Order cited defendants for:

- 8
- 9           1.       Construction of additions to a structure (addition and patio cover) without the  
10 required permits, inspections and approvals in violation of Sections 16.02.240,  
11 and 21A.28.020 of the King County Code and Sections 105.1 and 114 of the  
12 International Building Code.
- 13           2.       Operation of a landscaping business, auto repair, woodworking business and  
14 general business services, which are not allowed in the agricultural zone,  
15 including storage of equipment and materials, in violation of Section 21A.08.060  
16 of the King County Code.
- 17           3.       Clearing and/or grading without the required permits, inspections and approvals,  
18 within environmentally critical areas (Aquatic and wetlands) and/or their buffers  
19 in violation of Sections 16.82.050, 16.82.051, 16.82.150, 21A.24.045,  
20 21A.24.335, 21A.24.325, and 21A.24.358-365 of the King County Code.

21           3.       The Notice and Order required the defendants to:

22           1a.       Apply for and obtain the required permits, inspections and approvals with  
23 complete application to be submitted **by the following schedule:**

          A.       A complete application must be submitted to the Health Department for  
          approval **by April 2, 2018**; provide a copy of the Health Department  
          application to Code Enforcement.

          NOTE: A Critical Areas Designation (CAD) from D.P.E.R. may be required prior  
          to Health Department submittal if a new septic design is required. If required,  
          a complete CAD application is to be submitted within 30 days of notification  
          and resubmittal to the Health Department within 30 days of CAD issuance.

          B.       A complete building permit application is to be submitted **within 45 days of  
          the Health Department Approval.**

          NOTE: Application for a permit does not ensure that a permit will be issued. An  
          applicant should also be aware that permit fees and/or site conditions and/or

1 repair expenses may make the application cost prohibitive. The only  
2 alternative may be to demolish the non-permitted construction.

3 C. Meet all deadlines for requested information associated with the permit(s) and  
4 pick up the permit(s) within the required deadlines. Request a building  
5 inspection **at time of permit issuance**, make any required corrections and  
6 obtain final approval for occupancy **within one year** of permit issuance.

7 D. **If the permit application or any required approvals including but not**  
8 **limited to Health Department approval is denied**, apply for and obtain a  
9 demolition permit to remove the new construction **within 30 days of final**  
10 **denial of any of the permit approvals**. Demolition must be completed  
11 **within 60 days of permit issuance** even though a demolition permit is good  
12 for 1 year.

13 **OR**

14 1b. **If an application to permit the structure is not pursued**, apply for and obtain a  
15 permit to remove the new construction **by April 2, 2018**. Removal must be  
16 completed **within 60 days of permit issuance** even though a permit is good for 1  
17 year.

18 2. Cease operation of all unpermitted commercial businesses (landscaping, auto  
19 repair, wood working, and general business) and remove all related equipment  
20 and materials from this agricultural site **by May 1, 2018**.

21 3. Apply for and obtain the required permits, inspections and approvals with  
22 complete application to be submitted **by the schedule for violation 1 or**  
23 **following schedule:**

A. Submit a complete clearing permit application **by April 2, 2018**.

NOTE: Application for a permit does not ensure that a permit will be issued.  
The applicant should be aware that permit fees can be expensive and zoning  
or critical area restrictions may require a variance or reasonable use exception  
to county regulations in order to legalize work done without permits.  
Application for a variance or reasonable use exception can be an expensive  
and time consuming option and there is no guarantee that approval will be  
obtained. The alternative is to obtain a clearing/grading permit to restore the  
site to its original condition or as close to that condition as possible.

B. Meet all deadlines for requested information associated with the permit(s) and  
pick up the permit(s) within the required deadlines. Make any required  
corrections and obtain final inspection approval **within one year** of permit  
issuance.

4. The Notice and Order set forth procedures by which defendants could appeal the  
findings and requirements of the Notice and Order to the King County Hearing Examiner. In  
accordance with KCC 20.24.090, the defendants were notified that they had 24 days from the

1 date of service of the Notice and Order to file an appeal, and that failure to appeal would  
2 constitute a waiver of their rights to an administrative hearing and determination of the matter.

3 5. Defendants filed a timely appeal of the Notice and Order. On or about February  
4 6, 2019, the King County Hearing Examiner issued a Report and Decision, granting in part and  
5 denying in party the defendants' appeal, and ordering them to comply with the Notice and Order.

6 6. The Hearing Examiner ordered the following:

- 7 1. As to violation (1), we DENY the appeal. The Department shall provide  
8 a reasonable deadline for Appellant to submit a revised or supplementary  
9 application to legalize the garage door conversion project on the westerly  
10 building.
- 11 2. As to violation (2), we GRANT the appeal as to the woodworking, DENY  
12 the appeal as to the bakery in its current configuration, DENY the appeal  
13 as to all of the businesses *except* farming and winery/distillery, and reach  
14 NO DECISION as to whether or what winery or distillery operations are  
15 allowed or disallowed. By **July 5, 2019**, Appellant shall:
- 16 A. Ensure that no businesses *other* than the woodworking, winery,  
17 distillery, and bakery (and, of course, farming) are operating on  
18 the site.
  - 19 B. Provide to the Department updated information on the contours  
20 of any winery/distillery he wishes to operate.
  - 21 C. Bring the bakery into Ag-zone compliance.
- 22 3. As to violation (3), we GRANT IN PART the appeal, as it relates to the  
23 critical area (or its buffer) component and to the eastern half of the  
trapezoid. We DENY IN PART the appeal, as it relates to clearing and  
compacting the western half of the trapezoid.

By **July 9, 2019**, Appellant shall either submit a grading permit  
application (or an amended or supplemental building permit application)  
addressing the western half of the trapezoid OR Appellant shall  
demonstrate that he has disced/plowed, etc. this area for horticultural  
activities.

1 4. We expressly retain jurisdiction. Either party is free to request a  
2 conference at any point. While we set July 9 as our deadline, if the parties  
3 find themselves as loggerheads before that, a conference would be  
4 appropriate.

5 7. A true and accurate copy of the Hearing Examiner's Report and Decision issued  
6 February 6, 2019 is attached to this complaint as Exhibit B and is adopted by reference pursuant  
7 to CR 10(c).

8 8. The Examiner's decision advised the defendants of their right to appeal the  
9 findings, conclusions, and order to comply with the Examiner's decision, providing, in pertinent  
10 part:

11 **NOTICE OF RIGHT TO APPEAL**

12 King County Code 20.22.040 directs the Examiner to make the  
13 County's final decision for this type of case. This decision shall be  
14 final and conclusive unless proceedings for review of the decision  
15 are timely and properly commenced in superior court. Appeals are  
16 governed by the Land Use Petition Act, Chapter 36.70C RCW.

17 The Examiner's notification to defendants of their right to appeal was set forth at page 8 of the  
18 February 6, 2019 Report and Decision (Exhibit B).

19 9. The defendants did not appeal the February 6, 2019 Report and Decision of the  
20 King County Hearing Examiner, and the decision became final and conclusive pursuant to KCC  
21 23.36.030 C and Land Use Petition Act, Chapter 36.70C RCW.

22 10. The defendants failed to bring their property into code compliance by July 9, 2019  
23 as ordered by the Hearing Examiner. As a result of defendants' failure to timely cure their code  
violations, defendants have accumulated a total of \$18,000.00 in civil penalties and inspection  
fees. Although King County has sent copies of all invoices for the accrued civil penalties to the  
defendants, they have failed to make any payments toward these costs. A true and accurate copy

1 of an invoice that King County sent to the defendants is attached to this complaint as Exhibit C  
2 and is adopted by reference pursuant to CR 10(c).

3 11. The invoices sent to the defendants notified them of the procedures by which they  
4 could seek a waiver by Permitting of the civil penalty determination and assessment. In  
5 accordance with KCC 23.32.050, the invoices warned the defendants that they had 24 days from  
6 the date of service of the initial invoice to request a waiver of civil penalties, and further warned  
7 the defendants that the failure to submit a timely written waiver request would render  
8 Permitting's determination and assessment of civil penalties to be a final and conclusive  
9 administrative decision against them.

10 12. The defendants failed to timely seek a waiver of Permitting's determination of  
11 civil penalties, and therefore, the civil penalty determination became final under KCC 23.32.100.

12 13. Defendants failed to satisfy the requirements and time deadlines set forth in the  
13 February 6, 2019 Report and Decision of the King County Hearing Examiner. To date, the  
14 subject property is still out of compliance and the violations set forth in the Notice and Order as  
15 found by the Hearing Examiner are continuing.

16 14. The factual and legal determinations in the February 6, 2019 Hearing Examiner's  
17 Report and Decision (Exhibit B) have been rendered final and are no longer subject to further  
18 challenge by the defendants pursuant to KCC 23.36.030 C, and KCC 23.36.050.

19 15. Because the defendants failed to bring the subject property into compliance within  
20 the time specified in the Notice and Order, failed to timely seek a waiver, or appeal their civil  
21 penalties, the civil penalties incurred in the amount of \$18,000, which remain unpaid, are a final  
22 administrative determination, and therefore no longer subject to appeal or challenge by the  
23 defendants under the King County Code.

1 **IV. LEGAL AUTHORITY**

2 1. In support of the allegations set forth in the Notice and Order, the County relies  
3 on the following statutory provisions. This information is provided as an aid to understanding  
4 the allegations of this complaint and the County expressly reserves the right to rely on additional  
5 statutory authority as necessary during the course of these proceedings.

6 King County Code

7 KCC 23.02.040(A)(3)	Notice & Order Authorization
8 KCC 23.02.040(D)	DLS authority to seek legal/equitable relief
9 KCC 23.02.040(E)	DLS authority to file suit in Superior Court
10 KCC 23.24.070	Authorization for civil penalties
11 KCC 23.32.010	Assessment of civil penalties
12 KCC 23.02.010(B)	Code Violation
13 KCC 21A.32.230	Public nuisance - prohibited activities
14 KCC 23.24.120	DLS authority to abate land use violations
15 KCC 23.36.010	Appeal to Hearing Examiner
16 KCC 23.40.010	Imposition of lien for civil penalties
17 KCC 23.24.020(D)	Effect of failing to appeal Notice and Order
18 KCC 23.32.050	Civil Fines and Civil Penalties - Waivers
19 KCC 23.32.100	Appeal of penalty waiver decision – process – notice – failure renders decision final
20 KCC 23.36.030 C	Administrative appeal - final order
21 KCC 23.36.050	Judicial Enforcement – limitation on defenses
22 KCC 16.02.240	Work exempt from permits
23 KCC 21A.28.020	Public facilities and services - general requirements
KCC 21A.08.060	Zoning and permit regulations
KCC 16.82.050	Clearing and grading permit required
KCC 16.82.051	Clearing and grading permit exceptions
KCC 16.82.150	Clearing standards for individual lots in rural zone
KCC 21A.24.045	Critical Areas - Allowed alterations
KCC 21A.24.335	Wetlands - development standards and alterations
KCC 21A.24.325	Wetlands - buffers
KCC 21A.24.358	Aquatic areas – buffers



1 KCC 21A.24.365 Aquatic areas — development standards and  
alterations

2 International Building Code  
3 IBC 105.1 When permit required  
4 IBC 114 Stop Work Order

5 **V. PRAYER FOR RELIEF**

6 WHEREFORE, plaintiff King County requests judgment against defendants as follows:

- 7 1. Remediating the ongoing code violations by requiring the defendants to  
8 bring the subject property into compliance with the King County Code, as  
9 set forth in the Notice and Order, and the Report and Decision of the King  
10 County Hearing Examiner, within deadlines to be requested by King  
11 County and as subsequently ordered by this Court.
- 12 2. Should defendants fail to bring the subject property into compliance  
13 within the deadlines requested by King County and set by this Court,  
14 authorizing King County to conduct an abatement inspection and abate the  
15 code violations on the subject property, including the demolition of  
16 structures, and the disposal of personal property either inside of or outside  
17 structures as necessary to resolve the violations, and requiring defendants  
18 to fully cooperate with any abatement action performed under this order,  
19 including post-abatement inspections and monitoring.
- 20 3. Awarding payment of the costs of any abatement performed by King  
21 County within 30 days of invoice unless payment arrangements have been  
22 approved by King County.
- 23 4. Retaining jurisdiction over this matter to determine whether or not the  
defendants have brought the subject property into full compliance with the  
Code, or alternatively, whether they fully and completely cooperated with  
King County if an abatement is performed.
5. Awarding King County civil penalties and inspection costs properly  
assessed against defendants in the amount of \$18,000.00.
6. Awarding King County its costs, disbursements, collection fees pursuant  
to RCW 19.16.500, and reasonable attorney’s fees herein; and,
7. Awarding King County other such relief as this Court may deem proper.

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DATED this 1<sup>st</sup> day of July, 2020.

Respectfully submitted,  
  
DANIEL T. SATTERBERG  
King County Prosecuting Attorney

By: s/ LENA MADDEN  
LENA MADDEN, WSBA #41246  
Deputy Prosecuting Attorney  
Attorneys for Plaintiff King County

# **Exhibit A**

King County  
Department of Permitting  
and Environmental Review  
Code Enforcement  
35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266



20180308000276

CODE VIOLATION Rec: \$76.00  
3/8/2018 9:33 AM  
KING COUNTY, WA

V.

Icarus Holdings LLC  
10900 NE 4th Street # 201  
Bellevue, WA 98004

**NOTICE OF KING COUNTY CODE  
VIOLATION: CIVIL PENALTY ORDER:  
ABATEMENT ORDER: DUTY TO NOTIFY**

AND

Case Number: ENFR17-0503

Icarus Holdings LLC  
23005 27th Avenue W.  
Brier, WA 98036

AND

Vladan Milosavljevic  
16507 140th Pl NE  
Woodinville, WA 98072

---

Zoning: A-10  
Address: 16507 140th Pl. NE, Woodinville, WA 98072  
Account: 1526059028

**Legal Description:** QSTR: NE 15 26 05  
LOT 1 OF KC SHORT PLAT #283041 REC #8310270861 SD SP DAF - N 26 AC OF POR OF  
NE 1/4 LY WLY OF C L MORRIS RD TGW W 8 AC OF FOLG - POR N 95 AC OF NE 1/4 LY  
SLY OF S LN OF SD N 26 AC & LY ELY OF LN PLW & 60 FT ELY FR W LN OF SD NE 1/4  
& LY NLY OF LN PLW & 60 FT NLY FR S LN SD N 95 AC

YOU HAVE BEEN FOUND TO HAVE COMMITTED A CIVIL CODE VIOLATION AND TO BE  
A PERSON RESPONSIBLE FOR CODE COMPLIANCE, AND YOU ARE HEREBY NOTIFIED  
AND ORDERED PURSUANT TO KING COUNTY ORDINANCE 14309, AS AMENDED, OF  
THE FOLLOWING:

**CIVIL CODE VIOLATIONS (Including KCC Section 23.02.010B)**

The King County Department of Permitting and Environmental Review has found the  
above- described location is maintained or used in violation of the King County Code (KCC).  
THEREFORE, YOU ARE ORDERED TO CORRECT VIOLATIONS LISTED BELOW IN  
ACCORDANCE WITH LISTED CODE PROVISION AND CODES ADOPTED UNDER THE  
AUTHORITY OF TITLE 16 OF THE KING COUNTY CODE AS AMENDED BY ORDINANCE  
15802 AND INCLUDING BUT NOT LIMITED TO CHAPTER 21A.50 AND TITLE 23 OF THE  
KING COUNTY CODE; REVISED CODE OF WASHINGTON (RCW) 19.27.020, 19.27.031,  
19.27.040, 19.27.074, AND THE WASHINGTON ADMINISTRATIVE CODE (WAC) 51-40-003:

1. Construction of additions to a structure (addition and patio cover) without the required permits, inspections and approvals in violation of Sections 16.02.240, and 21A.28.020 of the King County Code and Sections 105.1 and 114 of the International Building Code.
2. Operation of a landscaping business, auto repair, woodworking business and general business services, which are not allowed in the agricultural zone, including storage of equipment and materials, in violation of Section 21A.08.060 of the King County Code.
3. Clearing and/or grading without the required permits, inspections and approvals, within environmentally critical areas (Aquatic and wetlands) and/or their buffers in violation of Sections 16.82.050, 16.82.051, 16.82.150, 21A.24.045, 21A.24.335, 21A.24.325, and 21A.24.358-365 of the King County Code.

**TO BRING THIS PROPERTY INTO COMPLIANCE:**

- 1a. Apply for and obtain the required permits, inspections and approvals with complete application to be submitted **by the following schedule:**
- A. A complete application must be submitted to the Health Department for approval **by April 2, 2018**; provide a copy of the Health Department application to Code Enforcement.  
NOTE: A Critical Areas Designation (CAD) from D.P.E.R. may be required prior to Health Department submittal if a new septic design is required. If required, a complete CAD application is to be submitted within 30 days of notification and resubmittal to the Health Department within 30 days of CAD issuance.
  - B. A complete building permit application is to be submitted **within 45 days of the Health Department Approval.**  
**NOTE:** Application for a permit does not ensure that a permit will be issued. An applicant should also be aware that permit fees and/or site conditions and/or repair expenses may make the application cost prohibitive. The only alternative may be to demolish the non-permitted construction.
  - C. Meet all deadlines for requested information associated with the permit(s) and pick up the permit(s) within the required deadlines. Request a building inspection **at time of permit issuance**, make any required corrections and obtain final approval for occupancy **within one year** of permit issuance.
  - D. **If the permit application or any required approvals including but not limited to Health Department approval is denied**, apply for and obtain a demolition permit to remove the new construction **within 30 days of final denial of any of the permit approvals.** Demolition must be completed **within 60 days of permit issuance** even though a demolition permit is good for 1 year.

**OR**

- 1b. **If an application to permit the structure is not pursued**, apply for and obtain a permit to remove the new construction **by April 2, 2018**. Removal must be completed **within 60 days of permit issuance** even though a permit is good for 1 year.
- 2. Cease operation of all unpermitted commercial businesses (landscaping, auto repair, wood working, and general business) and remove all related equipment and materials from this agricultural site **by May 1, 2018**.
  - 3. Apply for and obtain the required permits, inspections and approvals with complete application to be submitted **by the schedule for violation 1 or following schedule:**
    - A. Submit a complete clearing permit application **by April 2, 2018**.  
NOTE: Application for a permit does not ensure that a permit will be issued. The applicant should be aware that permit fees can be expensive and zoning or critical area restrictions may require a variance or reasonable use exception to county regulations in order to legalize work done without permits. Application for a variance or reasonable use exception can be an expensive and time consuming option and there is no guarantee that approval will be obtained. The alternative is to obtain a clearing/grading permit to restore the site to its original condition or as close to that condition as possible.
    - B. Meet all deadlines for requested information associated with the permit(s) and pick up the permit(s) within the required deadlines. Make any required corrections and obtain final inspection approval **within one year** of permit issuance.

**\*\* ANY PERMITS REQUIRED TO PREFORM THE CORRECTIVE ACTION MUST BE OBTAINED FROM THE PROPER ISSUING AGENCY. \*\***

**FAILURE TO COMPLY WITH THIS NOTICE AND ORDER MAY SUBJECT YOU TO ADDITIONAL CIVIL PENALTIES, ABATEMENT AND/OR MISDEMEANOR ACTIONS, AND COULD LEAD TO THE DENIAL OF SUBSEQUENT KING COUNTY PERMIT APPLCATIONS ON THE SUBJECT PROPERTY.**

**CIVIL PENALTY/NOTICE OF LIEN (Including KCC Section 23.24.070):**

You shall correct each violation by the above dates or you will incur daily civil penalties against you according to the following schedule:

- Violation 1: \$65.00 per day for the first 30 days, then \$130.00 per day each day thereafter.
- Violation 2: \$65.00 per day for the first 30 days, then \$130.00 per day each day thereafter.
- Violation 3: \$65.00 per day for the first 30 days, then \$130.00 per day each day thereafter.

In addition re-inspection fees of \$150.00 (1st), \$300.00 (2nd) and \$450.00 (3rd) may be assessed for one to three compliance inspections if the property is not found to be in compliance at the time of the inspection (KCC 23.32.010). Any costs of enforcement including legal and incidental expenses, which exceed the amount of the penalties, may also be assessed against you.

This Department shall periodically bill you for the amount incurred up to and through the date of billing. PERIODIC BILLS ARE DUE AND PAYABLE 30 DAYS FROM RECEIPT. If any assessed penalty, fee or cost is not paid on or before the due date, King County may charge the unpaid amount as a LIEN against the real property of all persons responsible for code compliance and as a JOINT AND SEVERAL PERSONAL OBLIGATION of all persons responsible for code compliance.

**CRIMINAL MISDEMEANOR/NON-COMPLIANCE WITH FINAL ORDER (KCC Section 23.02.030)**

Any person who willfully or knowingly causes, aids or abets a civil violation by any act of commission or omission is guilty of a misdemeanor. Upon conviction, the person shall be punished by a fine of not to exceed one thousand dollars and/or imprisonment in the County jail for a term not to exceed 90 days. Each week (7 days) such violation continues shall be considered a separate misdemeanor offense. **Failure to correct cited violations may lead to denial of subsequent King County permit applications on the subject property.**

**NOTIFICATION OF RECORDING (KCC Section 23.24.040)**

A copy of this Notice and Order shall be recorded against the property in the King County Office of Records and Elections. King County shall file a Certificate of Compliance when the property is brought into compliance.

**ABATEMENT WORK/NOTICE OF LIEN (Including KCC Section 23.24.030 and RCW 35.80.030.1H)**

King County may proceed to abate the violation(s) and cause the work to be done, and charge the costs thereof as a lien against the real property of all persons responsible for code compliance and as a joint and several personals obligation of all persons responsible for code compliance.

**APPEAL (Including KCC Chapter 23.36)**

Any person named in the Notice and Order or having any record or equitable title in the property against which the Notice and Order is recorded may appeal the order to the Hearing Examiner of King County. A statement of appeal must be received in writing by DPER within twenty-four (24) days **by March 26, 2018** of the date of issuance of the Notice and Order. A statement of appeal form is included in this packet. You are not required to use the enclosed form. FAILURE TO APPEAL WITH THE SPECIFIC REASONS WHY THE NOTICE AND ORDER SHOULD BE REVERSED OR MODIFIED MAY RESULT IN A MOTION TO HAVE THE APPEAL DISMISSED BY THE HEARING EXAMINER. FAILURE TO FILE A TIMELY STATEMENT OF APPEAL WITHIN THE DEADLINES SET FORTH ABOVE RENDERS THE NOTICE AND ORDER A FINAL DETERMINATION THAT THE CONDITIONS DESCRIBED IN THE NOTICE AND ORDER EXISTED AND CONSTITUTED A CIVIL CODE VIOLATION, AND THAT THE NAMED PARTY IS LIABLE AS PERSON RESPONSIBLE FOR CODE COMPLIANCE.

**DUTY TO NOTIFY (KCC Section 23.24.030N)**

The person(s) responsible for code compliance has the DUTY TO NOTIFY the Department of Permitting and Environmental Review- Code Enforcement of ANY ACTION TAKEN TO ACHIEVE COMPLIANCE WITH THE NOTICE AND ORDER.

**DATED THIS MARCH 02, 2018**



Sheryl Lux  
Code Enforcement Product Line Manger

# **Exhibit B**

February 6, 2019

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
Telephone (206) 477-0860  
[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**REPORT AND DECISION**

SUBJECT: Department of Local Services, Permitting Division file no. **ENFR170503**

**ICARUS HOLDINGS LLC & VLADEN MILOSAVLJEVIC**  
Code Enforcement Appeal

Location: 16507 140th Place NE, Woodinville

Appellant: Vladen Milosavljevic  
*represented by* **Edward Weigelt**  
9222 36th Avenue SE  
Everett, WA 98208  
Telephone: (425) 346-1646  
Email: [eweigeltjr@msn.com](mailto:eweigeltjr@msn.com)

Intervenor: **Tom Quigley**  
PO Box 2013  
Woodinville, WA 98072  
Telephone: (425) 483-9254  
Email: [tquigley@msn.com](mailto:tquigley@msn.com)

King County: Department of Local Services, Permitting Division  
*represented by* **LaDonna Whalen**  
35030 SE Douglas Street Suite 210  
Snoqualmie, WA 98065  
Telephone: (206) 477-5567  
Email: [ladonna.whalen@kingcounty.gov](mailto:ladonna.whalen@kingcounty.gov)

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Deny appeal in part; grant appeal in part; retain jurisdiction



## EXAMINER PROCEEDINGS:

Hearing Opened: January 22, 2019  
Hearing Closed: January 22, 2019

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner’s Office.

After hearing the witnesses’ testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties’ arguments and the relevant law, the examiner hereby makes the following findings, conclusions, and decision.

## FINDINGS AND CONCLUSIONS:

### Introduction

1. The Department served a Notice and Order alleging (1) construction, (2) businesses on the subject property not legal in the zone, and (3) clearing and grading without a permit and in an environmentally critical area. Ex. 2. Icarus Holdings LLC and Vladen Milosavljevic (Appellant) timely appealed. Ex. 3. Unless directed to by law—and no special directive applies to today’s case—the examiner does not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3. For those matters or issues raised in an appeal statement to an enforcement action, the Department bears the burden of proof. KCC 20.22.080.G; Exam. R. XV.E.2. We deny the appeal as to (1), partially grant and partially deny the appeal as to (2), and partially grant and partially deny the appeal as to (3).
2. Typically, our decision closes out our involvement. Our rules, however, allow us to retain jurisdiction over a given case. Exam. R. XVI.C. We use that discretion sparingly, retaining an average of less than one case (post-decision) per year. As explained below, this is the rare scenario warranting exercising that discretion. As a result, today’s decision does not attempt to wrap things up definitively as with a normal decision. We start our discussion with the primary driver, (2), before moving on to (1) and (3).

### Businesses

3. The subject property is zoned Agricultural (“Ag”), a fairly restrictive zone designed to “preserve and protect irreplaceable and limited supplies of farmland” by, among other avenues, “limiting nonagricultural uses to those compatible with farming, or requiring close proximity for the support of agriculture.” KCC 21A.04.030.A.
4. The Department produced state licensing information with numerous businesses listing the subject property as their location: Asia Farm Magic Clean; Balkan Realty; Belarde Estates; the Boutique at the Vineyard; Brierwood Realty; Chateau Ste Vladany Winery LLC; Gregory Woodwork; Fair Auto Repair; the French Bakery at the Vineyard; Reynolds Landscape Company LLC; Secret Gardens Landscaping, Inc.; Site at Nite LLC;

Three Monks Distillery; and Totti Café and Bakery LLC (The Rooster Coffee and Bakery). Exs. 7a & 7b.

5. Appellant testified that some of these were not on the site by the time he purchased the property in 2016. Others, such as the landscaper, were, but he has moved them off the property. We discuss only the ones that are arguably legal in the Ag zone: Appellant's boutique, bakery, winery, distillery, and the holdover woodworker tenant.
6. Appellant asserted that there were multiple legal non-conforming uses. Ex. 3. In general, one asserting legal nonconforming use status bears the burden of showing the use existed prior to the contrary zoning ordinance and that the use was lawful at the time. *King County, Dept. of Dev. & Envtl. Services v. King County*, 177 Wn.2d 636, 643, 305 P.3d 240, 244 (2013). KCC 21A.32.020–.085 provides the local take on such uses.
7. Although the previous owner conducted or allowed several businesses, including real estate services, landscaping, and a cafe, a use must have been lawfully established in order to later obtain legal nonconforming use status. KCC 21A.32.040; *King County*, 177 Wn.2d at 646 (using an unlawful method to establish a use prevents the use from later being considered legal). The mere passage of time does not transform an illegal use into a legal one. Moreover, even once legally established, a nonconforming use may not be changed into some other kind of nonconforming use. *Miller v. City of Bainbridge Island*, 111 Wn. App. 152, 164, 43 P.3d 1250 (2002). With one exception, Appellant has not met his burden.
8. The Department did not dispute Appellant's statement that the woodworker has leased space on the site since the late 1970s. The Department concedes that the woodworking business was at one point legal, but only as an accessory use to a trailer business formerly operating on the site. The Department's theory is that because woodworking was only legal as an accessory use, and because the trailer business has since quit the site, the woodworking business must discontinue operations.
9. It is an interesting question. The prototypical legal nonconforming use scenario occurs when a *law* changes to prohibit a formerly allowed use; the use is allowed to continue. Here, the pivotal change was a *factual* one. The trailer business was the anchor originally allowing the woodworking business to operate legally. When the trailer business left, it removed that anchor.
10. Facts on the ground can change and eliminate legal nonconforming use status. The woodworker might have discontinued or abandoned the use, but there is no evidence of this. *Cf.* KCC 21A.32.025, .045. A use may not be expanded, and it may not be intensified beyond a certain magnitude, but there is no evidence that the woodworker has done these either. *Cf. Kitsap County v. Kitsap Rifle and Revolver Club*, 184 Wn. App. 252, 268–69, 337 P.3d 328 (2014). Yet those are examples of potential actions (or, in the case of discontinuation/abandonment, *inaction*) a proprietor (or her predecessor) took (or failed to take). We have found no precedent supporting the concept that third-party action, such as another business quitting the site, forfeits legal nonconforming use status for a business that remains. The woodworker may continue his historical operations.

11. Appellant has plans related to a winery and distillery. These have not yet come to fruition, and so we have nothing to definitively rule on today. The Department agreed that *some* such uses might be legal under the current code. In addition, the zoning code is in flux, with extensive pending legislation on wineries and distilleries. And if the code changes, even that will not be definitive, as there is the prospect of a legal nonconforming use. We thus mostly punt the winery/distillery analysis.
12. The one thing we can now state with some authority on the topic is that having a Washington State Liquor and Cannabis Board (Board) license is necessary, but not sufficient. The Board authorizing something as a matter of state *licensing* law does not mean that the County has to allow it as a matter of local *zoning* law. As a recent decision interpreting the intersection of the Board and local zoning law phrased it, “the fact that an activity can be licensed under state law does not mean that the activity must be allowed under local law.” *Emerald Enterprises, LLC v. Clark County*, 2 Wn. App. 2d 794, 805, 413 P.3d 92 (2018). The Board’s powers are “distinct from the County’s zoning authority,” and a Board license is “an *additional* requirement for opening a new business.” *Id.* at 817, 806 (emphasis added). How that impacts the subject property remains to be seen.
13. The code allows agricultural product sales and agricultural support services on Ag-zoned land. KCC 21A.08.090.A. These are defined as:
- KCC 21A.06.040 Agricultural product sales: the retail sale of items resulting from the practice of agriculture, including primary horticulture products such as fruits, vegetables, grains, seed, feed and plants, primary animal products such as eggs, milk and meat, or secondary and value added products resulting from processing, sorting or packaging of primary agricultural products such as jams, cheeses, dried herbs or similar items....
- KCC 21A.06.040S Agricultural support services: any agricultural activity that is directly related to agriculture and directly dependent upon agriculture for its existence but is undertaken on lands that are not predominately in agricultural use.
14. KCC 21A.08.090.B.24 and .25 detail what specifically is allowed—and not allowed—within those categories. Retail sales of agricultural products are allowed, but such sales are limited to, for example:
- agricultural products and locally made arts and crafts;
  - at least 40% of agricultural product sales being *primary* agricultural products (such as fruit, versus secondary agricultural products like fruit pastries or fruit jams); and
  - at least 60% of sales being products grown or produced in Puget Sound counties.

KCC 21A.08.090.B.24.b.1, .4 & .5.

15. The Boutique at the Vineyard Appellant registered for and depicted in Exhibit 5, page 5, most closely matches the home furnishings store category, a use disallowed in the Ag zone. KCC 21A.08.070.A. In no sense does it meet the above criteria for agricultural product sales, nor does it qualify as an agricultural support service. It will need to move out.
16. The most contentious piece is the bakery. There was a café and bakery operating on the site, but eating and drinking places are (and were) not allowed in the Ag zone. KCC 21A.08.070.A. The former owner received a permit for that building in 2011, but for “retail agricultural products,” not for a café or bakery. Ex. 10. As discussed above, the mere passage of time did not transform that illegal use into a legal one. Therefore, unlike the woodworking operation, Appellant obtained no right to continue such operations.
17. Looking at the pictures of Appellant’s operations, what is there currently exceeds the allowed “tasting of products” as part of agricultural products sales, and looks much more like an eating or drinking establishment (SIC category 58). KCC 21A.08.090.B.24.b.6; Ex. 5 at 4, 6 & 7. Cafes, coffee shops, and bakeries are expressly listed in SIC subcategory 5812, Eating Places. Those are not allowed in the Ag zone KCC 21A.08.090.A. Appellant will need to scale back such operations, but we divine no exact proscription like, “If he changes X, Y, and Z, and meets the 40% primary and 60% of Puget Sound requirements, that would qualify as agricultural product sales with some tasting of those products.” This is one reason we are retaining jurisdiction over this case.
18. One significant question is whether to require Appellant to shut down the bakery while he attempts to reconfigure operations to meet the code (as the Department and Intervenor urge) or allow him to stay open in the interim while he attempts to come into compliance (as Appellant urges). Both approaches have some merit. Appellant has certainly pushed the envelope, and seems to have adopted a “Do first, check if legal later” approach which has created significant regulatory headaches. On the other hand, Appellant is actually developing the agricultural capacity of the property. He has already sold fruits and vegetables, meaning agricultural products sales is not a pipe dream. And an illegal bakery and café pre-dates Appellant’s ownership, meaning Appellant did not create this prohibited use out of whole cloth.
19. In the end, the tipping point for us is the testimony of Eric Beach, who handles agricultural issues for the County’s Department Natural Resources and Parks. Mr. Beach opined that Appellant had made a “good start” towards demonstrating compliance and that Appellant’s intent is “consistent” with what the code is looking for. We will allow Appellant to keep the bakery open while he attempts to transition to a legal use, provided he does not begin any new, unpermitted businesses in the interim. July 5, 2019, would represent a full year of bakery operations.

### Construction

20. In May 2018, Appellant started the process to address the addition to the bakery structure that he had constructed without the necessary permits. The Department put his

application on hold in October, because the use did not appear a legal one (see above discussion of business uses).

21. On the building next door to the west, Appellant replaced three garage doors with more traditional doors, some windows, and some plywood siding. Exs. 15 at 001-01; 18A. The Department asserts that this work requires a building permit. Appellant asserts that it does not.
22. The building code starts from the broad default that anyone intending “to construct, enlarge, **alter, repair**, move [or] demolish” a building must apply for a building permit. KCC 16.02.110; IBC 105.1. Appellant argues that he made no structural modifications, and thus does not need a permit. That does not appear accurate factual assessment; rather than replacing garage doors with other garage doors, Appellant has added siding and windows where there were once only garage doors.
23. Moreover, even if we agreed with the factual categorization of the work as nonstructural, the work would still require a permit. As a legal matter, it may make some intuitive sense that the dividing line between needing a building permit or not would be whether there was a structural change. However, that is not how the pertinent code that creates exceptions to the default rule carves things up. KCC 16.02.240 does not include the word “structural” or create a related exception. The closest-sounding exception on that list is “painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.” KCC 16.02.240.7. Appellant’s work to the outside of the building, including replacing door space with windows and siding, goes beyond such finish work.
24. Presumably, the next step would be for Appellant to submit a *revised* building permit application that adds this construction to the pending application. However, that current building permit application is on hold. The Department should provide Appellant with instructions and a reasonable timeline.

### Clearing and Grading

25. The final alleged violation is (3), clearing and grading without a permit and in an environmentally critical area.
26. There are three sets of activities on the site, only one of which is in contention. First, there was work under and directly adjacent to the bakery-building construction referenced above, which the Department agrees was not in a critical area buffer and is being addressed as part of above-mentioned building permit process. Second, Appellant has plowed the northwest portion to plant his fruits and vegetables; such horticultural activity explicitly does not require a permit. KCC 16.082.051.B. The third and relevant activity is what the Department asserts is clearing and grading in an orange trapezoid area, Exhibit 12, activity not addressed in the building permit application nor covered by the tilling/discing exception.
27. The code carves out few exceptions for what clearing or grading is allowed in a critical area buffer, at least without a permit. KCC 16.82.050, .051. However, there is no evidence, or at least insufficient evidence, that the orange trapezoid is in a critical area

buffer. Ex. 14. The Department has not met its burden of showing a critical areas violation. We grant this part of the appeal.

28. That does not end our analysis, because there are other thresholds above which a permit is required. The most obvious here is that the property has far more than 7,000 *cumulative* square feet of clearing, meaning that practically any additional clearing would trigger the permit requirement. KCC 16.82.051.C.2. Similarly, the property seems well above the impervious surface limits for Agriculture-zone properties.
29. The Department is correct that the current property owner is ultimately responsible for correcting code violations on the property. KCC 23.02.020.K, .130.A. So we do not start with a blank slate in 2016 (when Appellant purchased the property). This is especially true for anything occurring after January 1, 2005, when the current clearing and grading regime came into force.
30. The Department appears to have overstated the extent of the work. Looking at the Exhibit 12 aerials from 2002 and 2005, the eastern approximate half of the trapezoid already was cleared and had equipment or trailers parked on it and pounding it down. Conversely, the western half or so of the trapezoid was vegetated. This pattern continues, without much noticeable change, through 2007 and 2009. In 2012, the then-owner cleared the vegetation on the western half, leaving the entire trapezoid bare.
31. In addition to clearing, the Department asserts that trucks and equipment have pounded down the trapezoid so much as to create impervious surface. That may be true, but again, that was true for the eastern half of the trapezoid as early as the oldest evidence in our record, 2002, and it was already packed down by 2005. In sum, we sustain the violation (3), but only for the western portion of the trapezoid.
32. As to the remedy, Appellant could apply for a clearing or grading permit to legalize the situation “as is,” but there is no guarantee that would be granted. More promisingly, in its staff report, the Department helpfully suggested another alternative for compliance:

demonstrating there is no equipment storage in the cleared areas, and it is being used for horticultural purposes. KCC 16.82.051 describes horticultural activity as tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity.

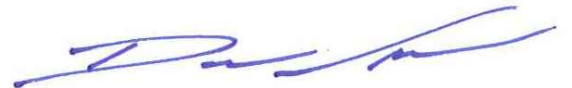
Ex. 1 at 3. This is because, for those areas outside a critical area or its buffer, such horticultural activity explicitly does not require a permit. KCC 16.082.051.B. If Appellant removes the trucks and then tills this area and incorporates the western portion of the trapezoid into his agricultural operations, that area will no longer be impervious surface (in fact) or deemed “cleared” (in law).

#### DECISION:

1. As to violation (1), we DENY the appeal. The Department shall provide a reasonable deadline for Appellant to submit a revised or supplementary application to legalize the garage door conversion project on the westerly building.

2. As to violation (2), we GRANT the appeal as to the woodworking, DENY the appeal as to the bakery in its current configuration, DENY the appeal as to all of the businesses *except* farming and winery/distillery, and reach NO DECISION as to whether or what winery or distillery operations are allowed or disallowed. By **July 5, 2019**, Appellant shall:
  - A. Ensure that no businesses *other* than the woodworking, winery, distillery, and bakery (and, of course, farming) are operating on the site.
  - B. Provide to the Department updated information on the contours of any winery/distillery he wishes to operate.
  - C. Bring the bakery into Ag-zone compliance.
3. As to violation (3), we GRANT IN PART the appeal, as it relates to the critical area (or its buffer) component and to the eastern half of the trapezoid. We DENY IN PART the appeal, as it relates to clearing and compacting the western half of the trapezoid. By **July 9, 2019**, Appellant shall either submit a grading permit application (or an amended or supplemental building permit application) addressing the western half of the trapezoid OR Appellant shall demonstrate that he has disced/plowed, etc. this area for horticultural activities.
4. We expressly retain jurisdiction. Either party is free to request a conference at any point. While we set July 9 as our deadline, if the parties find themselves as loggerheads before that, a conference would be appropriate.

ORDERED February 6, 2019.



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David Spohr  
Hearing Examiner

### **NOTICE OF RIGHT TO APPEAL**

King County Code 20.22.040 directs the Examiner to make the County's final decision for this type of case. This decision shall be final and conclusive unless proceedings for review of the decision are timely and properly commenced in superior court. Appeals are governed by the Land Use Petition Act, Chapter 36.70C RCW.

**MINUTES OF THE JANUARY 22, 2019, HEARING IN THE APPEAL OF ICARUS HOLDINGS LLC AND VLADEN MILOSAVLJEVIC, DEPARTMENT OF LOCAL SERVICES-PERMITS FILE NO. ENFR170503**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were LaDonna Whalen, Jeri Breazeal, Fereshteh Dehkordi, Ted Sullivan, Eric Beach, Tom Quigley, Edward Jr. Weigelt, and Vladen Milosavljevic.

The following exhibits were offered and entered into the record:

- |                |  |
|----------------|--|
| Exhibit no. 1  | Department of Local Services-Permits staff report to the Hearing Examiner  |
| Exhibit no. 2  | Notice and order, issued March 2, 2018   |
| Exhibit no. 3  | Appeal, received March 22, 2018  |
| Exhibit no. 4  | Codes cited in the notice and order  |
| Exhibit no. 5  | Photographs of subject property, dated July 6, 2017, February 5, 2018, July 10, 2018, and July 12, 2018  |
| Exhibit no. 6  | Aerial photographs of subject property, dated 2017 and 2013  |
| Exhibit no. 7  | <ul style="list-style-type: none"> <li>A. Department of Revenue license information for businesses Reynolds Landscape Company LLC; Fair Auto Repair; Gregory Woodwork; Secret Gardens Landscaping Inc; Brierwood Realty</li> <li>B. Department of Revenue license information for businesses At the Vineyard the French Bakery; The Boutique at the Vineyard; Belarde Estates; Gregory Woodwork; Reynolds Landscane Company LLC; Balkan Realty; Brierwood Realty; Totti Café and Bakery LLC (The Rooster Coffee and Bakery); Secret Gardens Landscaping Inc; Three Monks Distillery; Asia Farm Magic Clean; Site at Nite LLC; Chatuea Ste Vladany Winery LLC;</li> </ul> |
| Exhibit no. 8  | Already-built construction pre-screening meeting request form, received August 24, 2017  |
| Exhibit no. 9  | Application for Health Department approval of building permit, received March 27, 2018   |
| Exhibit no. 10 | Building permit no. B11M0612, dated July 11, 2011  |
| Exhibit no. 11 | Summary of qualifications of Fereshteh Dehkordi-Westerlund   |
| Exhibit no. 12 | Aerial photographs, dated 2002, 2005, 2007, 2009, 2012, 2013, 2015, and 2017   |
| Exhibit no. 13 | Letter from Permitting to Vladan Milosavljevic with agriculture condition requirements, dated October 8, 2018  |
| Exhibit no. 14 | Critical areas report by Wetlands Northwest LLC, dated February 9, 2018  |
| Exhibit no. 15 | Emails between Permitting and Vladen Milosavljevic, dated March 22, 2018 through July 3, 2018  |
| Exhibit no. 16 | Letter from Thomas Quigley to DLSP with complaint, dated March 13, 2017  |
| Exhibit no. 17 | Petition to intervene from Thomas Quigley, dated April 25, 2018  |
| Exhibit no. 18 | <ul style="list-style-type: none"> <li>A. Photograph of subject property</li> </ul>  |



- Exhibit no. 19
  - B. Photograph of subject property
- Exhibit no. 20
  - A. Photograph of subject property
  - B. Photograph of subject property
  - C. Photograph of subject property
  - D. Photograph of subject property
- Exhibit no. 21
  - A. Photograph of planting on subject property
  - B. Photograph of planting on subject property
  - C. Photograph of planting on subject property
  - D. Photograph of planting on subject property
  - E. Photograph of planting on subject property
  - F. Photograph of planting on subject property
  - G. Photograph of planting on subject property
  - H. Photograph of planting on subject property
  - I. Photograph of planting on subject property
  - J. Photograph of planting on subject property
  - K. Photograph of planting on subject property
  - L. Photograph of planting on subject property
  - M. Photograph of planting on subject property
  - N. Photograph of planting on subject property
  - O. Photograph of planting on subject property
  - P. Photograph of planting on subject property
- Exhibit no. 22
  - Icarus Farm’s production list, dated December 21, 2018
  - Emails between Agriculture, Forestry and Incentives Program and Vladen Milosavljevic, dated December 26, 2018 and January 17, 2019

DS/lđ

February 6, 2019

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
Telephone (206) 477-0860  
[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**CERTIFICATE OF SERVICE**

SUBJECT: Department of Local Services, Permitting Division file no. **ENFR170503**

**ICARUS HOLDINGS LLC & VLADEN MILOSAVLJEVIC**  
Code Enforcement Appeal

I, Liz Dop, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND DECISION** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED February 6, 2019.



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Liz Dop  
Legislative Secretary

**Beach, Eric**

Department of Natural Resources and Parks  
Hardcopy

**Breazeal, Jeri**

Department of Local Services, Permitting Division

**Dehkordi, Fereshteh**

Department of Local Services, Permitting Division

**Deraitus, Elizabeth**

Department of Local Services, Permitting Division

**Lux, Sheryl**

Department of Local Services, Permitting Division

**Milosavljevic, Vladen**

Icarus Holdings LLC  
Hardcopy

**Quigley, Tom**

**Reynolds, James**

**Sullivan, Ted**

Department of Natural Resources and Parks

**Tanksley, Michael**

**Weigelt, Edward Jr.**

Hardcopy

**Whalen, LaDonna**

Department of Local Services, Permitting Division

**Williams, Toya**

Department of Local Services, Permitting Division

# **Exhibit C**



**King County**

**Department of Local Services  
Permitting Division**  
35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266

# Code Enforcement Statement

Property Address: 16507 140th PL

Statement Number: 1C-0312-9211

Statement Date: 03/12/2020

Parcel Number: 1526059028

Icarus Holdings LLC  
10900 NE 4th Street # 201  
Bellevue, WA 98004

Case #: ENFR17-0503  
Case Status: Billing in Process

Also Invoiced:

Icarus Holdings LLC  
Vladan Milosavljevic

23005 27th Avenue W. Brier, WA 98036  
16507 140th PI NE Woodinville, WA 98072

## Fees

### Fixed Fees

Civil Penalty VIO-1	\$5,850.00	
Civil Penalty VIO-2	\$5,850.00	
Civil Penalty VIO-3	\$5,850.00	
First Re-Inspection Fee	\$150.00	
Second Re-Inspection Fee	\$300.00	
<b>Total:</b>		<b>\$18,000.00</b>

**Project Cost to Date: \$18,000.00**

## Payments

Date	Type	Check #/Trust #	Payee	Amount
<b>Total Payments:</b>				

**Total Balance \$18,000.00**

Dear Icarus Holdings LLC

These charges have been assessed because there are violations of the King county Code on the above noted property and these violations were not corrected by the date(s) specified in the Notice and Order, Stop Work Order, or Voluntary Compliance Agreement.

Additional penalties may be incurred until the violations are corrected. King County may contract to abate the violations at the expense of the property owner and the person(s) responsible for code compliance.

All civil penalties and abatement costs are payable on or before the due date; failure to pay these charges within 30 days may result in liens against the above noted property or other property of the person(s) responsible for code compliance.

Past due accounts may be sent to collections, or to the Office of the King County Prosecuting Attorney for legal action, which can add costs and interest to the amount owing.

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If you have questions about this statement, please call 206-296-6600



**King County**

**Department of Local Services  
Permitting Division**  
35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266

## Remittance Advice

Project Name: ICARUS HOLDINGS LLC  
Project Location: 16507 140th PL

Icarus Holdings LLC  
10900 NE 4th Street # 201  
Bellevue, WA 98004

Statement Number: 1C-0312-9211  
Statement Date: 03/12/2020  
Case #: ENFR17-0503

Parcel Number: 1526059028

Case Status: Billing in Process

Past Due Amount:	\$18,000.00
Current Finance Charge:	\$0.00
Current Fees Due:	\$0.00
Total Amount Due:	\$18,000.00
Due Date:	04/02/2020

**Payments may be made in person or mailed to:  
Department of Local Services Permitting Division  
35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266**

Please make check payable to King County Office of Finance. To ensure proper credit, please include the case number on your check.

Tear Here

Include slip with payment



**King County**

**Department of Local Services  
Permitting Division**  
35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266

Project Location: 16507 140th PL

Icarus Holdings LLC  
10900 NE 4th Street # 201  
Bellevue, WA 98004

Statement Number: 1C-0312-9211  
Statement Date: 03/12/2020  
Parcel Number: 1526059028

Case #: ENFR17-0503  
Case Status: Billing in Process

Total Balance:	\$18,000.00
Minimum Amount Due:	\$18,000.00
Due Date:	04/02/2020

Payment: \_\_\_\_\_

If you believe that any newly assessed civil penalties were assessed in error, were assessed for a time period after the property was in compliance, or should be waived or reduced for other reasons, you may request a waiver with the department.

To file a waiver request, a written request must be received by this department within twenty-four (24) days from issuance of this invoice. The waiver request must include the following:

1. The name and contact information of the person filing the request;
2. The address of the property where the violations were determined to exist;
3. A description of the actions taken to achieve compliance and the date of compliance, if applicable; and
4. Explanation of why the civil penalties assessed should be reduced or waived.

Failure to submit a waiver request within twenty-four (24) days of service of this invoice renders the invoiced amount final.

Note: A waiver request will not stop the assessment of further civil penalties. The decision regarding your waiver request may be held until the property has been brought into compliance or all civil penalty billing periods have past.

See King County Code 23.32.050 for further information.

If you have questions about this statement, please call 206-296-6600 or email [CodeEnforcementBilling.DPER@kingcounty.gov](mailto:CodeEnforcementBilling.DPER@kingcounty.gov).





**King County**

**Department of Local Services  
Permitting Division**  
35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266

# Code Enforcement Statement

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Icarus Holdings LLC  
Vladan Milosavljevic

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<b>Total:</b>	<b>\$18,000.00</b>

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Date	Type	Check #/Trust #	Payee	Amount
<b>Total Payments:</b>				

**Total Balance \$18,000.00**

Dear Icarus Holdings LLC

These charges have been assessed because there are violations of the King county Code on the above noted property and these violations were not corrected by the date(s) specified in the Notice and Order, Stop Work Order, or Voluntary Compliance Agreement.

Additional penalties may be incurred until the violations are corrected. King County may contract to abate the violations at the expense of the property owner and the person(s) responsible for code compliance.

All civil penalties and abatement costs are payable on or before the due date; failure to pay these charges within 30 days may result in liens against the above noted property or other property of the person(s) responsible for code compliance.

Past due accounts may be sent to collections, or to the Office of the King County Prosecuting Attorney for legal action, which can add costs and interest to the amount owing.

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If you have questions about this statement, please call 206-296-6600



**King County**

**Department of Local Services  
Permitting Division**  
35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266

## Remittance Advice

Project Name: ICARUS HOLDINGS LLC  
Project Location: 16507 140th PL

Icarus Holdings LLC  
23005 27th Avenue W.  
Brier, WA 98036

Statement Number: 1C-0312-9211  
Statement Date: 03/12/2020  
Case #: ENFR17-0503

Parcel Number: 1526059028

Case Status: Billing in Process

Past Due Amount:	\$18,000.00
Current Finance Charge:	\$0.00
Current Fees Due:	\$0.00
Total Amount Due:	\$18,000.00
Due Date:	04/02/2020

**Payments may be made in person or mailed to:  
Department of Local Services Permitting Division  
35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266**

Please make check payable to King County Office of Finance. To ensure proper credit, please include the case number on your check.

Tear Here

Include slip with payment



**King County**

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Permitting Division**  
35030 SE Douglas St., Ste. 210  
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Brier, WA 98036

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Statement Date: 03/12/2020  
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Case #: ENFR17-0503  
Case Status: Billing in Process

Total Balance:	\$18,000.00
Minimum Amount Due:	\$18,000.00
Due Date:	04/02/2020

Payment: \_\_\_\_\_

If you believe that any newly assessed civil penalties were assessed in error, were assessed for a time period after the property was in compliance, or should be waived or reduced for other reasons, you may request a waiver with the department.

To file a waiver request, a written request must be received by this department within twenty-four (24) days from issuance of this invoice. The waiver request must include the following:

1. The name and contact information of the person filing the request;
2. The address of the property where the violations were determined to exist;
3. A description of the actions taken to achieve compliance and the date of compliance, if applicable; and
4. Explanation of why the civil penalties assessed should be reduced or waived.

Failure to submit a waiver request within twenty-four (24) days of service of this invoice renders the invoiced amount final.

Note: A waiver request will not stop the assessment of further civil penalties. The decision regarding your waiver request may be held until the property has been brought into compliance or all civil penalty billing periods have past.

See King County Code 23.32.050 for further information.

If you have questions about this statement, please call 206-296-6600 or email [CodeEnforcementBilling.DPER@kingcounty.gov](mailto:CodeEnforcementBilling.DPER@kingcounty.gov).



**King County**

**Department of Local Services  
Permitting Division**  
35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266

# Code Enforcement Statement

Property Address: 16507 140th PL

Statement Number: 1C-0312-9211

Statement Date: 03/12/2020

Parcel Number: 1526059028

Vladan Milosavljevic  
16507 140th PI NE  
Woodinville, WA 98072

Case #: ENFR17-0503  
Case Status: Billing in Process

**Also Invoiced:**

Icarus Holdings LLC  
Icarus Holdings LLC

10900 NE 4th Street # 201 Bellevue, WA 98004  
23005 27th Avenue W. Brier, WA 98036

## Fees

**Fixed Fees**

Civil Penalty VIO-1	\$5,850.00	
Civil Penalty VIO-2	\$5,850.00	
Civil Penalty VIO-3	\$5,850.00	
First Re-Inspection Fee	\$150.00	
Second Re-Inspection Fee	\$300.00	
<b>Total:</b>		<b>\$18,000.00</b>

**Project Cost to Date:** **\$18,000.00**

## Payments

Date	Type	Check #/Trust #	Payee	Amount
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**Total Payments:**

**Total Balance** **\$18,000.00**

Dear Vladan Milosavljevic

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Permitting Division**  
35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266

## Remittance Advice

Project Name: ICARUS HOLDINGS LLC  
Project Location: 16507 140th PL

Vladan Milosavljevic  
16507 140th PI NE  
Woodinville, WA 98072

Statement Number: 1C-0312-9211  
Statement Date: 03/12/2020  
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