

After recording return to:

COVENANT BETWEEN
PROPERTY OWNER(S)
AND
ISLAND COUNTY
FOR PROPERTY LOCATED WITHIN A GEOLOGICALLY
HAZARDOUS AREA

Application #:	Permit Type: Building Permit	Application Date:
Assessor's Parcel Number(s)		
Legal Description		
Description of hazardous or unstable property condition		

1. Pursuant to Section 11.02.170 Island County Code (ICC), this covenant is to be signed by the site owner(s) and acknowledged prior to issuance of any permit or approval in a geologically hazardous area or other area of potential hazards due to soils, erosion, or drainage conditions. Following permit issuance, this covenant is to be filed for record with

the Island County Auditor by the PROPERTY OWNER, at the expense of the PROPERTY OWNER, so as to become part of the Island County real property records.

2. The PROPERTY OWNER hereby acknowledges that the activity proposed through the referenced permit application is located within a geologically unstable area. Geologically unstable areas include those areas susceptible to the effects of erosion, sliding, earthquake, or other geologic events. These unstable areas pose a threat to the health and safety of citizens when incompatible residential, commercial, industrial, or infrastructure development is sited in such areas. Geological hazards also 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.
3. The PROPERTY OWNER acknowledges that some geologic hazards can be reduced or mitigated, but not eliminated, through proper engineering, design, or modified construction practices so that risks to health and safety are acceptable.
4. To this purpose, for the protection of the general public and not any specific individual or class of individuals, Island County places certain restrictions on development and use within geologically unstable areas.
5. The PROPERTY OWNER recognizes that the property is considered to be unstable and is subject to periodic failure. Issuance of an Island County permit does not guarantee stability. The permit may establish conditions of development reflecting natural processes, geology, and long term erosion rates which may have been identified by qualified privately contracted professionals who have been hired by the PROPERTY OWNER. The PROPERTY OWNER, his or her heirs, executors, administrators, successors and assigns, jointly and severally, understand and accept the responsibility for the risks associated with development on property located within a geologically hazardous area or other unstable area and agree to those conditions stipulated in the permit and agree to conform to those conditions.
6. As applicable, the PROPERTY OWNER, successors and assigns agree to inform potential purchasers and lessees of the risks associated with the referenced property pursuant to the disclosure requirements of Section 11.02.180 ICC, attached hereto as Attachment 1.
7. The PROPERTY OWNER, for himself or herself, his or her heirs, executors, administrators, successors and assigns, jointly and severally, does hereby waive the right to assert any claim against Island County, its officials, agents, employees, and contractors, by reason of or arising out of issuance of the permit approval by Island County for the development on the property, except only for such losses that may directly result from the negligence of Island County.
8. This constitutes a covenant that runs with the herein-described land.

PROPERTY OWNER:

PROPERTY OWNER:

Accepted by Island County by: _____ Date: _____

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STATE OF _____)
COUNTY OF _____) Ss

On this day personally appeared before me _____
to me (proven)(known) as the individual(s) described in and who executed the within and
foregoing instrument and acknowledged that he/she/they signed and sealed the said
instrument as his/her/their own free and voluntary act and deed, for the uses and purposes
herein stated.

GIVEN under my hand and official seal this _____ day of _____, _____.

NOTARY PUBLIC in and for the

STATE of

S E A L

residing at

My Commission expires

PRINTED name of Notary Public

ATTACHMENT 1

ICC 11.02.180

Disclosure Statement

Pursuant to the requirements of this chapter, no person shall sell, lease, or offer for sale or lease any property within a geologically hazardous area that has been the subject of a geotechnical report required by this chapter, unless the prospective buyer or lessee has been given notice substantially as follows:

To: _____

The Property at _____ is located within a geologically hazardous area. Geologically hazardous areas 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 are 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, but not eliminated by engineering, design, or modified construction practices so that risks to health and safety are acceptable. Island County has placed certain restrictions on development and use of geologically hazardous areas.

Before purchasing or leasing the above property, you should consult the Island County Zoning Ordinance ICC 17.03, the Island County Critical Area Ordinance ICC 17.02, the Island County Grading Ordinance ICC 11.02, and any previously issued permits/geotechnical reports to determine restrictions, if any, which have been placed on the subject property.