

**Policy Group Meeting  
March 6, 2009  
Approved Summary**

**Policy Group in Attendance**

Stephanie Buffum	Mary Riveland	Peter Dederich
Field	Tom Cowan	Peter Kilpatrick
Teri Williams	Susan Key	Ron Henrickson
Jodi Bush	David Roberts	Lovel Pratt
Marilyn O'Connor	Patty Miller	Jonathan White

**Public in Attendance**

Barbara Rosenkotter	Jon Cain	Randy Gaylord - Presenting
Laura Arnold		

The San Juan Initiative welcomed several new members to the Policy Group and bid farewell to some retiring members:

New Members: Mary Riveland, Teri Williams, Susan Key, David Roberts, Lovel Pratt. We also welcomed Ron Henrickson as a strategic advisor.

Retiring Members: Kevin Ranker, Rich Doenges, Sam Buck, Jeri Ahrenius, Kit Rawson and Nick Jones.

**Decisions:**

1. Consensus was reached on sending a letter to the County Council signed by the Co-Chairs regarding the proposed code enforcement ordinance. Patty Miller, Stephanie Buffum Field and Peter Kilpatrick will review draft letter prior to signing by Co-Chairs. The letter will have the following key points:
  - a. Recognize the financial burden and current economic challenges being faced by the County.
  - b. Violations should be made public. For instance, they could be posted in the papers.
  - c. Support that the responsibility for the violation applies to both property owner and contractor.
  - d. It is important that the ordinance include restitution for environmental damage.
  - e. When the ordinance is passed by the County Council, Community Development and Planning needs to send notification and provide education about the new rules to contractors and the public.
  - f. The financial penalties proposed in the draft ordinance seem adequate.
  - g. Support the County's effort to increase on the ground "eyes and ears" to identify violations.
  - h. It should be required that copies of permits should be on-site but we recognize that this requirement belongs in a different section of the code and would need to be implemented through a different process.
  - i. Emphasize action.
  - j. The Policy Group has reached consensus on these points and the District Manager from the Conservation District abstained from this discussion.
2. **Next steps**

- a. Staff will continue to develop actions to improve protection of shoreline resources and gather input from County Planners, trades group, property owners, and scientists.
- b. Staff is presenting the San Juan Initiative to the King County Council (3/31) and Snohomish County Council (4/1).
- c. Next Policy Group meeting is in Friday Harbor, 4/17 from 12:30 -4:30. Policy Group meeting in May has been moved to May 28<sup>th</sup>, on Orcas.

#### **I. Introductions: Highlights thus far and hopes for Phase 4 – Action**

The Policy Group identified the following highlights from the previous 2 years and hopes for the final phase. This extended introduction was a way to introduce members to each other and share what the Initiative means to them. The Policy Group had the following comments:

- a. Pleased with the engagement of the community, trades and professional group involvement, the practicality of the recommendations and use of science.
- b. Diversity and openness to opinions is valued and practiced.
- c. We are ready and focused on action even though we recognize that changes often take more time than expected.
- d. Continue to be excited by the opportunity to move into the terrestrial work to make real ecosystem management happen while encouraging sustainable use of land and resources,
- e. We are focused on improving county government in delivery of services and in the way the County works, even in these difficult times.
- f. Appreciate connecting work of federal and state agencies to the local area.
- g. Appreciate that focus includes both regulatory and non regulatory approaches including educating on how to develop in a way that works for the community and the ecology.
- h. Jonathan’s boat rides are a highlight.

#### **II. Committing to Action**

- A. Amy provided summary of the overall approach that was supported by Policy Group members through e-mail feedback.
- B. Overall approach includes changes to education/incentive and regulatory programs for ecosystem protection that also supports property use. (Document: Approach for Implementation of SJI Recommendations, Draft, 1/23/09).

#### **III. Regulatory Approach**

- A. Improving compliance (Document: Staff Report #1)
  - 1. The San Juan Initiative is recommending changes to the regulatory system, including changes to the Unified Development Code and to the inspection/enforcement system. Randy Gaylord, Prosecuting Attorney, was invited to highlight some of the proposed changes to the code enforcement ordinance.
  - 2. Summary of Randy Gaylord’s comments on key changes to current code enforcement ordinance:
    - a. Goal of new ordinance is to ensure compliance. It also authorizes civil penalties, and allows for criminal enforcement at same time.
    - b. Notice of violation has been streamlined from three steps (1.go out to see landowner, 2.notice of correction, 3.notice of violation) to one step. The County can issue a notice of violation which includes a reasonable time to

correct action and if the action is not corrected, then a penalty shall be applied. This is not a ticketing ordinance.

- c. CDPD Director can request help from sheriff or other departments to help in investigation. One FTE position for a compliance officer. Need to create more people that are eyes and ears for investigator.
- d. "Reasonable belief" of a violation allows for investigation to start, can be based on a recorded complaint.
- e. Land owner and the contractor may both be responsible. A "good faith" defense by contractor is not allowed.
- f. Stop work order is option if there is potential for damage to environment or safety. Penalty capped at \$1,000 per day because that is the highest by state statute for misdemeanor. Challenge to violation goes directly to court.
- g. Upon notice of violation, the Director of CDPD can suspend action on other permits on that parcel. Violations follow the person like a criminal history. Five years washes out record. There is also a procedure to revoke permits previously granted on the same parcel.
- h. Compliance plans provide flexibility but not intended to supersede regulations.
- i. Annual reports to Council on number, status and resolution of violations.

3. Summary of Discussion:

- a. Staff provided a summary of Trade Group Work Team response to proposed ordinance which included support for contractor and property owner to be both responsible for violation. Penalties may need to be higher so that people don't just pay their way out of it. Although, when it was clarified that the penalty could be assessed each day, it was felt that the penalties were adequate. Trade group agreed with post construction inspections of shoreline structures.
- b. There was discussion about what it means when the "contractor is responsible." Should the excavator operator personally be responsible or is the company who hired the excavator responsible? The contractors present felt that the contracting company is responsible for the action of their employees.
- c. The proposed code allows for criminal proceedings to begin immediately but it the criminal proceedings are not automatic.
- d. This ordinance requires after fact permits cost five times the usual permit fee.
- e. Who could be eyes and ears for code enforcement? Public works, sheriffs but this would require training.
- f. The ordinance does not create additional costs to the County and in fact, the new code should be easier.
- g. The proposed enforcement ordinance is going to the Planning Commission in April or May.

- B. From this discussion, the Policy Group reached consensus on key points for a letter for the County Council A summary of the key points is listed in the "Decision Section" of this meeting summary

#### **IV. Voluntary/Education**

- A. Staff quickly introduced ideas for improving information and technical assistance to property owners and building and real estate professionals prior to the buying and building process. (Staff Report #2). Below is a summary of the discussion.

1. Concern about the do-ability of the work program – are staff over-committing?  
Although it is an ambitious plan for the next six months, Policy Group members directed staff to continue working on the whole system of protection which includes education and regulation.
2. The hope with the expanded site visits is to give owners more information up front.
3. If we could get every person to make the phone call to get the information; wetlands, geology, eagles nest, etc.
4. Staff directed to look for ways to provide the homeowner and contractor clear, consistent and durable information.