



Thurston County Board of Commissioners
Work Session Summary

Date of Work Session:	June 21, 2017
Time:	3:00 p.m.
Office/Department:	Resource Stewardship
Subject:	Title 26
Staff Contact/Author:	Name/Title: Mike Kain Phone: x5471
Attendees:	Commissioners Present: Bud Blake, John Hutchings, Gary Edwards
	County Manager: Ramiro Chavez; Asst. County Manager: Robin Campbell
	Other Staff: Brent Butler, Kraig Chalem, Travis Burns, Robert Manns, Gary Richardson
Discussion Points:	<p>This briefing was a follow-up to the June 1, 2017 briefing. The intent of the briefing was to review the proposed amendments to Title 26, line-by-line.</p> <p>Staff described the following proposed amendments:</p> <p><u>TCC 26.05.010</u> – Purpose. <i>Subsections...</i></p> <ul style="list-style-type: none"> A. <i>Sanitary Code is made applicable, to prevent issuance of building permits when there is a pre-existing violation.</i> B. <i>A clear purpose statement at the beginning of Title 26, and minor changes in terminology throughout reflect the County's commitment to collaborative enforcement.</i> <p><u>TCC 26.05.020</u> – Administration, subsections on authority to issue penalties. <i>Subsection...</i></p> <ul style="list-style-type: none"> E. <i>Seeks to preserve the continuity of compliance actions by facilitating authority to issue penalties without resorting to executive action each time a compliance official is hired.</i> <p><u>TCC 26.05.030</u> – Calculation of penalties and damages. <i>Subsections...</i></p> <ul style="list-style-type: none"> C. <i>Specifies how penalties are calculated: each day is a separate violation that may be appealed.</i> F. <i>Limits the assessment of civil penalties to a maximum of 30-days.</i> <p><u>TCC 26.05.040</u> – Enforcement and violation remedies. <i>Subsections...</i></p> <ul style="list-style-type: none"> A. <i>County staff seek voluntary compliance first through collaborative methods including a "Notice of Violation", which provides a reasonable period to voluntarily comply.</i> B. <i>A "voluntary compliance agreement" would halt progressive enforcement, speak plainly to the violation and remedy, and the terms of compliance within a realistic time frame.</i>

	<p><u>TCC 26.05.050</u> - Abatement of illegal use, structure or development.</p> <p><i>Unauthorized uses, shall be caused to obtain permit(s) meeting the standards in place at time of application, or remove the violation.</i></p> <p><u>TCC 26.05.060</u> – Enforcement, violations, and penalties -- Stop work orders. Subsection...</p> <p>C. <i>When “Stop Work Orders” are issued they must clearly cite the code to appeal.</i></p> <p>Commissioner Edwards expressed concern that property owners are often unaware of violations when they purchase property, thereby inheriting undisclosed consequences. He would like to know what the County can do to incentivize obtaining permits without penalty to bring properties into compliance. He would also like to avoid potential consequence of property owners not applying for permits in the future, or dismissing improvement of their property because they don’t want, or can’t afford to rectify past actions not of their own making.</p> <p>Prosecuting Attorney, Travis Burns, explained that state law only vests building permits at time of application, and that applications are reviewed against codes in effect at time of submittal. The only valid means of correcting violations is to legally establish the use through approval and issuance of after-the-fact permits, which are subject to inspection.</p> <p>Commissioner Edwards asked staff to find out when the County started requiring applications and adopted building code standards? Is there a cutoff year?</p> <p>Commissioner Blake, expressed concern that there is not a clear path for staff to follow when issuing civil infractions and civil penalties. He would like staff to draw out a process of progressive enforcement in relation to defined priorities; and, describe the criteria used to assess penalties. Priorities and any associated criteria should be objective and judicious. There should be a connection/rationale for assessment of penalties.</p> <p>Commissioner Edwards added that he believes that voluntary compliance is preferable and achieved by means of public education. Commissioner Hutchings agreed, progressive compliance includes public outreach and education.</p> <p>Robin Campbell noted that compliance may want to add an affirmative statement.</p>
<p>Results/Board Direction:</p>	<p>Staff should work toward providing material that explains:</p> <ul style="list-style-type: none"> • Progressive enforcement process simply and in detail. • When penalties rather than infractions likely to be used. • Explain how a violation scales upward. • How ‘egregious’ will be replaced to better express urgency. <p>In addition, the Board agreed that TCC 26.05.050, should be reworded to not be confusing, and should not be perceived as overly onerous or accusatory to potential violators.</p> <p>Commissioner Edwards encouraged staff to reach out to real estate agencies, title companies, and any other potential stakeholders for input with regards to proposed amendments.</p>