



**RIDGEFIELD PLANNING COMMISSION
MEETING AGENDA**

**Wednesday, October 4, 2023
RACC - Columbia Assembly Room
510 Pioneer Street, Ridgefield, WA 98642**

I. GENERAL SESSION CALL TO ORDER - 6:30 PM

- 1. Flag Salute**
- 2. Roll Call**
- 3. Late changes to the agenda**

II. PUBLIC COMMENT

Anyone requesting to speak to the Commission regarding all items not subject to a specific Public Hearing may come forward at this time. Please state your name and limit comments to three minutes. Written comments may be submitted to the Clerk prior to the meeting.

III. CONSENT AGENDA

- 1. Approval of Minutes from the 09/06/2023 Meeting**

IV. PUBLIC HEARING/BUSINESS

- 1. Enforcement Code Consolidation and Refinement - Public Hearing - Claire Lust, Community Development Director**

V. PUBLIC COMMENT

Anyone requesting to speak to the Commission regarding all items not subject to a specific Public Hearing may come forward at this time. Please state your name and limit comments to three minutes. Written comments may be submitted to the Clerk prior to the meeting.

VI. STAFF REPORTS

VII. FROM THE COMMISSION

VIII. ADJOURN

**CITY OF RIDGEFIELD
REQUEST FOR COMMISSION ACTION**

MEETING DATE: October 4, 2023

AGENDA ITEM NAME: Approval of Minutes from the 09/06/2023 Meeting

SUMMARY/BACKGROUND:

STAFF CONTACT:

ATTACHMENTS:

1. 09.06.2023 Minutes



**CITY OF RIDGEFIELD, WASHINGTON
PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 6, 2023**

Regular Meeting - 6:30 PM

I. GENERAL SESSION CALL TO ORDER - 6:30 PM

- 1. Flag Salute**
- 2. Roll Call**

Present:

Vice Chair Amanda Swenson
Commission Member Katie Favela
Commission Member Richard Amerman
Chair Patrick Flynn
Commission Member John Rose
Commission Member Joel Thompson
Commission Member Mark Tyler

3. Late changes to the agenda

No late changes to the agenda.

II. PUBLIC COMMENT

Anyone requesting to speak to the Commission regarding all items not subject to a specific Public Hearing may come forward at this time. Please state your name and limit comments to three minutes. Written comments may be submitted to the Clerk prior to the meeting.

No public comments provided.

III. CONSENT AGENDA

1. Approval of Minutes from the 08/02/2023 Meeting

Commissioner Rose moved to approve the Consent Agenda as presented, seconded by Commissioner Tyler. Ayes all. Motion passed unanimously.

RESULT:	(UNANIMOUS)
MOVER:	Commission Member John Rose
SECONDER:	Commission Member Mark Tyler
AYES:	Commission Member Favela, Chair Flynn, Commission Member Amerman,

IV. PUBLIC HEARING/BUSINESS

1. Development Tour Planning - Claire Lust, Community Development Director

Claire Lust, Community Development Director, opened a discussion regarding the upcoming Development Tour.

Discussion occurred regarding how things are looking from the I-5 interchange, along Pioneer all the way to downtown.

Discussion occurred regarding points of interest downtown, i.e. clean up sites, what is the City going to do with the old police station, vacant lots, food cart area, downtown parks, etc.

Discussion occurred regarding any potential future projects that are not well known. Are there any paths or park plans in the works?

Discussion occurred regarding spending time at the waterfront and what is being proposed for that area.

Discussion occurred regarding potential walking trails.

Discussion occurred regarding follow up on the things that were in the works on last-year's Development Tour.

Discussion occurred regarding traffic concerns due to the Costco development, specifically relating to Pioneer.

Discussion occurred regarding the development happening at the Clark College site.

V. PUBLIC COMMENT

Anyone requesting to speak to the Commission regarding all items not subject to a specific Public Hearing may come forward at this time. Please state your name and limit comments to three minutes. Written comments may be submitted to the Clerk prior to the meeting.

No public comments provided.

VI. STAFF REPORTS

Claire Lust, Community Development Director, advised the City Council held a study session on food carts. The Lahti property re-zone was approved by the City Council. The YMCA is about 90% done with site design. They have had a Pre-App, but have not submitted any land use applications. Their goal is to be able to begin site work in 2024.

VII. FROM THE COMMISSION

Commissioner Thompson enjoyed the 4th of July events.

Commissioner Swenson helped with Farm to Table.

Commissioner Tyler attended the grand opening of the police station and City Days .

Commissioner Favela attended the grand opening of the police station and the Multi-cultural Festival.

Commissioner Flynn reminded the commissioners to check for updates regarding the Development Tour.

VIII. ADJOURN

Trina Siebert, Planning Commission Clerk

Patrick Flynn, Chair

**CITY OF RIDGEFIELD
REQUEST FOR COMMISSION ACTION**

MEETING DATE: October 4, 2023

AGENDA ITEM NAME: Enforcement Code Consolidation and Refinement - Public Hearing

SUMMARY/BACKGROUND:

See attached staff report for background information and discussion of the proposed changes to the enforcement code. A link to additional attachments is provided in the staff report.

STAFF CONTACT: Claire Lust, Community Development Director

ATTACHMENTS:

1. _Enforcement Code PC Staff Report_20231004



THE CITY OF RIDGEFIELD

510 Pioneer Street Ste B | P.O. Box 608 | Ridgefield, WA

Enforcement Code Amendments Planning Commission Staff Report October 4, 2023

I. CODE ENFORCEMENT BACKGROUND

It is the policy of the City of Ridgefield to thoroughly and consistently enforce the rules and regulations of the Ridgefield municipal code (RMC), with primary emphasis on protection of general health, safety and welfare. In addition, it is the policy of the City to strive for and achieve the highest level of voluntary compliance in all code enforcement actions. The City strives to resolve all code enforcement actions in a swift, fair, and equitable manner.

The City hired its first full-time Code Enforcement Officer in January 2022. The Code Enforcement Officer was tasked with professionalizing the previously part-time, *ad hoc* position, including standardizing enforcement procedures and corrective actions. The amendments proposed herein are based on the officer's experience and best professional judgement, with input from other involved parties.

II. EXISTING CONDITIONS AND PROBLEM STATEMENT

The Code Enforcement Officer is responsible for determining if violations of the municipal code have occurred and for enforcing the applicable code provisions through corrective actions. The Code Enforcement Officer may call upon other appropriate city departments and employees to assist in enforcement of the municipal code.

The Code Enforcement Officer enforces certain provisions in Titles 8 – Health and Welfare; 12 – Streets and Sidewalks; 13 – Public Utilities; 14 – Building and Construction; 15 – Abatement of Public Nuisances; and 18 – Development Code. Currently, numerous enforcement procedures and penalties are spread throughout these titles of the municipal code. **There is no consistent set of procedures for enforcing violations of the municipal code.**

This lack of consistency has several consequences for staff and customers. Code complaints are resolved more slowly when staff must take the time to determine what enforcement procedure(s) apply to the case. Staff must consult with the City Attorney on appropriate actions, at a significant hourly cost. There is a lack of certainty that individuals who have committed code violations are being treated equitably over time and across different types of violations. When a code violation case goes to hearing, it is difficult for staff to make a strong legal argument based on a fragmented code. Were the current Code Enforcement Officer to leave, it would be challenging for other staff and/or a new hire to apply the existing codes consistently.

III. PROPOSAL

Title 20 – Code Enforcement

The main proposal is to establish one uniform set of code enforcement procedures for the municipal code. This consolidated enforcement code would be in a new title of the RMC: **Title 20 – Enforcement Code** (see Attachment A). The existing code enforcement procedures described in Titles 8, 12, 13, 14, 15, and 18 would be removed and replaced with references to Title 20. (Note: in four chapters – 13.80, 15.24, 18.395, and 18.840 – some existing enforcement language that is specific to the topics therein and does not conflict with Title 20 is proposed for retention. See Table 1.) References to Title 20 would also be added to chapters within the subject titles that should link to enforcement procedures but do not.

The proposed uniform procedures in Title 20 were developed by the current Code Enforcement Officer based on the City of Vancouver's adopted uniform code enforcement procedures. The Code Enforcement Officer previously worked as a City of Vancouver Code Enforcement Officer for 20 years and found Vancouver's enforcement procedures to be fair, equitable, and easy for code enforcement staff and supporting staff to apply in an efficient manner.

The Code Enforcement Officer engaged the following individuals to help draft and refine the proposed code updates for use in Ridgefield:

- City Attorney
- Municipal Court Prosecutor
- Chief of Police
- Community Development Director
- Building Official
- City Engineer
- Stormwater Supervisor
- Utility Clerk
- Cross Connection Control Specialist

A basic summary of proposed Title 20 follows. For full detail please see Attachment A.

- Chapter 20.100 establishes general provisions, including applicability to chapters within Titles 8, 12, 13, 14, 15, and 18; definitions; and the City's authority to investigate violations, enter into voluntary compliance agreements, issue orders, revoke permits, and assess monetary penalties.
- Chapter 20.200 provides a menu of enforcement actions and procedures for noticing and completing those actions:
 - Correction notice: a notice informing the responsible party of a violation and providing a date by which to remedy the violation to avoid further enforcement action.
 - Voluntary correction agreement: an agreement between the City and the responsible party to correct and mitigate for a violation to avoid further enforcement action.
 - Notice of civil penalty: a notice requiring corrective action by a certain date and imposing monetary penalties when the responsible party is unresponsive to a correction notice or agreement.
 - Order to revoke permit: an order to revoke a permit issued by the City of Ridgefield when the terms of the permit or approved plans are not being met, the permit was issued in error, or the permit was issued based on incorrect information.

- Judicial abatement: an action where the City abates a violation the responsible party has failed to address as required by a correction notice or agreement, notice of civil penalty, or Hearing Examiner's final order, with the permission of the property owner or pursuant to a judicial order.
- Summary abatement: immediate abatement of a violation imminently threatening health, safety, welfare, or the environment, typically using a stop work order.
- Injunctive relief: an action where the City Attorney petitions the court for the issuance of an injunction or restraining order preventing the code violation from continuing.
- Criminal prosecution: an action where the City refers a violation to the prosecutor as a misdemeanor. Must follow attempts to achieve compliance through other means listed in Chapter 20.200 unless the situation involves repeat violations or malicious intent.
- Judicial relief: an option for the City to file a complaint in court to seek legal relief where civil enforcement actions or criminal prosecution would not be timely or effective.
- Chapter 20.300 describes the process by which affected parties may appeal an enforcement action. Appeals go before the Hearing Examiner, and staff prepares a report for the hearing detailing the case. The Hearing Examiner's decision may be appealed to superior court.

Monetary penalties

Staff proposes a concurrent update to the Master Fee Schedule establishing monetary penalties for first, second, and subsequent violations of the municipal code. See Attachment B. Code violation penalties are not currently listed in the Master Fee schedule and are instead scattered throughout the RMC like existing code enforcement procedures. The proposed fees are similarly based on those charged by City of Vancouver code enforcement. The basic proposed fees are \$250 for first violation, \$500 for second violation, and \$1,000 for subsequent violations. Higher fees are proposed for violations that pose an immediate threat to life, health, safety, and the natural environment.

As proposed in Chapter 20.200, the City could collect cumulative monetary penalties. Penalties could be assessed on a daily basis beginning after the corrective date provided in the notice to the responsible party. Monetary penalties would accrue during an appeal period unless the appellant prevails. Payment of fees would not relieve the responsibility party from correcting the violation. Costs incurred by the City to remedy a violation, including legal costs, abatement costs, and administrative costs, would be charged to the responsible party or as a lien against the property.

Other proposed updates

While auditing the existing code enforcement language in Titles 8, 12, 13, 14, 15 and 18, staff identified two other changes to include in this proposal.

1. Junk vehicles and automobile hulks. Currently, junk vehicles and automobile hulks are addressed in Chapter 8.20 under Title 8, Health and Welfare. The proposal is to create a new chapter for junk vehicles and automobile hulks (Chapter 15.25) within Title 15, Abatement of Public Nuisances such that junk vehicles and automobile hulks are appropriately identified as public nuisances. New Chapter 15.25 would reference Title 20 for enforcement procedures, relieving Ridgefield PD of their duty to get a court order for removal of junk

vehicles off private property and instead establishing the owner's responsibility to remove their own junk vehicles through the uniform code enforcement process. See Attachment P.

2. Backflow cross-connection regulations. Housekeeping amendments are proposed to RMC Chapter 13.55.040, Inspection of backflow devices. See Attachment L.

Table 1. Summary of proposed changes

<u>Source</u>	<u>Changes</u>	<u>Attachment</u>
RMC Title 20 – Code Enforcement	New title with uniform code enforcement procedures.	A
Master Fee Schedule	New section with code violation penalties.	B
RMC Chapter 8.04 – Debris Removal	Replace existing enforcement procedures with reference to uniform enforcement procedures in Title 20.	C
RMC Chapter 8.12 – Garbage Collection	Replace existing enforcement procedures with reference to uniform enforcement procedures in Title 20.	D
RMC Chapter 8.13 – Collection of Recyclable Materials	Replace existing enforcement procedures with reference to uniform enforcement procedures in Title 20.	E
RMC Chapter 8.20 – Junk Vehicles and Automobile Hulks	Delete and move to new Chapter 15.25.	F
RMC Chapter 12.12 – Trees	Replace existing enforcement procedures with reference to uniform enforcement procedures in Title 20.	G
RMC Chapter 12.15 – Street Excavations	Replace existing enforcement procedures with reference to uniform enforcement procedures in Title 20.	H
RMC Chapter 13.15 – Sewer Service	Add reference to uniform enforcement procedures in Title 20.	I
RMC Chapter 13.20 – Water Service	Add reference to uniform enforcement procedures in Title 20.	J
RMC Chapter 13.50 – Meters	Add reference to uniform enforcement procedures in Title 20.	K
RMC Chapter 13.55 – Backflow Cross-Connection Regulations	Add reference to uniform enforcement procedures in Title 20.	L

	Minor housekeeping updates to 13.55.040, Inspection of backflow devices.	
RMC Chapter 13.80 – Illicit Discharge	Replace most existing enforcement procedures with reference to uniform enforcement procedures in Title 20. Maintain certain illicit discharge-specific enforcement sections that do not conflict with Title 20 (cost of remediation, special noticing requirements, negotiations with violators authorized).	M
RMC Chapter 14.98 – Enforcement	Add a new chapter to Title 14, Building and Construction, referencing the uniform enforcement procedures in Title 20.	N
RMC Chapter 15.24 – Public Nuisances	Replace most existing enforcement procedures with reference to uniform enforcement procedures in Title 20. Maintain certain enforcement sections that do not conflict with Title 20 (liability for costs).	O
RMC Chapter 15.25 – Junk Vehicles and Automobile Hulks	New chapter referencing uniform enforcement procedures in Title 20. Replaces Chapter 8.20.	P
RMC Chapter 18.395 – Development Code Enforcement Procedures and Penalties	Replace most existing enforcement procedures with reference to uniform enforcement procedures in Title 20. Maintain certain development-specific enforcement sections that do not conflict with Title 20 (determination of violation, subdivision violations).	Q
RMC Chapter 18.500.070 – Site Plan Review – Conditions, revocation of approval, terms and appeals	Revise reference to Chapter 18.395 and add reference to Title 20.	R
RMC Chapter 18.710.170 – Signs – Nonconforming signs, maintenance, removal and enforcement	Revise reference to Chapter 18.395 and add reference to Title 20.	S
RMC Chapter 18.715.080 – Exterior Lighting – Penalties for violation	Revise reference to Chapter 18.395 and add reference to Title 20.	T
RMC Chapter 18.740.060 – Fences and Walls – Enforcement	Add reference to Title 20.	U
RMC Chapter 18.750.030 – Flood Control – General provisions	Revise reference to Chapter 18.395 and add reference to Title 20.	V

RMC 18.755.080 – Erosion Control – Enforcement	Replace existing enforcement procedures with references to Chapter 18.395 and to Title 20.	W
RMC 18.840.140 – Trees – Non-compliance, penalty, and enforcement	Replace most existing enforcement procedures with references to Chapter 18.395 and to Title 20. Maintain the additional remedies already identified in 18.840.140 that do not conflict with Title 20.	X

IV. PROCESS

<u>Date</u>	<u>Milestone</u>
September 20, 2023	Notice of Planning Commission public hearing published and posted
September 28, 2023	Notice of City Council public hearing published and posted
October 4, 2023	Planning Commission public hearing and recommendation to Council
October 12, 2023	(Tentative) City Council public hearing and 1 st reading
October 26, 2023	(Tentative) City Council public meeting and 2 nd reading/adoption

V. PUBLIC COMMENT

Staff have received no public comments as of September 28, 2023.

VI. MOTION

To forward a recommendation of approval to City Council: “I move to recommend approval of the Enforcement Code Amendments as presented.”

VII. ATTACHMENTS

View and download attachments at this link: <https://ridgefieldwa.sharefile.com/d-sfb5bce34966342509feaa5750b485b53>