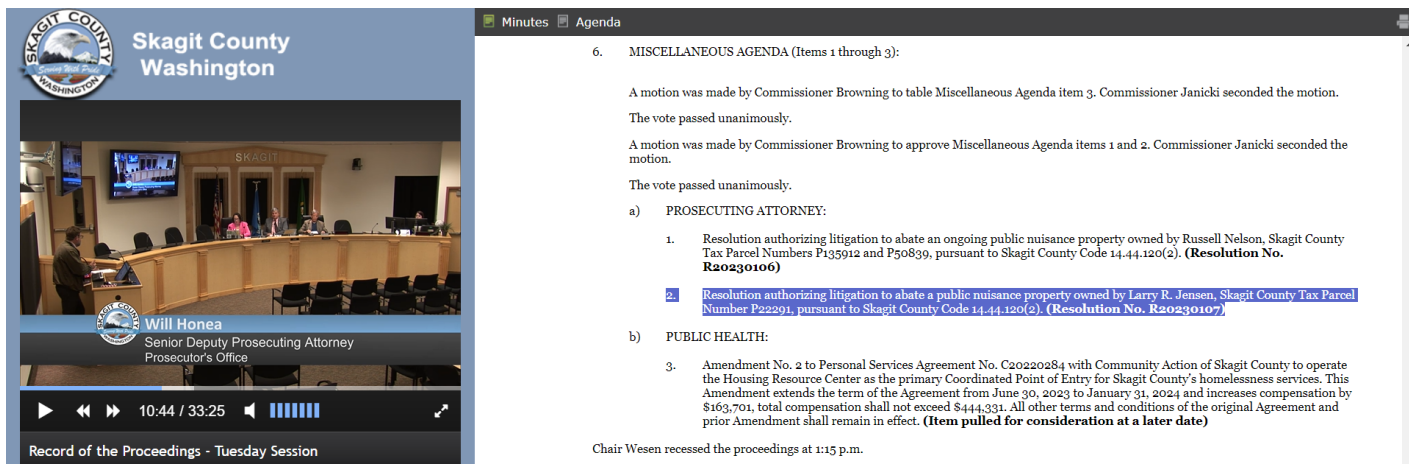


Report on the Origins of Compliance #: CE23-0057

At the Skagit County Commissioner's meeting on May 30th, 2023, the 3 county commissioners and Will Honea discussed Resolution No. R20230107 which authorized litigation to abate a public nuisance at a property owned by Larry Jensen (Parcel Number P22291). During this discussion the 3 commissioners and Will Honea made a point to talk about Skagit County's code enforcement procedures and the necessity of a "Request for Investigation" completed by a concerned citizen or business. This complaint-based system is supposed to ensure that there is no unfair treatment under the law.



Skagit County Washington

Will Honea
Senior Deputy Prosecuting Attorney
Prosecutor's Office

Record of the Proceedings - Tuesday Session

Minutes Agenda

6. MISCELLANEOUS AGENDA (Items 1 through 3):

A motion was made by Commissioner Browning to table Miscellaneous Agenda item 3. Commissioner Janicki seconded the motion.
The vote passed unanimously.

A motion was made by Commissioner Browning to approve Miscellaneous Agenda items 1 and 2. Commissioner Janicki seconded the motion.
The vote passed unanimously.

a) PROSECUTING ATTORNEY:

- Resolution authorizing litigation to abate an ongoing public nuisance property owned by Russell Nelson, Skagit County Tax Parcel Numbers P135912 and P50839, pursuant to Skagit County Code 14.44.120(2). **(Resolution No. R20230106)**
- Resolution authorizing litigation to abate a public nuisance property owned by Larry R. Jensen, Skagit County Tax Parcel Number P22291, pursuant to Skagit County Code 14.44.120(2). (Resolution No. R20230107)**

b) PUBLIC HEALTH:

- Amendment No. 2 to Personal Services Agreement No. C20220284 with Community Action of Skagit County to operate the Housing Resource Center as the primary Coordinated Point of Entry for Skagit County's homelessness services. This Amendment extends the term of the Agreement from June 30, 2023 to January 31, 2024 and increases compensation by \$163,701, total compensation shall not exceed \$444,331. All other terms and conditions of the original Agreement and prior Amendment shall remain in effect. **(Item pulled for consideration at a later date)**

Chair Wesen recessed the proceedings at 1:15 p.m.

In response to Public Records Request 23-0967, Code Compliance Officer Tom Wenzl confirmed that the complaint that led to Compliance #: CE23-0057 was internally generated by PDS staff for building, zoning, and Natural Resources (Critical Areas) violations.



Planning & Development Services

Code Compliance Unit

1800 Continental Place • Mount Vernon, Washington 98273
office 360-416-1320 • pds@co.skagit.wa.us • www.skagitcounty.net/planning

October 4, 2023

Jamie Crawford

Re Public Records Request: 23-0967

Parcel: P22291

Compliance #: CE23-0057

This complaint was internally generated by PDS staff for building, zoning, and Natural Resources (Critical Areas) violations.

Tom Wenzl

Code Compliance Officer

Skagit County Planning & Development

360-416-1340 twenzl@co.skagit.wa.us

In response to this information, Public Records Request 23-1185 was submitted requesting documentation of this internal complaint including the name of the PDS staff. This yielded the following response.



Planning & Development Services

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November 28, 2023

Jamie Crawford

Re Public Records Request: 23-1185

Parcel: P22291

Compliance #: CE23-0057

This document contains all notes contained in the Permits Plus Software relating to the above referenced Code Compliance investigation. Permits Plus does not have a report exporting function.

This is the only identifiable record.

Date	Time	Description	Event Id
03/29/2023	4:20:00 PM	RFI and Site Visit	Log Entry
03/29/2023	4:27:00 PM	Stop Work Order	Log Entry
07/19/2023	9:25:00 AM	Site Visit	Log Entry
07/24/2023	9:23:00 AM	Cumulative Follow Up	Log Entry
09/27/2023	10:32:00	Litigation	Log Entry
01/24/2024	8:00:00 AM	Follow up	30 Days

Event Id:

Date: Time: Calendar Id:

Comments: **Learned from Fire Marshall that a new stack of containers, with some sort of electronic sign had been installed on Jensen's property on Bradshaw Rd.**

Entered Date: Entered By:

From here, two related yet distinct public records requests were made in hopes of identifying the specific Fire Marshall employee who initiated the internal complaint.

Public Records Request 23-1290:

According to the response on Records Request 23-1185,

A member of the Fire Marshall department notified Tom Wenzl that a new stack of shipping containers with an electronic sign had been installed on Larry Jensen's property on Bradshaw Road (Parcel: P22291) which lead to Compliance CE23-0057

This is a request for all official communication between the Fire Marshall department and Tom Wenzl related to Wenzl's RFI and Site Visit on 3/29/2023

Public Records Request 23-1291:

According to the response on Records Request 23-1185,

A member of the Fire Marshall department notified Tom Wenzl that a new stack of shipping containers with an electronic sign had been installed on Larry Jensen's property on Bradshaw Road (Parcel: P22291) which lead to Compliance CE23-0057

This is a request for documentation of the specific-Fire Marshall department staff member that notified Tom Wenzl and led to his RFI and Site Visit on 3/29/2023

Despite being distinct and separate requests, they were combined into one request, and request 23-1290 which requested official communication was sidestepped and closed. Request 23-1291 was determined to have no identifiable record and was closed.



Russell O. Walker
to me, Public ▾

Jan 4, 2024, 5:00 PM ☆ 😊 ↶ ⋮

Good afternoon,

PDR 23-1290/91 are duplicate request, 23-1290 is now considered closed.

Sincerely,

Russell Walker
Director, Central Services
Skagit County
360-416-1154
russow@co.skagit.wa.us



Russell O. Walker
to me, Public ▾

Jan 10, 2024, 11:47 AM ☆ 😊 ↶ ⋮

Good morning,

Please see the response from the planning department below.

"There is no identifiable record of which Fire Marshal submitted the information. Nor do I actually remember which one it was. It is documented in the notes of the case, that I was informed by a Fire Marshal of the violation, to which I then responded and confirmed the violation."

If there is anything further you need from this file, please let me know. Otherwise, I will close this request.

Thank you for your interest in Skagit County Records. If you have any questions, or concerns, please feel free to contact me at 360-416-1154.

Sincerely,

Russell Walker
Director, Central Services
Skagit County
360-416-1154
russow@co.skagit.wa.us

Since the two requests were wrongly labeled as duplicates, this was pointed out and a request for official communications as stated in request 23-1290 was reiterated. It took 16 days and further persistence to get an answer.

**Jamie Crawford** <jamie.f.crawford@gmail.com>
to Russell ▾Jan 10, 2024, 12:50 PM ☆ 😊 ↶ ⋮

Hello,

They actually weren't duplicate requests. They both started with the same opening so I understand the confusion. 23-1290 asked specifically for all official communication between Wenzl and the Fire Marshall department that led to the investigation. Surely they communicated through some official channels?

Thanks,

Jamie

**Jamie Crawford** <jamie.f.crawford@gmail.com>
to Russell ▾Jan 26, 2024, 2:21 PM (6 days ago) ☆ 😊 ↶ ⋮

Just following up on this email because I never got a response?

**Russell O. Walker**
to me, Public ▾Jan 26, 2024, 2:50 PM (6 days ago) ☆ 😊 ↶ ⋮

Good afternoon Jamie,

I apologize for the delay. Below is the response I received from Tom Wenzl in PDS on your email below.

The communication was verbal and did not generate an identifiable record, except for the note made in Permits Plus. I'm not even certain the communication was direct to me. The only identifiable record is from the note in Permits Plus, which we've released.

Quote from Permits Plus: 'Learned from Fire Marshal that a new stack of containers, with some sort of electronic sign had been installed on Jensen's property on Bradshaw Rd.'

Quite honestly, if I had more information to give I would. Certainly much easier than all this back and forth.

I also noticed you have submitted another records request for this. Would you like for me to respond to that request as well or will this email suffice?

Thank you,

Russell Walker
Director, Central Services
Skagit County
360-416-1154
russow@co.skagit.wa.us

At this point it has been confirmed that there is no documented origin of the internally generated complaint that led to Compliance #: CE23-0057. As the three Commissioners and Will Honea openly discussed at the meeting on May 30th, 2023, the request for investigation system of code enforcement exists to ensure there is no unfair treatment under the law. This reasoning is nullified and potential unfair treatment cannot be ruled out when code enforcement is based on internal complaints with no documented origin, as is the case with Compliance #: CE23-0057.

A submitted RFI was never given as an identifiable record in any of the relevant public records requests made regarding Compliance #: CE23-0057. Yet as stated in Skagit County Code Enforcement Operations and Prioritization Policy, "PDS staff should not investigate alleged violations without a completed RFI Form."



PLANNING & DEVELOPMENT SERVICES

GARY R. CHRISTENSEN, AICP, DIRECTOR

BILL DOWE, DEPUTY DIRECTOR

PATTI CHAMBERS
ADMINISTRATIVE COORDINATOR

TIM DEVRIES, CBO, ACO
BUILDING OFFICIAL & FLOODPLAIN MANAGER

Code Enforcement Operations and Prioritization Policy (Standard Operating Procedures)

Guiding Principles

- Code enforcement should be fair, firm, and consistent.
- Procedures should not incentivize landowners to beg forgiveness instead of asking permission.
- Staff should not enforce violations of the zoning code alone (without a related building code or critical areas violation) without a complaint from the public.

General Operating Policies

- Planning and Development Services (PDS) should only act in response to complaints ("Requests for Investigation") in which the submitter indicates he or she has seen the facts alleged.
- PDS should not accept anonymous complaints.
 - **Exception** for complaints related to the Clean Samish Initiative's goals and purpose: upon receipt of an anonymous complaint, PDS should conduct a drive-by visual inspection and fill out an RFI form if that inspection reveals a likely code violation.
- PDS staff should not fill out an RFI form pursuant to an anonymous tip.
- PDS staff should not investigate alleged violations without a completed RFI form.
- PDS should respond to violations in order of severity, not necessarily in the order received.
- PDS should issue stop work orders for projects in violation that are under construction.
- PDS should apply a surcharge to fees for permits resulting from code enforcement.
- PDS should provide periodic summaries of Compliance actions to the BOCC that will track compliance on all open CE cases.
- PDS should refer to a "specific date" (i.e., January 1, 2011) rather than use the form "within 60 days."