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AGENDA COVER MEMO

AGENDA DATE: October 13, 2004
TO: Board of County Commissioners
DEPARTMENT: Public Works – Land Management Division
PRESENTED BY: Jeff Towery, Manager *ST*
AGENDA TITLE: DISCUSSION/COMPLIANCE PROGRAM



I. Introduction

On June 16, 2004, the Board asked for staff to bring a discussion item to a future agenda to allow the Board to review and discuss the issue of illegal dumping on public lands (including road rights of way) and waste/trash/garbage-related compliance cases on private property. During a recent Finance & Audit Committee meeting, a request was made to update the Board on the status of properties with meth labs. Those requests and subsequent conversations with members of the Board and County Administration have resulted in a broad overview and discussion about the Compliance Program. This report is intended to serve as an outline to facilitate a Board discussion and consideration of any revised policy direction the Board wishes to pursue.

II. Program Overview

The Compliance Program enforces the County's land-use, building, and nuisance ordinances by responding to and investigating reports and inquiries from the public, county staff, and the Board of County Commissioners. Investigation is complaint driven (for the most part) with the goal of achieving voluntary compliance with the Lane Code requirements rather than imposing fines to the property owner or responsible party. In the majority of instances, compliance is obtained by voluntary cooperation. For the past 10 years, the Compliance Program has consisted of two Compliance Officers (2.0 FTE) assigned to specific, geographic areas within Lane County with both positions reporting directly to the Land Management Division Manager.

Lane Code Chapter 5, Administrative Enforcement, describes the administrative civil penalty process used by the program to conduct investigations and enforcement. Lane Code Chapter 5 was amended in March 1993 to add the administrative civil penalty provisions that were designed to provide a method of enforcement that is flexible enough to accomplish the purpose of enforcement, but also constrained enough so that enforcement actions are taken responsibly with the care necessary to preserve the rights and interest of all citizens of Lane County. Other additions to Chapter 5 have included the adoption of Lane Code 5.600, Prohibited Noise in 1999 (previously under the jurisdiction of the Sheriff's Department) and Lane Code 5.750, Properties Declared "Unfit for Use" Due to Illegal Drug Manufacturing Contamination (Attachment A provides an update on the status of such properties). An abatement provision was also added to Chapter 5 (5.020) to allow the division to clean up

nuisance properties and assess the cost of the cleanup in the form of a lien if unpaid by the property owner.

The length of time to complete a compliance file varies depending on the amount of research involved, scheduled site inspections, cooperation from the owner/responsible party, and in the case of a permit application, the length of time required to process a land use or building permit application. Typically, enforcement of building code violations don't "close" until all required inspections are completed, and once inspections have begun, the owner is given 180 days between each inspection. As a result, this type of file can remain active for several months or years. However, every effort is made to track this type of violation and to encourage the property owner to complete required inspections in a timely fashion since most of the structures are already built and/or occupied.

Land Management began using Permits Plus, the permit tracking system (commonly referred to as Sierra) in 1998; however, the system was not available to the compliance program until July 2001. All enforcement files can now be tracked on this system and reporting capabilities are increasing. Currently, a key area of focus for Compliance staff is to review and update the information in the data base to allow for increased utilization of those reporting capabilities. The following data shows the number of compliance actions that have been opened by type of activity from January 1, 2004 through September 27, 2004:

Building	Land Use	Nuisance	Meth Lab	Combination	RV	Expired BP	Total
64	21	25	3	14	11	143	281

The compliance program charges a \$300 compliance fee for land use and building code violations. The historic revenue generated by the program also includes liens paid and payments on filed liens. The table below shows the history of those revenue sources over the past five fiscal years:

FY	99-00	00-01	01-02	02-03	03-04
Fines	10,602	23,650	22,480	31,860	37,439

From January through July 2004, the division utilized an extra help position roughly half time to follow up on expired building permits. Through June 30th, over \$43,000 in revenue was generated by pursuing about 150 expired permits. The revenue is in addition to the amount shown above for FY03-04.

When compliance is not achieved and all enforcement efforts have been exhausted, a lien may be assessed against the property and the County has the opportunity to pursue foreclosure. There are currently 29 outstanding liens recorded for a total of \$768,705 (Attachment B). There are currently two instances of agreements or payment plans in place for liens and the County is pursuing foreclosure on a third property. Typically, the liens are paid through either the sale or refinancing of the property. Satisfaction of a lien does not mean that the violation has been resolved. In some cases a new enforcement action may begin involving the new owners.

In 2000, abatement language was added to Lane Code (5.020) to allow Land Management to clean up nuisance properties and recover the cost of the cleanup. When a property is determined to be in violation of the nuisance code, enforcement efforts may result in the assessment of a lien but the property may remain in violation. The process has been utilized only once since that time using county crews to perform the labor.

III. Waste Management Division Activities

Waste Management has helped fund compliance activities in LMD for many years. Beginning in FY86-87 until about FY95-96, the money received from Waste Management was the only source of revenue for Compliance (other than General Fund subsidy). The allocation rose to \$83,300 in FY97-98 after which, it was reduced to \$42,000 per year where it stayed until the current year when it was raised to \$52,000 to help fund an additional position. Waste Management is also involved in a number of efforts that may have a positive impact on waste-related compliance activities.

For several years, fee waivers have been granted to communities, neighborhood groups and individuals for purposes that specifically relate to community cleanup. Lane Manual defines the purposes and establishes specific dollar limits for each category. The categories and their definitions are set out in Lane Manual 60.875(4)(a-e). The fee waivers are for materials normally encountered in a cleanup project and not for waste that is generated on a normal, on-going basis. These materials usually consist of brush, abandoned tires and appliances and miscellaneous litter.

As an example, Waste Management works with the City of Springfield's staff to help them coordinate the annual Springfield Cleanup and waives up to \$3,000 in fees for the event. There are also annual community events in Blue River, Creswell, Eugene, Florence, McKenzie Bridge, Oakridge and Westfir. Some of the neighborhood groups involved are Eugene-Laurel Hill, Cottage Grove Community Chest, Westside-Jefferson, Mohawk Watershed, Bethel, West University Neighborhood, Shotgun Creek and Whitaker. Fees are also waived for Homeless Vets, Habitat for Humanity and transient cleanups in the area. All requests for fee waivers must be made in writing and submitted to Waste Management. The value of fee waivers granted from July, 2002 through July, 2004 totaled \$43,000.

Waste Management also goes on the road to various communities for Household Hazardous Waste Roundups. These events are held all over the County, and the service and disposal of these wastes are free to all Lane County residents.

IV. Recent Changes

The Land Management Task Force (FY02-03) reviewed the Compliance Program in the context of the following problem statement:

The Compliance Program does not generate enough infractions revenue to be self-supporting. The program does not have a reserve account with which to initiate clean-up and mitigation on foreclosed properties.

- What level of enforcement should the compliance program exercise?
- What level of staffing is needed for the desired level of enforcement?
- Is the current structure of the program appropriate?
- How should the program be funded?

As the Task Force began its discussion about compliance, it became clear that there was the likelihood that people around the table were thinking about very different things (different assumptions about what compliance is, different perceptions about what is working or not working, different assumptions about why the County even does compliance) based on the suggestions as to how compliance should be done. Even the apparent agreement on the

need for improved compliance was very deceptive. There was no grounding on what the County seeks compliance with (State mandates for land use, nuisances, life/safety, County Code, etc.). It was difficult to have a meaningful discussion of how to do compliance or how much to invest until the group created a shared image of what the County hopes to accomplish with compliance and what philosophical approach would be consistent with its policy. The group spent a significant amount of its time and energy focused on compliance and the related recommendations that were forwarded to the Board. Compliance took up all or part of five of the Task Force's thirteen meetings. The primary focus was to encourage the Board to adopt Guiding Principles and Philosophy and Priorities for Code Enforcement as shown in Attachments C and D.

Both documents were reviewed multiple times by the Task Force and recommendations were voted on piece by piece. All of the sections were supported by a strong majority, if not unanimously, and the resulting policy statements were unanimously adopted by the Board without amendment on July 30, 2003. Several key themes were incorporated, including:

- A focus on protecting the citizens' health, life, safety and the environment
- A goal of achieving voluntary compliance rather than imposing fines
- Utilization of realistic and consistent practices i.e. priorities, incentive programs, clear direction and information
- A recognition of limited code enforcement resources

These policies are beneficial to the program because it is balanced and fair and allows staff to consider extenuating circumstances such as violations that may have occurred while a property was in another ownership. While it is often difficult to manage and track multiple cases while working through those issues and taking those circumstances into consideration, it is often the best way to complete enforcement actions and still offer a high-level of consideration and customer service. The priorities in particular have been tremendously helpful when trying to conduct a comprehensive code enforcement program with limited staff. For instance, a complainant often understands that one-time noise complaints cannot take priority over building or land use violations. Even with lower priority complaints such as noise or nuisance vegetation, a one-time notice is typically sent to the property owner. In addition, among the recommendations made by the Task Force (and ultimately adopted by the Board) was an encouragement to apply penalties more consistently in an effort to increase revenue and enhance accountability. The Task Force also supported abatement by utilizing of liens and foreclosures to fund clean up of violating properties.

Each of the last two years, the Division has budgeted funds for clean up and abatement activities as well as pursuing other initiatives consistent with the numerous recommendations that have been adopted by the Board. Beginning in FY04-05, the Board authorized the addition of 1.0 FTE for a Land Management Technician (LMT) to expand the Compliance Program to 3.0 FTE. The new position will allow the program to consistently pursue compliance for expired building permits and support additional compliance activities. Revenue generated from expired permits and an additional contribution from the Waste Management Division will fully support the position, including overhead and materials and service costs. One of the Compliance Officer positions became vacant in July, 2004 and was reclassified to a LMT. This change will help implement the Task Force recommendations and is consistent with the Rapid Process Improvements in the Building Permit Review initiated in 2002. The resulting structure will help focus the efforts of the Program. Having two LMT positions who receive functional and technical supervision from the remaining Compliance Officer, who reports directly to the Land Management Division

Manager, will help ensure consistent implementation of the Board-approved Philosophy and Priorities for Enforcement as well as allow for work efforts to be focused and prioritized as demands present themselves. The two LMT positions will be dedicated to expired permit activities (approximately 0.5 FTE) and to other compliance activities including file research and maintenance, field work and correspondence (approximately 1.5 FTE).

V. Issues for Future Consideration

A. Illegal Dumping/Compliance

One approach, presented to the Board previously, is to use Waste Management funding in combination with budgeted LMD funds and/or proceeds from foreclosed liens, as seed money for property clean-up and mitigation. If this approach still has appeal, staff will identify one or more properties to use as a pilot project. There may also be a way to accomplish much of the function formerly performed by a sworn deputy without involving the Sheriff's Office. One or more positions in the Compliance Program could be vested with citation authority (similar to the citation authority given to the Park Rangers). This would set the stage for a more aggressive and potentially quicker handling of trash/garbage issues than is available under our current compliance philosophy and code. This approach would require revised policy direction from the Board.

B. Monetary Penalties

There have been a number of compliance cases in recent years involving commercial activities. On some occasions, concern has been registered that the maximum daily fine authorized by Lane Code may not provide enough motivation for compliance (or is not punitive enough). In one or more specific cases, it has been suggested that a commercial venture has or could treat the fines as a cost of doing business and delay compliance, if not avoid it altogether. As an alternative to the current system, penalties could be based in part or wholly on economic gain. County Counsel has done some preliminary research and there are several options to consider, including:

- Increase the daily maximum fine (for some or all types of cases).
- Base the penalty on the gross receipts of the event/activity (double, triple, etc.).
- Some combination of daily fines and penalty based on gains.

C. Evaluation of Liens

The staffing level, staff involved, workload and program focus for LMD and County Counsel have seen a number of changes over the time span represented by the liens that are currently filed as a result of compliance actions. There has not been a comprehensive review conducted that addresses the prospect of successful foreclosure on the full inventory of liens. Typically, such an effort occurs one case at a time when either circumstances change or a need arises. A thorough review that addresses such issues as legal soundness, cost/benefit analysis and the best means to satisfy each lien could provide the Board and staff with the basis for a work plan. Prior to initiating such an effort, LMD and Counsel would work together to clarify the scope, cost, timeframe for the project and impact on other work tasks. The results would be presented to the Board for review and direction prior to initiation.

D. Abatement

In an effort to revisit the issue of abatement, the initial project described to the Board last year has been updated. Tasks would include making minor changes to abatement language and procedures in Lane Code, identifying properties for abatement as pilot projects, utilizing existing resources in Waste Management and LMD for cleanup and reporting results back to the Board. Last year, the initial steps were taken but three of the four sites identified were either cleaned or changed ownership. In addition, the Saginaw closure and subsequent change of ownership took priority for both staff time and resources, ultimately requiring almost \$30,000 in expenditures (not including LMD or County Counsel staff time).

Any proposal for a formal program for abatement/clean-up activities would address the budget impact on and involvement of staff from County Counsel, Waste Management and LMD. Resources available could include a portion of proceeds from satisfied/foreclosed liens and any subsequent sale of foreclosed properties.

E. Additional Policy Considerations

While this memo has attempted to present a comprehensive review of the policy initiatives that have been considered for Compliance, two more bear mentioning:

- Method of Investigation Initiation – Should staff rely on complaints or patrol?
- Timeline for Compliance Actions – Should timelines for administrative enforcement be prescriptive?

These issues have been addressed directly and indirectly above as well as in a number of other forums. Both would represent significant departures from established policies and practices. In addition, the alternative policies that could be put in place to govern these practices could span a large continuum, making it difficult to conduct or present a meaningful analysis of the impacts; service, fiscal, etc.

VI. Possible Board Actions

- To receive and file the report.
- To request additional information.
- To give direction, including setting priorities (Attachment E), regarding any or all of the policy areas addressed.

VII. Attachments

Attachment A – Meth Lab Status Report

Attachment B – Liens Filed – Land Management Division

Attachment C – Code Enforcement Guiding Principles and Philosophy

Attachment D – Priorities for Code Enforcement

Attachment E – Priority Matrix

Status of Meth Lab Cleanup Enforcement ~ Lane Code 5.750

Attachment A

FILE #	RANGE	ADDRESS	LAST ACTION	CERTIFICATE OF FITNESS STATUS
CA02-0088	WEST	30160 FOX HOLLOW RD, EUGENE		GRANTED 11/18/02
CA02-0101	WEST	89664 POODLE CREEK RD, NOTI		GRANTED 1/29/03
CA02-0164	WEST	125 BUSHNELL LN, EUGENE		GRANTED 10/28/02
CA02-0165	WEST	22594 FIR ST, NOTI		GRANTED 2/26/03
CA02-0168	WEST	88780 GREEN HILL RD, EUGENE		GRANTED 12/24/02
CA02-0169	WEST	93110 PRAIRIE RD, JUNCTION CITY		GRANTED 1/13/03
CA02-0171	WEST	95984 HOWARD LN, JUNCTION CITY		GRANTED 8/15/02
CA02-0172	WEST	12222 E MAPLETON RD, MAPLETON		GRANTED 7/26/02
CA02-0173	WEST	91061 NELSON MOUNTAIN RD, DEADWOOD	LIEN FILED 12/2/02 \$39,420	GRANTED 03/29/04
CA02-0174	WEST	26432 SHADY REST DR, VENETA		GRANTED 8/14/02
CA02-0175	WEST	89809 SHEFFLER RD, ELMIRA		GRANTED 4/2/03
CA02-0201	EAST	750 BENNETT CREEK RD, COTTAGE GROVE		GRANTED 10/28/02
CA02-0202	EAST	87787 E CEDAR FLAT RD, SPRINGFIELD		GRANTED 12/13/02
CA02-0220	EAST	85935 FILBERT LN, PLEASANT HILL	VACANT/BOARDED-DEMO PLANNED	NO COF
CA02-0221	WEST	30565 BURKETT RD, COTTAGE GROVE		GRANTED 6/17/03
CA02-0301	EAST	34769 MATTHEWS RD, EUGENE		NO COF
CA02-0313	WEST	23370 HWY 36, CHESHIRE		GRANTED 7/1/03
CA02-0319	WEST	16-06-00-00-01600 F1/120 ACRES/VACANT		GRANTED 1/6/03
CA02-0331	WEST	24803 BRAMBLE WAY, JUNCTION CITY		GRANTED 1/30/03
CA02-0333	WEST	5420 E GLENADA RD, FLORENCE		GRANTED 5/03
CA02-0334	EAST	40624 MCKENZIE HWY, SPRINGFIELD		NO COF
CA03-0004	EAST	78190 LANG RD, COTTAGE GROVE		NO COF
CA03-0013	EAST	38670 JASPER RD, FALL CREEK		NO COF

* SEE NOTE

* SEE NOTE

* SEE NOTE

* SEE NOTE

Status of Meth Lab Cleanup Enforcement ~ Lane Code 5.750

Attachment A

FILE #	RANGE	ADDRESS	LAST ACTION	CERTIFICATE OF FITNESS STATUS
CA03-0028	EAST	38065 ROW RIVER RD, COTTAGE GROVE		NO COF
CA03-0029	EAST	38019 ROW RIVER RD, COTTAGE GROVE		NO COF
CA03-0088	EAST	78777 SEARS RD, COTTAGE GROVE		NO COF
CA03-0090	EAST	37070 SMITH CREK RD, COTTAGE GROVE	MH REPLACED W/BP95-1063	NO COF
CA03-0091	EAST	78773 DOWENS RD, COTTAGE GROVE	MH BEING REPLACED (BP02-1387)	NO COF
CA03-0080	WEST	90000 PRAIRIE RD, EUGENE		GRANTED 9/24/03
CA03-0081	WEST	28375 RAINBOW VALLEY RD, EUGENE		GRANTED 9/05/03
CA03-0083	WEST	84884 HWY 101, FLORENCE		GRANTED 1/20/04
CA03-0086	WEST	23694 WOLF CRREK RD, VENETA		GRANTED 9/03/03
CA03-0087	WEST	24473 BUTLER RD, ELMIRA		GRANTED 7/9/03
CA03-0131	WEST	25946 JEANS RD, VENETA		GRANTED 6/03
CA03-0137	EAST	83336 HWY 36, CRESWELL		GRANTED 8/4/03
CA03-0205	WEST	89260 FOREST VIEW RD, ELMIRA	CLEANUP IN PROGRESS, MH REMOVED	PENDING
CA03-0226	EAST	3817 HAYDEN BRIDGE RD, SPRINGFIELD		NO COF
CA03-0238	EAST	39620 LITTLE FALL CREEK, FALL CREEK		NO COF
CA03-0290	EAST	1637 TAMARACK ST, SPRINGFIELD		NO COF
CA04-0089	WEST	87314 CENTRAL RD, EUGENE		DEADLINE 7/1/04
CA04-0090	WEST	2074 N PARK AVE, EUGENE	WORK PLAN APPROVED BY STATE	DEADLINE 7/1/04
CA04-0135	WEST	1473 OAK DR, EUGENE	LAB FOUND IN MH	DEADLINE 7/1/04

TOTAL: 42 CASES

UPDATED 6/24/04

* NOTE: THESE PROPERTIES REMAIN ON THE STATE OF OREGON'S LIST OF CONTAMINATED PROPERTIES.

* SEE NOTE

* SEE NOTE

* SEE NOTE

* SEE NOTE

* SEE NOTE

LIENS FILED – Land Management Division

Updated September 27, 2004

<u>Date:</u>	<u>Name:</u>	<u>Property Description:</u>	<u>Amount:</u>	<u>Recording Number:</u>
07-13-04	Rogers	Map 21 01 36 33 TL 1200	\$7,020 Paid 07-26-04/\$7,020	2004-053550
06-02-04	Brewer	Map 15 06 35 Tax Lot 402	\$21,900	2004-041241
05-05-04	Sherbahn	Map 17 04 30 Tax Lot 100	\$56,940	2004-033604
09-11-03	Gillette	Map 18 04 23 TLs 100, 202 Map 18 04 14 TLs 3900, 4004 4005, 4007, 4009	\$6,720 In Foreclosure	2003-088554
06-06-03	Archey	Map 17 01 32 30, TL 600 87576 Cedar Flat Road Springfield, OR	\$17,520	2003-051816
03-04-03	Bryson	Map 15 04 09 TL 301 29623 McMullen Lane Junction City, OR	\$10,950 Paid 12-11-03/\$10,950	2003-019215
12-20-02	Slaughter	Map 18 05 12, TL 1000 27956 Crow Road Eugene, OR	\$21,900	2002-099396
12-02-02	Tabscott	Map 17 08 14 TL 402 91061 Nelson Mountain Road Deadwood, OR	\$39,420	2002-093442
10-23-02	Stoneburg	Map 16 02 10 20 TL 800 Parsons Creek Road Springfield, OR	\$21,900 Satisfaction Filed per Counsel	2002-082190
10-22-02	Baumann/Harris	Map 18 12 04 13 TL 2600 4605/4613 Falcon Street Florence, OR	\$32,850	2002-082032

09-20-02	Razoto/Cooper	Map 20 05 25 TL 2400 27974 Chambers Mill Road Lorane, OR	\$19,800	2002-073152
07-31-02	Somers	Map 16 10 36 TL 900 91488 Indian Creek Road Swishhome, OR	\$7,665 Paid 9-10-04/\$7665	2002-058164
07-08-02	Camp	Map 18 05 24 TL 100 85973 Pine Grove Road Eugene, OR	\$5,460	2002-051783
04-09-02	Crane/Bartels	Map 17 05 32 10 TL 1100 25987 Highway 126 Veneta, OR	\$4,095	2002-027523
09-12-01	Sturman	Map 17 04 01 31 TL 313 3947 Andover Street Eugene, OR	\$7,665	2001-059514
06-20-01	Engelhorn	Map 17 06 21 TL 900 23052 Warthen Road Elmira, OR	\$15,330	2001-037889
05-10-01	Deptuch	Map 17 05 32 20 TL 501 25703 Highway 126 Veneta, OR	\$15,330	2001-027893
03-14-01	Metoxen	Map 16 45 30 40 TL 700 McKenzie Highway Vida, OR	\$65,700	2001-013841
12-18-00	Wright	Map 18 01 06 TL 700 38308 Boscage Lane Springfield, OR	\$21,900	2000-071395

09-06-00 06-04-96	Milligan Milligan	Map 18 03 24 TL 200 Map 18 03 24 TL 200 Highway 58 Eugene, OR	\$20,160 \$95,000 In Litigation	2000-051492 96-37214
08-14-00	Sherbahn	Map 17 05 06 TL2210 90669 Georgetown Road Junction City, OR	\$6,825 Paid 08-29-02/\$6,825	2000-047479
08-01-00	Munoz	Map 17 06 25 12 TL 700 24942 Warthen Road Elmira, OR	\$1,950 Paid 01-05-04/\$1,950	2000-044159
07-28-00	Mason	Map 18 02 06 24 TL 3600 1136 Kintzley Avenue Springfield, OR	\$4,290	2000-043424
07-05-00	Compean	Map 20 05 12 TL 2105 27598 Lorane Orchard Lorane, OR	\$1,950	2000-038556
06-20-00	Ambrose	Map 17 04 10 13 TL 3200 1131 Cinnamon Eugene, OR	\$17,820	2000-034939
06-14-00	Olsen	Map 20 03 09 TL 2000 Saginaw MH Park Saginaw, OR	\$57,330*	2000-033870
03-13-00	Dennis	Map 17 05 29 30 TL 3501 25727 Wildwood Road Veneta, OR	\$9,750 Paid 10-15-03/\$9,750	2000-014504
2-23-00	Lewellen	Map 20 05 13 TL 2106 27623 Siuslaw River Road Lorane, OR	\$1,950 Paid 09-26-01/\$1,950	2000-010279

06-03-99	Barker	Map 16 02 23 TL 1206 91813 Marcola Road Springfield, OR	\$10,920	99-049751
04-15-99	Hill	Map 17 15 17 30 TL 104 89138 Bridge Street Springfield, OR	\$3,408.33 Paid 08-99/\$3,408.33	99-034046
01-11-99	Baker	Map 17 04 01 31 TL 700 1070 River Loop 2 Eugene, OR	\$3,150 Paid 09-99 \$3,150	99-002253
09-01-98	Prater	Map 18 11 30 20 TL 1400 06399 Highway 126 Florence, OR	\$3,000 Paid 04-03/\$3,000	98-69791
08-04-98	Saenz	Map 18 10 33 TL 304 Sweet Creek Road Mapleton, OR	\$3,420	98-63614
07-02-98	Lassiter	Map 20 03 26 TL 401 78779 Sears Road Cottage Grove, OR	\$48,600	98-52045
07-02-98	Van Heerwarden	Map 19 04 14 TL 400 Camas Swale Road Creswell, OR	\$106,560** Paid 12-14-00 \$5,264.04	98-51904
04-24-98	Cabe	Map 16 06 21 TL 2000 23429 Hall Road Cheshire, OR	\$60,000 Paid 08-01-00 \$2,500	98-31611
04-14-98	Munz	Map 19 11 30 30 TL 100 Siltcoos Station Road Westlake, OR	\$14,520	98-26496

12-19-97	Rose	Map 19 02 03 TL 800 83919 N. Enterprise Road Pleasant Hill, OR	\$90,070	97-85867
08-12-97	Cox/Berg	Map 16 06 27 TL 900 Map 16 06 34 TL 100 Highway 36, Cheshire, OR	\$25,410*** \$4,200 paid per agreement	97-54421
06-24-97	Claassen	Map 19 03 22 TL 1800	\$45,900****	97-42648
11-22-96	Claassen	Map 19 03 22 TL 1800 82380 Butte Road Creswell, OR	\$14,280**** Paid 08-24-00/\$11,000	96-78796
10-10-96	Gillette	Map 18 04 14 TL 3900, 4007 Map 18 04 23 TL 100 Needham Road Eugene, OR	\$12,000 \$12,000 In Foreclosure	96-68720 96-68722

*Agreement to be attached

**Deed in lieu of foreclosure/payment after expenses and legal fees

***Payment Schedule

****Possession of property through probate

Lane County
Code Enforcement Guiding Principles and Philosophy

Guiding Principle – Protect the health and safety of County residents by protecting the environment.

The Board of County Commissioners has put a process in place to resolve code violations that impact citizens' health, life, safety and the environment.

Guiding Principle – Administer the abatement and compliance program in an aggressive and uniform manner utilizing realistic and consistent practices to achieve compliance, such as incentive programs, not just penalties.

Investigations will be both complaint driven and self-initiated at the professional discretion of the compliance staff with the goal of achieving voluntary compliance with the Lane Code requirements rather than imposing fines on the property owner or responsible party. Penalty provisions have been designed to provide a method of enforcement that is flexible enough to accomplish the purpose of enforcement, but also constrained enough so that enforcement actions are taken responsibly. If ultimately, voluntary compliance cannot be reached, a formal enforcement process involving a hearings officer or the Court will be instituted. Typically, cases will progress to more aggressive enforcement steps when customers are not responsive to requests for voluntary correction.

Guiding Principle – Increase service by providing clear direction and information about activities that require building permits (i.e. deck heights, garage conversion).

By incorporating more information about the Compliance Program into public information such as application materials and the Lane County web site, violations will be avoided and compliance will be encouraged.

Guiding Principle – Processing of complaints should apprise complainant of progress on the issue.

The program will be administered with the care necessary to preserve the rights and interests of all citizens of Lane County. Compliance files are public records and when applicable, formal progress reports will be provided to interested parties.

Guiding Principle – Support and actively enforce regulations consistent with enforcement priorities adopted by the Board of County Commissioners.

Because of limited code enforcement resources, there may be times when all code violations cannot be given the same level of attention and when some code violations may receive no attention at all. In circumstances where not all code violations can be investigated, the most serious violations, as determined by priorities adopted by the Board, should be addressed before the less serious violations are addressed, regardless of the order in which the complaints are received. Efforts to bring an entire property into compliance could result in actions that address complaints of varying priorities.

Lane County
Priorities for Code Enforcement

The following levels were prioritized with consideration given to the most serious impact to citizens' health, life, and safety, and to the environment. Examples given are intended to illustrate typical violations rather than provide an all-inclusive list.

Level 1 Priority – Violations that present an imminent threat to public health and safety or the environment.

Building: This would include property owners or contractors failing to obtain the permits and approval for primary structures, detached structures greater than 300 square feet which involve improvements that compromise structural integrity or new buildings without permits.

Dangerous Buildings: These are buildings that consist of violations from Section 302 of the Dangerous Building Code. Examples include buildings damaged by fire, earthquake, wind or flood; those likely to partially or completely collapse due to dilapidation, deterioration or decay, faulty construction or ground instability; a building or structure that is unsafe for use.

Planning: Violations involving land use activities that impact environmental or natural resources (adverse impact has occurred or appears to be imminent such as riparian violations, illegal mining, illegal mass gatherings, illegal dump sites).

Nuisance: Methamphetamine labs or other properties that have been deemed "Unfit for Use" by the State of Oregon Department of Human Services.

Level 2 Priority – Violations that will have an adverse impact on citizens, including surrounding property owners and the environment.

Building: Failing to obtain the permits and approval for free standing structures less than 300 square feet, decks, covered and uncovered; building without permits.

Nuisance: Solid waste, inoperable vehicles.

Planning: Businesses operating without land use approval, temporary mobile home violations, residential use of RVs, floodplain/floodway violations.

Level 3 Priority - Violations will have a minimal impact on surrounding property owners and the environment.

Planning: Number of animals allowed within a zone.

Nuisance: Overgrown vegetation, noise and signs.

Exceptions – At the discretion of the compliance officer, complaints may be processed in any order that maximizes the efficiency of enforcement. There are violations of environmental standards, particularly within certain waterways, that other agencies are better suited to enforce. In those instances, a referral to the appropriate agency may occur.

Lane County Board of Commissioners
Discussion/Compliance Program
October 13, 2004

Attachment E

Issues for Future Consideration	YES	NO	Rank	Avg. Rank
A. Illegal Dumping/Compliance				
B. Monetary Penalties				
C. Evaluation of Liens				
D. Abatement				
E. Additional Policy Considerations				
Total Y/N				

Name