

W. I. S. a.

AGENDA COVER MEMO

AGENDA DATE: March 21, 2007
TO: Board of County Commissioners
DEPARTMENT: Public Works – Land Management Division
PRESENTED BY: Jeff Towery, Manager
AGENDA TITLE: DISCUSSION/COMPLIANCE PROGRAM



I. Introduction

The Board has discussed a variety of issues related to the Compliance Program over the past 4-5 years including expanded staffing (June 16, 2004), illegal dumping on public lands (October 13, 2004), and expired building permits (March, 9, 2005). Board direction has resulted in changes to those aspects of the program and staffing has evolved over time as well. The Board initially adopted policy statements titled: *Code Enforcement Guiding Principles and Philosophy and Priorities for Code Enforcement* in June, 2003. Based on discussions with County Administration and individual contacts from Board members it seems a good time to present a broad overview and provide an opportunity for Board discussion. 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 employees, 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. Beginning in FY04-05, the Compliance Program was expanded to 3.0 FTE (two Land Management Technicians and one Compliance Officer). For the prior 10 years, the Compliance Program 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. Attachment A (upper chart) shows the individual steps in the process along with the minimum and expected time between steps. The lower chart shows that more than 1,200 cases have been completed in the last five years and just 9% have gone beyond the second step of the formal process. The average time to complete a compliance action is 170 days (as opposed to the 67 days contemplated). 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. Since that time 55 sites have received a Certificate of Fitness (issued by the Oregon Department of Health), two are still in the early stages of our compliance process and two have failed to comply and liens have been filed. 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 does not close until all required inspections are completed. 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, 2006 through December 31, 2006:

Building	Land Use	Nuisance	Meth Lab	Combination	RV	Expired BP	Total
53	34	29	-	39	15	230	400

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 seven fiscal years and the current year through December 31, 2006:

FY	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07
Fines	10,602	23,650	22,480	31,860	37,439	83,954	146,399	26,088

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 (2 paid in 2006 \$41,610) recorded for a total of \$763,230 (Attachment B). Due to a few negotiated agreements (i.e. Saginaw Mobile Home Park) there are now plans in place to satisfy certain liens. Based on Board authority, foreclosure has also been initiated on a number of properties. Typically, the liens are paid through either the sale or refinancing of the property and recently stable interest rates and a demand for property has resulted in several liens being satisfied. All negotiated agreements have required compliance as a condition. Satisfaction of a lien through refinancing or sale 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. 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 they are balanced and fair and allow 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 four 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 positions (when filled) allow the program to consistently pursue compliance for expired building permits and support additional compliance activities. Revenue generated from expired permits and contributions from the Waste Management Division 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 also helped to implement the Task Force recommendations and was consistent with the Rapid Process Improvements in the Building Permit Review initiated in 2002. The resulting structure helped 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, helps 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).

Geographic Information System (GIS) became available to Compliance the summer of 2006 in the form of aerial photos and additional data layers. It is an invaluable tool in daily research and has been heralded by staff members as the best resource that has been provided in the past ten years. GIS is used to identify properties in question; to locate and measure structures; to determine zoning, floodplain, wetlands and setback information. The ability to verify as-built structures up to 2005 saves site inspection time. Verifying floodplain locations saves Planning time. It is now possible to verify nuisance vehicle storage on properties not visible from county roads and using the topographic map data layer helps to determine what can be seen and from where. Aerial photos can be used to coordinate the information in the property file because sometimes there is not a current site plan on file. The GIS viewer can be used to get directions and plan routes when checking sites in the field. Because customers tend to relate well to the aerial photos it helps a customer or complainant identify property and is useful when giving general advice along with the ability to forward a customer's complaint to the right authority (e.g. Planning, Dept. of State Lands). When researching a property, GIS is now used more than any other map resources due to the wide variety of information built in to the application. It has become as important as RLID (Regional Land Information Database, the most complete reporting of land and property information in the county) and Permits Plus and has been acknowledged and accepted as evidence before the Hearing's Official.

IV. Expired Permits Overview

Beginning in FY04-05 LMD began an effort to follow up on expired building permits. Several approaches have been adopted in order to fully inform customers about the lifespan of a permit and their responsibilities. Each building permit includes the following notice:

Failure to secure an inspection within 180 days of the date issued -or- if the inspections lapse by more than 180 days, prior to receiving final approval to occupy the structure, will cause your permit to expire by limit. A new permit will then be required.

A similar notice has been included for at least the last 20 years. In addition, a handout is inserted in the packet that the customer receives with their permit titled: ONLY YOU CAN KEEP YOUR PERMIT VALID. Finally, each month, letters are sent out when permits are within 30 days of expiring (one time for each permit), notifying the applicant that their permit is going to expire in 30 days unless they request an inspection. These letters have been sent out for about the past four years. On average, the division generates about 70 notices of expired permits per month. Each day, our system automatically notifies Compliance staff how many permits have expired.

A strict application of the building code would result in the issuance of a new permit (at full cost) for all expired permits that were more than one year old. Our interpretation allows the customer to reinstate the permit for 50% of the cost. In addition, we credit the expired permit for work done (planning sign-off, plan checking, inspections completed). The final cost for reinstatement will be at least 30% of the total permit cost. Expired permits fall into two broad categories that we will refer to as "history" and "current". Any permits that are issued prior to 1998 are referred to as "history permits". All that really means is that they were issued before the current

tracking software was installed. A majority of the expired permits that we have pursued are those identified during our ongoing notification and tracking process (current permits near the 180 day expiration limit although they may have been issued years ago). We don't seek out these older permits for action; we deal with them as we become aware of them. Most typically we learn about them when new improvements or updates to older projects are planned. Real estate disclosure statements also address permit and inspection history so property transactions and the associated financing can give rise to expired permits as well. In addition, we work hard to treat all of these cases in a consistent manner while respecting the individual circumstances involved.

The Board has appropriately adopted policies that set out our responsibility to ensure that structures are placed and constructed within the standards set out in the building code. Our ability to do that through inspection is contingent on having active permits in place. While our approach with expired permits is consistent with the policies the Board has adopted for Code Enforcement, there are a number of areas where discretion and interpretation come into play.

Since January 2004, some 550 expired permits have been reinstated, generating almost \$127,000 for Building and Compliance activities. Records show that there are approximately 5,300 expired "history" permits and 3,300 expired "current" permits in the tracking system. Staff does not pursue reinstatement of Temporary Hardship Mobile Home placement permits (referred to Planning in the event of expiration) or agricultural buildings. In addition reinstatement of mechanical and wood stove permits is only addressed if there are other building permits involved. Due to a lack of records related to the transfer of the electrical program, reinstatement is not required when a final building inspection is held up pending a final electrical inspection.

As one might expect, it requires more staff time to process the reinstatement of a history permit than a current permit. Additional file research, calculations and the creation of new building permits result in roughly twice the time required to administer a file. There also tend to be more customer inquiries related to history permits. Typically, after a customer receives a letter requesting voluntary compliance, they ask for a meeting with compliance or building staff and upon review pay for the reinstated permit. There have only been two or three cases (all history permits) when an Order to Comply has been a necessary step to gain compliance.

There are several sets of circumstances that cause customers a higher level of anxiety and/or present particular challenges to staff; there is a new property owner, other permits or applications have been processed since the permit expired, permits are only missing final inspections. And, as would be expected, the older a permit is, the more likely there is to be elevated concern by customers and staff about enforcement. Currently, permits in these categories are being handled in the same manner as all other permits. While it might be tempting to simply choose not to deal with reinstatement in these more challenging circumstances or to select a point in time prior to which we would not pursue enforcement, there are some mitigating factors to take into consideration. Most importantly, the lack of approved inspections could mean that there are fire and life safety risks on the property. There could also be code deficiencies that would impact future improvements. In certain circumstances, the deficiencies might require a new permit at a higher cost than a

reinstated permit. The existence of expired permits can cloud titles or impact a person's ability to gain financing or insurance coverage for the structure.

V. Issues for Future Consideration

A. 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.

B. 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.

C. 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.

D. 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.

E. Expired Permit Options

1. Continue Current Practice

Pros – A single set of standards makes for a consistent approach and is easier to administer.

Cons – May not be flexible enough to address the variety of issues and circumstances that arise.

2. Do Not Pursue Reinstatement of Permits of a Certain Age or in Particular Categories

Pros – May avoid controversy or uncomfortable customer interactions.

Cons – An arbitrary standard may not allow for consistent application of key code provisions and could result in higher long term costs for the customer and/or the county.

3. Consider Reducing or Waiving Fees When Other Permits or Applications Have Been Issued for the Property and/or Structure

Lane Manual 60.850 does allow for a reduction of fees "...when higher fees result from a staff processing error..." and we could reasonably determine that the issuance of additional permits was such an error.

Pros – Allows for implementation of the code while demonstrating the County's willingness to take responsibility for prior inaction.

Cons – May create a perception of inequity for customers who did not receive such consideration.

4. Limit Fees for Final Inspections

When final inspection(s) can be conducted by a single field visit by an inspector, charge only a re-inspection fee (approximately \$54).
[Supported by Board of Commissioners 03-09-05]

Pros – Allows for implementation of the code while resulting in a minimal cost for the customer.

Cons – May create additional work and cost if corrections are required or inspections cannot be completed in single visit.

5. Lower "Floor" for Reinstatement Fees

After calculating credits for work done, the minimum reinstatement fee could be lowered from the current standard (30%).

Pros – Allows for lower cost for the customer.

Cons – May create a perception of inequity for customers who did not receive such consideration.

VI. Possible Board Actions

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

VII. Attachments

Attachment A – Compliance Steps

Attachment B – Liens Filed – Land Management Division

Attachment C – Code Enforcement Guiding Principles and Philosophy

Attachment D – Priorities for Code Enforcement

Example 1.2.4

Time required for enforcement by way of Civil Penalty Process
(weekends and holidays not included)

steps	emergency	minimum for personal service of notices	minimum for notices delivered by mail	normal timelines
investigation after complaint	1 day†	5 days†	5 days†	10 days†
time allowed for voluntary action		5 days*	8 days*	20 days*†
order to comply	1 day†	5 days*	8 days*	20 days*†
confirm non- compliance, calculate penalty	1 day†	1 day†	1 day†	1 day†
date penalty begins	1 day†	1 day†	3 days*	3 days*†
penalty final, no appeal	10 days*	10 days*	13 days*	13 days*†
TOTAL	14 DAYS	27 DAYS	38 DAYS	67 DAYS

* Required by Lane Code, or includes the minimum time required by Lane Code

† Includes speculation about the actual time required

Compliance Steps-1/1/2001 through 12/31/2006					
Total	RVC	OTC	NFC	OCP	Lien
1,212	1,212	109	20	8	6
	100.00%	8.99%	1.65%	0.66%	0.50%

Average Days to Complete: 170

LIENS FILED – LANE COUNTY Land Management Division (updated 2-7-07)

<u>Date:</u>	<u>Name:</u>	<u>Property Description:</u>	<u>Amount:</u>	<u>Recording Number:</u>
05/31/2006 (re-recorded)	Milligan	Map 18 03 24 TL 200 Highway 58, Eugene, OR	\$95,000 Settlement agreement Salosha, Inc. James Jagger	2006-037663 1996-37214
04-21-06	Charles W. and Linda L. Slaughter	Map 18 05 12 TL 1000	\$21,900	2006-027412
01-05-06	Susan Hill Lassiter	Map 20 03 26 TL 402	\$39,420 Trial Date April 2007	2006-000534
12-12-05	Claudia S. McKay	Map 17 03 08 44 TL 2000	\$21,900 Paid 3-14-06/\$21,900	2005-098520
12-12-05	Wade R. Flagg	Map 19 03 08 TL 200	\$35,040	2005-098519
12-08-05	Gelso Investments	Map 16 03 26 TL 400	\$39,420	2005-097425
11-18-05	Cynthia Lee Shaffer	Map 16 08 36 TL 1200	\$19,710	2005-092117
11-09-05	Flagstar Bank FSB	Map 16 06 34 TL 200	\$19,710 Paid 1-23-06/\$19,710	2005-089944
08-23-05	Cummins	Map 18 08 13 TL 1101	\$ 3,900 Paid 09-13-05/\$3,900	2005-065757
02-23-05	Brewer	Map 15 06 35 TL 402	\$23,520 Paid 03-09-2007/\$45,420 (includes 2 liens)	2005-012711
11-01-04	Woodmansee/Hathorn	Map 17 03 27 33 TL 900	\$26,280	2004-084559
07-13-04	Rogers	Map 21 01 36 33 TL 1200	\$7,020 Paid 07-26-04/\$7,020	2004-053550

LIENS - Continued

06-02-04	Brewer	Map 15 06 35 Tax Lot 402	\$21,900 Paid 03-09-2007 (includes 2 liens)	2004-041241
05-05-04	Sherbahn	Map 17 04 30 Tax Lot 100	\$56,940 Foreclosure filed 11/05	2004-033604
09-11-03	Gillette	Map 18 04 23 TLs 100, 202 Map 18 04 14 TLs 3900, 4004, 4005 In Foreclosure 4007, 4009	\$6,720	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 Satisfaction Filed/New Lien filed 4-24-06 adding Linda L. Slaughter	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	2002-082190
10-22-02	Baumann/Harris	Map 18 12 04 13 TL 2600 4605/4613 Falcon Street	\$32,850 Tax Foreclosure	2002-082032

LIENS - Continued

		Florence, OR		
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 Swisshome, 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 Paid 11-18-05/\$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

LIENS - Continued

12-18-00	Wright	Map 18 01 06 TL 700 38308 Boscage Lane Springfield, OR	\$21,900 Paid 03-07-05/\$21,900	2000-071395
09-06-00	Milligan	Map 18 03 24 TL 200	\$20,160	2000-051492
06-04-96	Milligan	Map 18 03 24 TL 200 Highway 58 Eugene, OR	\$95,000 Settlement Agreement Jagger/Solosha Inc.	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 Negotiated Settlement	2000-033870

LIENS - Continued

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 Trial Date April 2007	98-52045
07-02-98	Van Heerwarden	Map 19 04 14 TL 400	\$106,560**	98-51904

LIENS - Continued

		Camas Swale Road Creswell, OR	Paid 12-14-00/\$5,264.04	
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 Foreclosure filed/trial set for 2-28-06 Negotiated settlement	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

** 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.