BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 13-04-02-07

IN THE MATTER OF DIRECTING THE LAND MANAGEMENT DIVISION TO FOREGO THE PROSECUTION OF ENFORCEMENT ACTIONS RELATED TO CERTAIN ACCESSORY STRUCTURES THAT WERE PLACED WITHOUT LAND USE APPROVAL AND/OR BUILDING PERMITS PRIOR TO FEBRUARY 29, 1984

WHEREAS, pursuant to the Lane County Home Rule Charter, administrative enforcement procedures have been established under Lane Code Chapter 5 for the purpose of providing for the remediation of any failure to comply with County ordinances, including land use and building regulations; and

WHEREAS, the Land Management Division is authorized to carry out enforcement actions to resolve failures to comply with County code; and

WHEREAS, the Land Management Division lacks the resources needed to pursue enforcement actions on all known code violations; and

WHEREAS, on January 29, 2013, the Board of Commissioners held a work session to review and evaluate possible code enforcement prioritization procedures; and

WHEREAS, the Board has found that under limited circumstances it is acceptable that the Land Management Division forego enforcement of certain violations; and

WHEREAS, the Board of County Commissioners is now ready to take action.

NOW, THEREFORE, the Board of County Commissioners of Lane County orders as follows:

1. Land Management Division will forego enforcement actions to bring certain structures into compliance with current land use and building regulations when; a) the structures meet the location, occupancy use classification and creation date criteria specified in the code enforcement prioritization procedure included as Exhibit A to this Order, and b) the property owner seeking relief from code enforcement action signs and has recorded a hold harmless and structural use covenant form as provided by the Land Management Division and substantially similar to the document included as Exhibit B to this Order.

ADOPTED this 2nd day of April, 2013.

[Signature]
Sid Leiken, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date 5/22/13 Lane County
[Signature]
OFFICE OF LEGAL COUNSEL
Code Enforcement Prioritization Review Procedure

1. Structure located outside of the SFHA¹
   - Yes
   - No
   - Pursue Enforcement

2. Structure Use Occupancy Classification ²
   - "U" or "S"
     - Ag.
     - Other/Unknown
     - Pursue Enforcement

3. Ag. Permit Obtained & Use Covenant Recorded ³
   - Yes
   - No
   - Forego Enforcement and Allow Additional Permit Applications if Requested

4. Date Placed
   - Pre – 1/29/84
   - On or After – 1/29/84
   - Pursue Enforcement

5. Owner Willing to Sign/Record Hold Harmless/Covenant ⁴
   - Yes
   - No
   - Forego Enforcement and Allow Additional Permit Applications if Requested

   Further Information:

   1. The SFHA (Special Flood Hazard Area) is the portion of the floodplain which is regulated by Lane Code in accordance with the requirements of the National Flood Insurance Program
   2. As defined under Section 302 of the Oregon Specialty Building Codes
   3. Any structures being used for legitimate agricultural operations and meeting the exemption criteria of the Oregon Specialty Building Codes will require an Agricultural Placement Permit and the property owner will be required to sign and record a standard agricultural use covenant
   4. The property owner seeking relief from code enforcement action will be required to sign and have recorded a hold harmless and structural use covenant form as provided by the Land Management Division and substantially similar to the document included as Exhibit B to this Order
UNPERMITTED STRUCTURE
HOLD HARMLESS DECLARATION & STRUCTURAL USE COVENANT

The undersigned person(s), ____________________________ (print name(s)), the "OWNER(S)" of real property located in Lane County, Oregon and more particularly identified as Map No._-_-_-__-_-, Tax lot_______ as described on Exhibit "A", (legal description obtained from Lane County Assessment and Taxation) hereby acknowledge and agree to the following:

1. OWNERS(S) hereby declare and agree to defend, save, hold harmless and indemnify Lane County, its Board of Commissioners, their officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, or in connection with, any loss or liability or injury to persons or property that arise from or in connection with Lane County’s decision to forego code enforcement actions related to unpermitted structures on the property identified above and;

2. OWNER(S) certify that the structure(s) identified as “unpermitted” on the site plan included as Exhibit “B” are being used in a manner that is consistent with the allowable uses for structures classified as either "storage" under Section 311 of the Oregon Specialty Building Codes or as “utility/miscellaneous” under Section 312 of the Oregon Specialty Building Codes and;

3. This agreement further serves as notice to the OWNER(S) and successors in interest that no change in use of the structure is allowed without obtaining the necessary land use approval and building permits from Lane County. This covenant shall be binding upon the OWNER(S), their heirs, successors and assigns.

The undersigned OWNER(S) further declare and agree that they have read and understood this Declaration and Covenant and has signed the same of Owner(s) own free will.

Owner Name(s) (please print): ____________________________

Owner Signature(s): ____________________________ Date __________

STATE OF OREGON
County of __________ )

) SS.

The foregoing instrument was acknowledged before me this ___ day of

_____ 20___ by __________________________

(Owners Name)

X __________________________

Notary Public for Oregon

My commission expires: __________________________