

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: January 20, 2026 **Approx. Start Time:** 3:30pm **Approx. Length:** 60 mins

Presentation Title: Code Enforcement Priorities

Department: Transportation and Development

Presenters: Dan Johnson, DTD Director; Cheryl Bell, DTD Assistant Director

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Board approval of the updated 2026 Code Enforcement Violation Priorities and Enforced Priorities List.

EXECUTIVE SUMMARY:

As directed by the Board in a December 10, 2024 Issues Session, staff are bringing to the Board the updated 2026 Code Enforcement Violation Priorities and Enforced Priorities List (Priorities List) for discussion and approval.

Background

To support a safe community for all the residents of Clackamas County, the Department of Transportation and Development (DTD) operates a Code Enforcement program to resolve and enforce violations of statutes or ordinances related to public health, safety and welfare, business activities, building standards, land use and neighborhood livability. This is done through enforcement of the following codes and statutes:

- The State building codes,
- Clackamas County Code
 - Title 9 - *Buildings*; specifically, all administrative rules and referenced provision of Section 9.02.040,
 - Title 9.01 - *Abatement of Dangerous Buildings and Structures*,
 - Title 9.03 – *Excavation and Grading*
 - Title 6.08 - *Chronic Nuisance*,
 - Title 6.11 – *Graffiti*,
 - Title 10.03 - *Solid Waste and Wastes Management*,
- County Zoning and Development Ordinance (ZDO),
- County Roadway Standards, and
- Oregon's Department of Environmental Quality (DEQ) standards and rules related to septic and onsite wastewater systems.

To balance complaint enforcement with the financial and staff resources needed to perform code enforcement work, Clackamas County Code Section 9.02.340 states in part:

“[T]he Board of County Commissioners has determined that the building official may prioritize violations for enforcement action without unduly compromising public policy. The Board of County Commissioners believes that this prioritization of violations for enforcement will result in the most effective and efficient re-allocation of Building Division resources.”

In 2001 the Board established a Code Enforcement Violation Priorities and Enforced Priorities List. This list ranks violations by priority levels and establishes the violations that will be enforced by the County. Since 2001, the Priorities List has undergone several updates to account for new laws, updated codes and Board priorities (such as illegal marijuana and graffiti abatement).

In 2018 the County Building Official and DTD staff worked with County Counsel to incorporate all previous changes to the Priorities List and to edit the list for clarity. The original 2001 List established that violation priorities 1 through 4 would be enforced by Code Enforcement. Following the 2018 update, code enforcement began enforcement on priority 1-4 violations using the 2018 Priorities List based on the recommendation of County Counsel.

In 2024 DTD staff were reviewing code enforcement procedures and standards, and were unable to find any formal Board action on the 2018 version of the Priorities List. As a result, at an Issues Session on December 10, 2024 DTD asked the Board to affirm the 2018 Code Enforcement Violation Priorities and Enforced Priorities List in order to maintain code enforcement operations that had been in place since 2018, as well as to continue cases under enforcement.

During the December 2024 Issues Session staff committed to advancing a discussion with the Board in a future Policy Session regarding the Priorities List and any desired Board amendments. Therefore, as directed by the Board, staff are bringing forward the Priorities List for discussion.

Violation Ranking and Enforcement

With the original 2001 List, priorities were established for the violations addressed by Code Enforcement, and it was established that Code Enforcement would only open a case and begin investigation on violation within priorities 1 through 4.

For all alleged violations in priorities 1-4, a case is opened and an investigation is held. Based upon the evidence found during the investigation, a case is either advanced or deemed to not have sufficient evidence to proceed.

Violations reported that fall outside of priorities 1 through 4 are not taken up by Code Enforcement.

2026 Updates to the Violation Priorities and Enforced Priorities List

Following the December 2024 Issues Session, staff met with the supervisors and managers from the programs whose rules and regulations are enforced by Code Enforcement. Staff reviewed the 2018 Priorities List and made updates to increase clarity and transparency. The updated 2018 Priorities List, attached as the proposed 2026 Priorities List, continues enforcement action on level 1 through 4 priorities, and includes the following edits and changes:

General

- Housekeeping edits for grammar and readability

Building Codes

- All building code violations are pursued as a priority 1. For clarification and clear enforcement, the violation priorities for building code items are no longer listed separately.
- With the anticipation of County Code Title 9.04 – *Erosion Prevention and Sediment Control* going into effect in Feb 2026, erosion control enforcement was added as a priority 1.
- Grading enforcement was incorporated into Building Codes

Planning

- Clarification was added to note what actions result in violations
- Added language to address violations within special districts, sign and temporary sign violations, some conditions of approval regarding storage, retail commercial uses in an industrial zone, and structures without a primary use.
- Removed the general heading of violations within the Habitat Conservation Area District (HCAD), and replaced this with more detail regarding unauthorized activities within Special Districts, per Zoning and Development Ordinance (ZDO) Section 700 as a priority 1 violation.
- Added storage of commercial vehicles to be as priority 2 violations
- Added priority 4 violations related to storage of structures and temporary signs

- Retail commercial uses in an Industrial zone changed from a priority 3 to priority 5 violation
- Temporary signs added as a priority 5 violation
- Unlawful land divisions and excessive occupants in a single-family dwelling changed from priority 7 to priority 6 violation
- Added priority 6 violations for storage of structures
- Added priority 7 violation of storage of commercial vehicles

Roads and Engineering

- Basketball hoops and skateboard ramps in right-of-way on cul-de-sac and dead-end streets changed from priority 7 to priority 6 violation

Solid Waste – Sustainability and Solid Waste

- Added clarifying language for enforcement of contaminated recycling as required by DEQ
- Clarified the amount of putrescible waste accumulation, tire storage, inoperable and/or currently licensed vehicle totals for each level of violation. These clarified accumulation totals will correlate with citation amounts, so the more accumulation on a property the higher the citation.

Septic and Onsite Wastewater

- Clarification and language changes to meet requirements set by DEQ.
- Priority 2, 3 and 4 violations added

With the above-mentioned changes, and based upon Board discussion today, DTD is seeking Board approval of the proposed 2026 Priorities List.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? ☒ YES ☐ NO

What is the cost?

\$1,415,006 (FY 25-26 Code Enforcement Amended Budget)

What is the funding source?

Fines and fee collected by Code Enforcement, and payment for services from DTD Building Codes, Land Use Planning, Sustainability and Solid Waste, and Roads Programs.

STRATEGIC PLAN ALIGNMENT:

- **How does this item align with your Department's Strategic Business Plan goals?**
Code enforcement staff provides enforcement of building codes to ensure safe buildings and structures, land use rules to ensure compliance with state and local laws regarding land use and zoning, and the solid waste ordinance to ensure a sanitary and healthy environment.
- **How does this item align with the County's Performance Clackamas goals?**
Safe, Secure and Livable Communities – The proposed changes to the Code Enforcement Violation Priorities and Enforced Priorities List will result in more effective and efficient enforcement of violation case files for more safe, secure, and livable communities.

LEGAL/POLICY REQUIREMENTS:

The Board has discretion to make a policy determination concerning the level of violation enforcement balancing the needs of the community for compliance with ordinances and the funding available to complete the enforcement. This determination may provide some lower legal risk to the County by making this determination. The Board may adjust the enforcement priorities from time to time to balance feedback from the community with changing levels of funding available for enforcement.

County Code Chapter 2.07, Chapter 7.03, Chapter 9.01, Chapter 9.02, Chapter 9.03, Chapter 10.03, Chapter 10.04, and Title 12 and 13 of the Zoning and Development Ordinance.

PUBLIC/GOVERNMENTAL PARTICIPATION: N/A

OPTIONS:

1. Approve the updated 2026 Code Enforcement Violation Priorities and Enforced Priorities List.
2. Provide alternate direction on the proposed changes to the 2026 Code Enforcement Violation Priorities and Enforced Priorities List.
3. Take no action at this time.

RECOMMENDATION: Staff respectfully recommends Option 1: Approve the updated 2026 Code Enforcement Violation Priorities and Enforced Priorities List.

ATTACHMENTS:

- Attachment A: 2026 Code Enforcement Violation Priorities and Enforced Priorities List

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

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| For information on this issue or copies of attachments, please contact Matt Rozzell @ 503-742-4744 |
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Clackamas County Department of Transportation and Development

CODE ENFORCEMENT VIOLATION PRIORITIES AND ENFORCED PRIORITIES

PROPOSED 2026 Version

2018 Version Affirmed by Board of County Commissioners - December 10, 2024

GENERAL CATEGORIES

¥ Building ¥ Planning ¥ Roads & Engineering ¥
¥ Solid Waste - Sustainability & Solid Waste ¥ Septic & Onsite Wastewater ¥

The Board of County Commissioners for Clackamas County finds that there is insufficient funding to fully enforce all violations of the County Code. The County Code provides enforcement of the County Code in a broad range of matters, from threats to life and health to matters regulated to improve the enjoyment of life. Due to limited funding the Board approves the policy decisions contained in this guidance for the prioritization of enforcement of the County Code. Whenever there is discretion to be exercised under this policy direction it is the intention that the decisions be made by the highest-ranking staff member responsible or their designee. Therefore, the Board directs County Staff as follows to enforce the County Code:

Building

All building code violations including plumbing, mechanical, structural, electrical, erosion, and grading will be pursued as a priority 1.

Planning

Planning violations priorities 1-4 will be pursued.

Local governments are required by state law to "prepare, adopt, amend and revise comprehensive plans..." and "enact land use regulations to implement their comprehensive plans..." (ORS 197.175(2), also see ORS 215.050).

Similarly, local governments are required to adopt standards and procedures governing approval of subdivisions and partitions (ORS 92.044).

Local government plans and ordinances must be consistent with the LCDC (Land Conservation and Development Commission) goals, certain Oregon Administrative Rules and regional (Metro) standards.

ORS 197.013 states that "implementation and enforcement of acknowledged comprehensive plans and land use regulations are matters of statewide concern..."

ORS 215.190 prohibits use of structures or land in violation of local planning and zoning requirements.

ORS 215.185 provides that a local government or "a person whose interest in real property..., is or may be affected by the violation..." may institute proceedings to enforce the local government's regulations. There are no other specific state provisions relating to the type of local government enforcement program.

Priority 1 Violations

These violations involve land use activities that impact environmental/natural resources (irreparable harm has taken place that cannot be corrected, creating a permanent situation). The below references are to unauthorized/unpermitted development or use.

1. Unauthorized activities within Special Districts, per Zoning and Development Ordinance (ZDO) 700, including environmental damage, grading, and/or development.
2. Cutting trees within river corridor in violation of the Zoning and Development Ordinance.
3. Grading river/stream bank or in river/stream.
4. Surface mining.
5. Filling or other development within floodplain or riparian corridor.
6. Unauthorized activities within Marijuana Production, Processing, and Retailing.

Priority 2 Violations

These violations involve land uses that disturb the livability of the community or impact residential density. The greater the impact to the community, the higher the violation should be in priority, for code enforcement within this category. The below references are to unauthorized/unpermitted development or use.

1. Commercial or industrial activity in residential or resource zones.
2. Livestock in the urban area or subject to ZDO 821.
3. Violations of the Conditions of land use permit approval (i.e., conditional use, home occupation, design review, temporary dwellings) associated with resolving an existing code enforcement violation or subject to Planning Director interpretation.
4. Unauthorized/unpermitted second dwellings (i.e., RV's, manufactured dwellings, accessory dwelling).
5. Storage of one commercial vehicle over 11,000 lbs. gross vehicle weight in the urban area not in conjunction with commercial activity.
6. Storage of two or more commercial vehicles over 11,000 lbs. gross vehicle weight each in the rural area not in conjunction with commercial activity.

Priority 3 Violations

These violations can usually be fixed without irreparable harm to the property. Occasional health and safety issues (i.e., lack of proper sanitation) would cause the violation to be designated a higher priority among violations in this category. The below references are to unauthorized/unpermitted development or use.

1. Failure to obtain Design Review approval.
2. Unauthorized/unpermitted signs (i.e., freestanding signs and building signage).

Priority 4 Violations

The below references are to unauthorized/unpermitted development or use.

1. Storage of two or more structures that would require a permit, manufactured dwellings, residential trailers or job site trailers which are not occupied or subject of conditions of a land use approval.
2. Temporary signs displayed for more than 90 days.

Priority 5 Violations

These violations do not cause irreparable harm, and the resolution is often applying for a land use application.

1. Building within setbacks or over property lines (causes no irreparable harm) - can be resolved through a process available to the property owner as simple as a property line adjustment or as substantial as moving the building.
2. Building height, square footage and lot coverage requirements.
3. Unauthorized commercial horse boarding or equine facilities used for stabling, boarding, or training equines, for riding lessons and training clinics.
4. Retail commercial uses in an Industrial Zone.
5. Temporary signs that are not displayed for longer than 90 days.

Priority 6 Violations

These types of violations happen fairly infrequently, and if they do occur, there is no irreparable harm or life safety issues involved. Many times these violations are ultimately civil issues between the parties.

1. Unlawful land divisions.
2. Storage of one structure that would require a permit, manufactured dwelling, residential trailer or job site trailer which is not occupied or subject of conditions of a land use approval.
3. Exceeding the number of allowed occupants in a single-family dwelling.

4. Legally established accessory structure without current primary use.

Priority 7 Violations

1. Storage of one commercial vehicle over 11,000 lbs. gross vehicle weight in the rural area not in conjunction with commercial activity.

Roads & Engineering

Roads and Engineering violations priorities 1-4 will be pursued.

Local governments are required by State law to maintain safe roadways. There are laws that specifically address road hazards, driveway approaches to County roads, development conditions of approval for road improvements and traffic signing and markings. ORS Chapter 197 addresses comprehensive land use planning coordination. ORS Chapter 368 describes County roads and addressing roadways standards, road hazards and County road official duties. ORS Section 374 describes control of access to public highways, while ORS Chapter 377 addresses traffic signs. ORS Chapter 811 addresses rules of the road for drivers. The County implements these laws through its Roadway Standards, the Zoning and Development Ordinance, and County Comprehensive Plan.

Priority 1 Violations

1. Signs attached to County sign posts (e.g. stop & yield).
2. Sight obstructions blocking stop signs or yield signs on all roads.
3. Obstructions in Right of Way causing a hazard (signs, vegetation and structures) on roads with centerline stripes.
4. Vegetation encroaching in Right of Way obstructing roads with centerline stripes.
5. Drainage onto County roads with centerline stripes.
6. Driveway entrance permits - damage or hazard (rock, mud, debris, water or other damage impacting the traveling public) occurring on County maintained, local access or public roads with centerline stripes.
7. Mud on roads with centerline stripes.
8. Basketball hoops and skateboard ramps in Right of Way on non-dead-end roads with centerline stripes.
9. Non-permitted gates on County-maintained Right of Way's on all County roads.

Priority 2 Violations

1. Violations of the Conditions of approval for road improvements as part of a land use action on all roads.
2. Drainage onto County roads without centerline stripes.

3. Driveway entrance permits - damage or hazard (rock, mud, debris, water or other damage impacting the traveling public) occurring on County maintained, local access or public roads without centerline stripes.
4. Mud on roads without centerline stripes.
5. Vegetation obstructing traffic control device such as warning signs, regulatory signs on all roads (excluding stop signs and yield signs).
6. Basketball hoops and skateboard ramps in right of way on non-dead-end roads without centerline stripes.
7. Gates on county roads and public roads under County administrative jurisdiction (gates could be considered by the Board pursuant to a public hearing).

Priority 3 Violations

1. Obstructions in right of way causing a hazard (signs, vegetation and structures) on roads without centerline stripes.
2. Vegetation encroaching in County right of way obstructing roads without centerline stripes.
3. Driveway entrance permits, inadequate sight distance, inadequate slope, transition or apron on roads with centerline stripes.
4. Driveway entrance permits, inadequate sight distance, inadequate slope, transition or apron on roads without centerline stripes.
5. Non-permitted Commercial and non-commercial driveway entrance on all roads.
6. Commercial driveway entrance permits on local access roads and public roads not meeting ADA, width, or other Roadway Standard requirements.
7. Delivery trucks blocking all roads.

Priority 4 Violations

1. Vegetation obstructing street name signs on all roads.
2. Non-commercial driveway entrance permits on local access roads and public roads not meeting culvert, width, or other Roadway Standard requirements.

Priority 5 Violations

1. Sight restrictions (excluding stop or yield signs) on unimproved, non-County maintained local access roads.
2. Vegetation encroaching into unimproved, non-County maintained local access roads.
3. Signs placed within Right of Way but away from traveled portion (Priority 3 if it looks like traffic control device).

Priority 6 Violations

1. Basketball hoops and skateboard ramps in Right of Way on cul-de-sac and dead-end streets.

Solid Waste - Sustainability & Solid Waste

Solid waste violations priorities 1-4 will be pursued.

The Solid Waste and Waste Management Chapter of the Clackamas County Code is a discretionary ordinance originally adopted by the Board of County Commissioners in 1970, and re-adopted as Chapter 10.03 of the Clackamas County Code when that Code was enacted as Ordinance #05-200, effective July 13, 2000. The Solid Waste Chapter addresses two primary administrative elements, solid waste nuisance abatement and oversight of the franchised solid waste and recycling collection program. The power granted the County to adopt a nuisance abatement program is found in ORS 203, which contains statutes that grant the County authority to adopt ordinances over matters of County concern. ORS 203 and 459 grant the County authority to establish a franchised garbage and recycling system for the orderly collection of garbage and recyclable materials. ORS 459 and 459A require the County to provide the "opportunity to recycle..." This is accomplished through the franchised garbage and recycling collection system. The Solid Waste Chapter governs how this should be done. Although there is some code enforcement associated with the franchised garbage and recycling system, the primary emphasis is on the solid waste nuisance priorities. This includes accumulations of solid waste that cause a condition of unsightliness or create a health or safety hazard.

For purpose of the solid waste priorities a pickup truck load is the equivalent of 2 cubic yards.

Priority 1 Violations

These are health and safety violations, adversely affecting the public or posing a serious threat to individuals, the general public or the environment, including attractions for rodents or health threatening bacterium or pathogens. Items listed are of equal importance.

1. Violations of the franchised garbage collection system.
2. Illegal/contaminated recycling including business recycling requirements and food waste collection requirements.
3. Illegally dumped medical wastes.
4. Accumulations of putrescible wastes in the Urban Growth Boundary (UGB) and rural areas (for example: meat and meat scraps; fat; grease; food containers or products contaminated with food wastes).
5. Garbage containers overflowing with putrescible wastes (residential, commercial and multi-family).
6. Improper disposal of dead animals.
7. Accumulation of domestic animal feces/manure in residential zones where farm uses are not allowed.

Priority 2 Violations

These violations are not health and safety related; however, these items generally affect a larger number of people, both within the (UGB) and rural areas of the County.

1. 7 or more pickup loads (14 or more cubic yards) of non-putrescible solid waste within the UGB.
2. 11 or more pickup loads (22 or more cubic yards) of non-putrescible solid waste in the rural area.
3. 6 or more inoperable and/or non-currently licensed vehicles in the UGB.
4. 15 or more inoperable and/or non-currently licensed vehicles in the rural area.
5. More than 100 junk tires.

Priority 3 Violations

These violations affect fewer people but apply to both the UGB and rural areas. Due to higher densities in the UGB, issues with inoperable vehicles are more restrictive than in the rural area.

1. 3-6 pickup loads (6 to 12 cubic yards) of non-putrescible solid waste within the UGB.
2. 6-10 pickup loads (12 to 20 cubic yards) of non-putrescible solid waste in the rural area.
3. 3-5 inoperable and/or non-currently licensed vehicles within the UGB.
4. 9-14 inoperable and/or non-currently licensed vehicles in the rural area.
5. 50-99 junk tires.

Priority 4 Violations

These violations have a moderate visual impact but do not represent a major degradation of neighborhood livability.

1. Up to 2 pickup loads (up to 4 cubic yards) of non-putrescible solid waste in the UGB.
2. 2 inoperable and/or not-currently licensed vehicles within the UGB.
3. 4-8 inoperable and/or not-currently licensed vehicles in the rural area.
4. 20-49 junk tires.
5. Dilapidated mobile homes or trailer houses within the UGB.

Priority 5 Violations

1. Inoperable and/or not-currently licensed vehicle within the UGB.
2. 3 or less inoperable and/or non-currently licensed vehicles in the rural area.
3. Dilapidated mobile homes or trailer houses in the rural area.
4. Less than 20 junk tires.

Priority 6 Violations

These violations have minimal impact on the general public or neighborhood livability, and are often a neighbor-to-neighbor issue over the unsightliness of minor accumulations of solid waste. It is suggested that items in this category be referred to mediation as the only resort for public assistance. If the mediation process is not successful, or the parties choose not to mediate, the County will not pursue enforcement action.

1. Improperly maintained compost piles.
2. One to five pickup loads of non-putrescible solid waste in rural area.

Priority 7 Violations

These violations have little or no impact on neighborhood livability. It is suggested that code enforcement or mediation not be pursued regarding these violations.

1. Accumulations of yard debris.

Graffiti

All graffiti violations will be pursued as a priority 1.

Septic & Onsite Wastewater

Septic and Onsite Wastewater violations priorities 1-4 will be pursued.

The Septic and Onsite Wastewater Program in Clackamas County was created by the State of Oregon's Department of Environmental Quality (DEQ). By agreement Clackamas County is the DEQ Agent for the application and of ORS 454.605 through 454.780 and OAR 340 Divisions 71 and 73, and therefore its application is not discretionary.

Priority 1 Violations

On-Site Sewage Disposal:

1. A septic system that discharges untreated or partially treated sewage to the ground surface, surface water, or creates a public health hazard.

Priority 2 Violations

1. Installation of new or replacement septic system without the required permits.

2. Connection, reconnection, or change of use of a septic system without the required permit or authorization notice.

Priority 3 Violations

1. Failure to abandon septic tanks and cesspools that are no longer in use.

Priority 4 Violations

1. Septic systems that require maintenance and annual reporting per OAR 340-071, failure to maintain a service contract with a certified maintenance provider, or failure to ensure the system is inspected at least annually by a certified maintenance provider or the agent under OAR 340-071-0260.