

BEFORE THE COMPLIANCE HEARINGS OFFICER
for the
CLACKAMAS COUNTY BOARD OF COMMISSIONERS

COUNTY OF CLACKAMAS,

Petitioner,

v.

DAVID J LAWRENCE,

Respondent.

File No(s): V0051821

COMPLAINT AND REQUEST FOR HEARING

I, Shane Potter, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondents' place of business is: 2154 SW Borland Rd, West Linn, OR 97068

2.

The address or location of the violations of law alleged in this Complaint is: 2154 SW Borland Rd., West Linn, OR 97068 also known as T2S, R1E., Section 28, Tax Lot 03800, and is located in Clackamas County, Oregon.

3.

On or about the 7th day of February, 2022, Respondent violated the following laws, in the following ways:

a. Respondent violated Section 12.316.030 of the Clackamas County Zoning and Development Ordinance (ZDO) by operating businesses without Land Use approval. Said property is zoned RRFF-5 (Rural Residential Farm Forest 5 Acre) District.

This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities

b. Respondent violated Section 9.02.040 (A, B, C, D, & E) of the Clackamas County Building Code.

This violation is a Priority 1 Building Code violation pursuant to the Clackamas County Violation Priorities.

4.

The Department initiating this procedure is the Code Compliance Section of the Department of Transportation and Development.

5.

Notice of the violations was given to Respondent in the following manner: Administrative Citation No. 2100518 - 1 in the amount of \$900.00 was mailed regular mail on March 2, 2023. A copy of the notice document is attached to this Complaint as Exhibit H, and incorporated by this reference.

Based on these allegations, petitioner requests that a hearing be set in this matter. Petitioner seeks an Order from the Hearings Officer granting the following relief:

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to immediately abate the violation and bring the property at issue into compliance with all laws, and permanently enjoining Respondent from violating these laws in the future;

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation within the range established by Board of County Commissioners.
 - a. Said range for a Priority 2 Zoning violation being \$500.00 to \$2,500.00 per occurrence as provided by Appendix B to the Clackamas County Code;
 - b. Said range for a Priority 1 Building Code violation being \$750.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code
3. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to pay an administrative compliance fee as provided by Appendix A to the Clackamas County Code; and
4. Ordering any other relief deemed reasonably necessary to correct the violations.

DATED this 21st day of September, 2023.



Shane Potter
Code Enforcement Specialist
for Clackamas County

COUNTY OF CLACKAMAS,

Petitioner,

v.

DAVID J LAWRENCE,

Respondent.

File No.: V0051821

STATEMENT OF PROOF

History of Events and Exhibits:

- | | |
|---------------------------------------|---|
| December 22 and 23, 2021
Exhibit A | Clackamas County received a complaint regarding businesses (Tree Care Unlimited and Greenhart Construction) operating without Land Use approval. Aerial photos from 2018 and August 2023 are included. There is also website and CCB information included. |
| December 27, 2021
Exhibit B | Correspondence was mailed to the Respondent by first class mail requesting contact within 10 days. |
| January 13, 2022
Exhibit C | Code Enforcement Specialist (CES) Shane Potter performed a site visit and identified a business with a large parking area up front and buildings with commercial vehicles towards the back of the property visible down the lane. |
| February 7, 2022
Exhibit D | Facts of the alleged violation were reviewed, the violation verified, and Notice of Violation mailed containing a statement of the facts that support the finding a violation exists on the property for a zoning violation (multiple businesses without Land Use approval) and building (use of an agricultural building for commercial purposes). The Notice of Violation was mailed via first class mail. The mail was not returned. |
| March 29, 2022 | CES Potter spoke to a representative of the Respondent named Tammy Stevens by phone. Tammy Stevens stated she is helping to put together the Land Use application and has held discussions with Planning and Zoning and has a path forward. Tammy Stevens stated that they will first have to go through a Pre-Application Conference. |

<p>May 12, 2022 through September 12, 2022 Exhibit E</p>	<p>Series of emails with the Respondent David Lawrence and Tammy Stevens. The emails were explanations of the process they are going through to prepare an application for Land Use Review to allow for the businesses to operate.</p>
<p>September 7, 2022 Exhibit F</p>	<p>A Pre-Application Conference was held and Planning and Zoning provided a Pre-Application summary.</p>
<p>February 2, 2023 Exhibit G</p>	<p>Code Enforcement Specialist Shane Potter performed a site visit and identified a business with a large parking area up front and buildings with commercial vehicles towards the back of the property visible down the lane.</p>
<p>March 2, 2023 Exhibit H</p>	<p>Citation #2100518-1 issued for a Priority 2 Zoning Code violation for \$400 and a Priority 1 Building Code violation for \$500 for a total of \$900. The Citation was sent first class mail to the Respondent. The mail was not returned. This citation has not been paid.</p>
<p>March 16, 2023 Exhibit I</p>	<p>Respondent representative Tammy Stevens emailed stating they have asked Big Sky Landscaping and Tree Care Unlimited to vacate. Tammy further stated that Greenhart Construction left over 6 months ago and they would be moving their own business DJ's Custom Decking to the property, which they know will require a Home Occupation permit.</p>
<p>March 22, 2023 Exhibit J</p>	<p>CES Potter and Tammy Stevens had a phone call that was followed up by an email where we discussed the process for enforcement and the fines that can be associated.</p>
<p>April 24, 2023 Exhibit K</p>	<p>Respondent representative Tammy Stevens emailed saying they had issued a 60 day eviction notice to Big Sky business.</p>
<p>May 5, 2023 Exhibit L</p>	<p>Emails between Tammy Stevens and Planning and Zoning Division staff regarding changes to the zoning for this location.</p>
<p>June 26, 2023 Exhibit M</p>	<p>CES Potter performed a site visit and there was not as many vehicles in the front parking lot as there has been in prior inspections. There were no trespassing signs going down the lane.</p>
<p>September 1, 2023</p>	<p>Reviewed new aerial photography from August 2023 (Exhibit A Page 3) showing signs of large amounts of commercial equipment and activities associated with the previous violations remain on site. The County referred this matter to the Code Enforcement Hearings Officer.</p>

If the Hearings Officer affirms the County's position that a violation of the Zoning Ordinance and Building Code exists on the subject property, the County would request a Continuing Order be issued requiring the Respondent:

- Vacate the use at this location within 30 days, or
- Obtain Land Use approval for operating a commercial activity at this location. Application to the Planning and Zoning Division should be made within 30 days of the Continuing Order.
 - If the Land Use application is deemed incomplete the Respondent shall provide a completed application to the Planning and Zoning Division within 30 days of the date of the incomplete letter.
- If Land Use is granted submit technically complete plans, and obtain all building, plumbing, electrical and mechanical permits within 30 days of receiving Land Use approval.
 - If the permits are deemed incomplete Respondent must submit additional materials required for review within 30 days of notice of such incomplete permits.
 - Pay all fees within 10 days of the permit being approved for issuance.
 - Within 45 days from the date of permit issuance obtain all inspections including an approved final inspection.

The County will submit a Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondent. The report may include the following recommendations:

- Payment of Citation #2100518 - 1 for \$900.00
- The imposition of civil penalties of up to \$2,500.00 for a Zoning and Development Ordinance and civil penalties of up to \$1,000.00 for a Building Code violation.
- The administrative compliance fee to be imposed from February 2022. As of the date of this report the administrative compliance fee was \$1,425.00.
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.
- The County would also ask that reimbursement be ordered for any expense the County incurs in collection of these monies.





**October 2018
Aerial Photo**



**August 2023
Aerial Photo**

EXHIBIT A PAGE 3 OF 16



Business Name Search

[New Search](#) [Printer Friendly](#)

Business Entity Data

12-27-2021
07:48

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1208514-98	DLLC	ACT	OREGON	04-20-2016	04-20-2022	
Entity Name	GREENHARTT, LLC					
Foreign Name						

[New Search](#) [Printer Friendly](#)

Associated Names

Type	PRINCIPAL PLACE OF BUSINESS					
Addr 1	2154 SW BORLAND RD					
Addr 2						
CSZ	WEST LINN	OR	97068	Country	UNITED STATES OF AMERICA	

Please click [here](#) for general information about registered agents and service of process.

Type	AGT REGISTERED AGENT			Start Date	Resign Date
				04-20-2016	
Name	JANELLE	A	MYER		
Addr 1	22752 SW JOHNSON RD				
Addr 2					
CSZ	WEST LINN	OR	97068	Country	UNITED STATES OF AMERICA

Type	MAL MAILING ADDRESS					
Addr 1	PO BOX 1566					
Addr 2						
CSZ	LAKE OSWEGO	OR	97035	Country	UNITED STATES OF AMERICA	

Type	MEM MEMBER			Resign Date
Name	JOSHUA	E	MYER	
Addr 1	22752 SW JOHNSON RD			
Addr 2				

EXHIBIT A PAGE 4 OF 16

CSZ	WEST LINN	OR	97068	Country	UNITED STATES OF AMERICA
------------	-----------	----	-------	----------------	--------------------------










Type	MEM	MEMBER		Resign Date	
Name	JANELLE	A	MYER		
Addr 1	22752 SW JOHNSON RD				
Addr 2					
CSZ	WEST LINN	OR	97068	Country	UNITED STATES OF AMERICA

[New Search](#) [Printer Friendly](#) **Name History**

Business Entity Name	Name Type	Name Status	Start Date	End Date
GREENHARTT, LLC	EN	CUR	09-21-2018	
GREENHARTT LLC	EN	PRE	08-22-2018	09-21-2018
TCU CONSTRUCTION, LLC	EN	PRE	04-20-2016	08-22-2018

Please [read](#) before ordering [Copies](#).

[New Search](#) [Printer Friendly](#) **Summary History**

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	05-17-2021		FI		
	AMENDED ANNUAL REPORT	04-21-2020		FI		
	AMENDED ANNUAL REPORT	06-04-2019		FI		
	ARTICLES OF AMENDMENT	09-21-2018		FI	Name	
	ARTICLES OF AMENDMENT	08-22-2018		FI	Name	
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	08-10-2018		FI		
	AMENDED ANNUAL REPORT	04-23-2018		FI		
	AMENDED ANNUAL REPORT	05-25-2017		FI		
	ARTICLES OF ORGANIZATION	04-20-2016		FI	Agent	

[About Us](#) | [Announcements](#) | [Laws & Rules](#) | [Feedback Policy](#) | [SOS Home](#) | [Oregon Blue Book](#) | [Oregon.gov](#)

EXHIBIT A PAGE 5 OF 16

CONTACT/US

Mailing Address

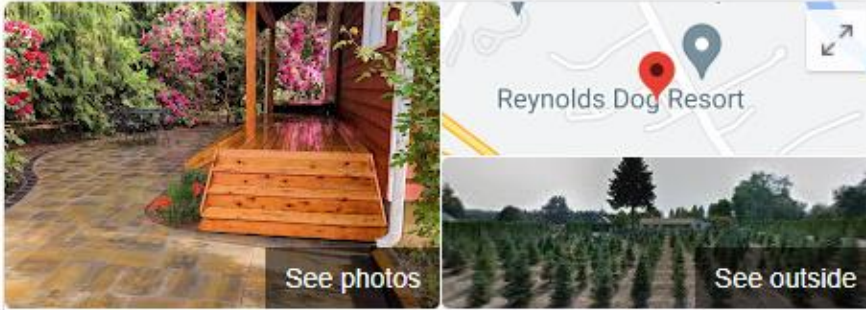
PO Box 1566
Lake Oswego, OR 97035

Office & Hours

2154 SW Borland Rd
West Linn, OR 97068

Monday - Friday: 7:30 AM - 3:30 PM

Saturday - Sunday: Closed



Greenhartt Construction



[Website](#) [Directions](#) [Save](#)

Construction company in Stafford, Oregon

Address: 2154 SW Borland Rd, West Linn, OR 97068

Hours: Open · Closes 3:30PM ▾

Phone: (503) 657-6570

[Suggest an edit](#) · [Own this business?](#)

Questions & answers
Be the first to ask a question

[Ask a question](#)

Reviews from the web

5/5 [Facebook](#) · 3 votes

Reviews ⓘ

[Write a review](#)

[Add a photo](#)

Be the first to review

From Greenhartt Construction

"Greenhartt Construction is a professional deck & fencing company serving Portland and the surrounding area. Specializing in builds and maintenance, we offer custom made projects with materials such as mahogany, cedar, ipe, composites, and more."

Updates from Greenhartt Construction



Business Name Search

[New Search](#) [Printer Friendly](#)

Business Entity Data

12-27-2021
07:51

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
799166-99	DLLC	ACT	OREGON	09-21-2011	09-21-2022	
Entity Name	TREE CARE UNLIMITED, LLC					
Foreign Name						

[New Search](#) [Printer Friendly](#)

Associated Names

Type	PRINCIPAL PLACE OF BUSINESS					
Addr 1	2154 SW BORLAND RD					
Addr 2						
CSZ	WEST LINN	OR	97068	Country	UNITED STATES OF AMERICA	

Please click [here](#) for general information about registered agents and service of process.

Type	AGT REGISTERED AGENT			Start Date	11-17-2015	Resign Date
Name	JANELLE	A	MYER			
Addr 1	22752 SW JOHNSON RD					
Addr 2						
CSZ	WEST LINN	OR	97068	Country	UNITED STATES OF AMERICA	

Type	MAL MAILING ADDRESS					
Addr 1	PO BOX 1566					
Addr 2						
CSZ	LAKE OSWEGO	OR	97035	Country	UNITED STATES OF AMERICA	

Type	MEM MEMBER			Resign Date
Name	JOSHUA	E	MYER	
Addr 1	22752 SW JOHNSON RD			
Addr 2				

EXHIBIT A PAGE 8 OF 16

CSZ	WEST LINN	OR	97068	Country	UNITED STATES OF AMERICA
------------	-----------	----	-------	----------------	--------------------------

Type	MEM	MEMBER		Resign Date	
Name	JANELLE	A	MYER		
Addr 1	22752 JOHNSON RD				
Addr 2					
CSZ	WEST LINN	OR	97068	Country	UNITED STATES OF AMERICA

[New Search](#) [Printer Friendly](#) **Name History**

Business Entity Name	Name Type	Name Status	Start Date	End Date
TREE CARE UNLIMITED, LLC	EN	CUR	09-21-2011	

Please [read](#) before ordering [Copies](#).

[New Search](#) [Printer Friendly](#) **Summary History**















Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	10-26-2021		FI		
	AMENDED ANNUAL REPORT	11-12-2020		FI		
	AMENDED ANNUAL REPORT	10-14-2019		FI		
	AMENDED ANNUAL REPORT	08-15-2018		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	08-10-2018		FI		
	AMENDED ANNUAL REPORT	09-22-2017		FI		
	AMENDED ANNUAL REPORT	09-26-2016		FI		
	AMENDED ANNUAL REPORT	11-17-2015		FI	Agent	
	AMENDED ANNUAL REPORT	10-16-2014		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	09-25-2013		FI	Agent	
	AMENDED ANNUAL REPORT	09-19-2013		FI		
		05-15-2013		FI	Agent	

EXHIBIT A PAGE 9 OF 16

	AMNDMT TO ANNUAL RPT/INFO STATEMENT					
	REINSTATEMENT AMENDED	03-04-2013		FI		
	ADMINISTRATIVE DISSOLUTION	11-23-2012		SYS		
	ARTICLES OF ORGANIZATION	09-21-2011		FI	Agent	

[About Us](#) | [Announcements](#) | [Laws & Rules](#) | [Feedback Policy](#) | [SOS Home](#) | [Oregon Blue Book](#) | [Oregon.gov](#)

For comments or suggestions regarding the operation of this site, please contact : corporation.division@state.or.us

© 2021 Oregon Secretary of State. All Rights Reserved.

AMENDED ANNUAL REPORT



Corporation Division
www.filinginoregon.com

E-FILED
Oct 26, 2021
OREGON SECRETARY OF STATE

REGISTRY NUMBER

79916699

REGISTRATION DATE

09/21/2011

BUSINESS NAME

TREE CARE UNLIMITED, LLC

BUSINESS

ARBORIST AND LANDSCAPING SERVICES

MAILING ADDRESS

PO BOX 1566
LAKE OSWEGO OR 97035 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

2154 SW BORLAND RD
WEST LINN OR 97068 USA

JURISDICTION

OREGON

REGISTERED AGENT

JANELLE A MYER

22752 SW JOHNSON RD
WEST LINN OR 97068 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MEMBER

JOSHUA E MYER

22752 SW JOHNSON RD
WEST LINN OR 97068 USA

MEMBER

JANELLE A MYER

22752 JOHNSON RD
WEST LINN OR 97068 USA



I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

JANELLE A MYER

TITLE

MEMBER

DATE

10-26-2021



Permit #: AG021522	Applied: 09/23/2022
Type: NA / Agriculture	Approved:
Status: Completed	Final:
Valuation: \$0.00	Expiration:
Address: 2154 SW BORLAND RD WEST LINN, OR 97068	

Applicant: david lawrence (503) 853-5769
 Owner: LAWRENCE DAVID J
 Contractor:

Certificate of Occupancy Required:

Parcel: 21E28 03800	Class:	
Entered By:	Occupancy:	
Insp Area:	Units:	Bldgs:
Printed: 09/19/2023	Violation:	
Description: AG EXEMPT - 40x80 Christmas tree uncut, nursery stock, hay storage - Not related to Home Occ		
Conditions:		

SFR/Dup 1st Unit(sqft):

Additional Unit(sqft):

Total Fees:

Total Payments:

Balance Due: \$0.00

Our goal is to provide you with excellent service. If you would like to discuss your experience with us, contact one of our Customer Service Specialists at 503-742-4400, dtdcustomerinfo@clackamas.us or simply fill out our online survey at <https://www.surveymonkey.com/s/cccustomersurvey>

3P
DS

GRANTOR'S NAME AND ADDRESS:

Lynnette L. Jackson, Trustee of the Living Trust of Helen K. Ingledeew
331 West McAdams Road
Longview, WA 98632

GRANTEE'S NAME AND ADDRESS:

David J. Lawrence
PO Box 555
West Linn, OR 97068

AFTER RECORDING, RETURN TO:

DAVID J. LAWRENCE

Michael A. Claxton
Walstead Mertsching PS
PO Box 1549
Longview, WA 98632

UNTIL REQUESTED OTHERWISE,
SEND ALL TAX STATEMENTS TO:

David J. Lawrence
PO Box 555
West Linn, OR 97068

Clackamas County Official Records
Sherry Hall, County Clerk

2020-013162



02306632202000131620030038

\$103.00

02/24/2020 12:59:15 PM

D-D Cnt=1 Stn=2 COUNTER3
\$15.00 \$16.00 \$62.00 \$10.00

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

Tax Parcel No. P0007237
Situs: 2154 SW Borland Road, West Linn, Oregon 97068
Consideration: \$250,000.00

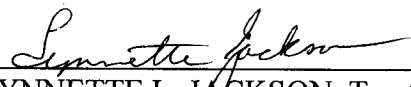
KNOW ALL MEN BY THESE PRESENTS that LYNNETTE L. JACKSON, Trustee of Living Trust of HELEN K. INGLEDEW, established by agreement executed August 28, 1992, Grantor, conveys and specially warrants to DAVID J. LAWRENCE, Grantee, the following described real property free of encumbrances created or suffered by the Grantor except as specifically set forth herein:

Parcel 1, PARTITION PLAT NO. 1995-96, in the County of Clackamas and State of Oregon.

The true consideration for this conveyance was \$250,000.00 under the terms of that Contract of Sale dated February 11, 2002 and recorded under Clackamas County Clerk's File No. 2002-014402.

DATED this 19 day of February 2020.

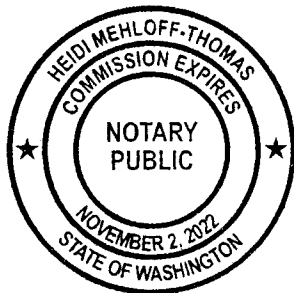
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.


LYNNETTE L. JACKSON, Trustee

STATE OF Washington)
) ss.
County of Cowlitz)

On the 19 day of February 2020, before me, the undersigned, a Notary Public in and for the state of Washington, duly commissioned and sworn, personally appeared LYNNETTE L. JACKSON, to me known to be the individual described in and who executed the within and foregoing instrument as Trustee of Living Trust of HELEN K. INGLEDEW and acknowledged that she signed the same as her free and voluntary act and deed of said estate for the uses and purposes therein mentioned, and on oath stated that she was authorized to execute the said instrument on behalf of said estate.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Signature *Heidi Mehloff-Thomas*
Printed Name Heidi Mehloff-Thomas
Notary Public for the state of Washington
My Appointment Expires NOV. 2, 2022

3



December 27, 2021

David Lawrence
PO Box 555
West Linn, OR 97068

Occupants
2154 SW Borland Rd
West Linn, OR 97068

**Subject: Alleged Violations of the Zoning and Development Ordinance,
Title 12, Section 316 of the Clackamas County Code**

Site Address: 2154 SW Borland Rd, West Linn OR 97068
Legal Description: T2S, R1E, Section 28, Tax Lot 03800

It has come to the attention of Clackamas County Code Enforcement that Tree Care Unlimited LLC, Greenhartt Construction and Loma Smith Photography may be operating from the above referenced property without land use approval.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 316 of the Clackamas County Code.

Please contact Shane Potter, Code Enforcement Specialist, within ten (10) days of the date of this letter in order to discuss this matter.

E-mail address is SPotter@clackamas.us

Telephone number is 503-742-4465

**Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that a \$75.00 monthly Administrative Compliance Fee will be assessed if a violation has been determined and has not been abated. When a property owner works cooperatively with the County to resolve a confirmed code violation, the County may waive all or part of that fee.*

Department of Transportation and Development

Nondiscrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information go to:

www.clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us or call (503) 742-4452.

¡LE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination, envíe un correo electrónico a JKauppi@clackamas.us o llame al 503-742-4452.

ДОБРО ПОЖАЛОВАТЬ! Russian

Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination, отправьте письмо на адрес эл. почты JKauppi@clackamas.us или позвоните по телефону 503-742-4452.

欢迎! Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息，请访问 www.clackamas.us/transportation/nondiscrimination，发送电子邮件至 JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng:

www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.







DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Violation No.: V0051821

February 7, 2022

David J Lawrence
PO Box 555
West Linn, OR 97068

VIOLATIONS OF CLACKAMAS COUNTY CODES:

1. CLACKAMAS COUNTY ZONING AND DEVELOPMENT CODE TITLE 12.316.03
– USES PERMITTED
2. CLACKAMAS COUNTY BUILDING CODE & ENFORCEMENT OF THE
COUNTY BUILDING CODE TITLE 9.02.040 (A, B, C, D, & E)

SITE ADDRESS: 2154 SW Borland Rd., West Linn, OR 97068

LEGAL DESCRIPTION T2S, R1E, SECTION 28, TAX LOT(S) 03800

VIOLATIONS IDENTIFIED IN THIS VIOLATION LETTER INCLUDE:

1. Operating several businesses including but not limited to Tree Care Unlimited LLC., and Greenhartt Construction without land use approval, and
2. Operating commercial activities in agriculturally exempt buildings, and
3. Operating commercial activities in buildings without a change of use and other permits as required.

VIOLATION OF OPERATING A BUSINESS(ES) WITHOUT LAND USE APPROVAL

The subject property is zoned RRFF-5 (Rural Residential Farm Forest – 5 Acre). In this zone, businesses must comply with the requirements of the zoning district in order to operate. The table set forth in Section 12.316.030, of the ZDO lays out uses. There may be options available to operate a business at this location. In order to abate the violations on the subject property, please use **one of the following** options for the operation of businesses at this location **not later than: March 7, 2022.**

1. Remove the business(es) from the property and use the structures for what they were originally permitted for. An inspection will be required to be completed to confirm this has occurred.

OR;

2. If you wish to keep the business(es) you will need to obtain land use approval through the Clackamas County Planning & Zoning Division.
 - a. We recommend first contacting them at 503-742-4500 or by email at zoninginfo@clackamas.us to discuss the business(es) to be located on site.
 - b. You will then need to make application to the Planning and Zoning Division by submitting all technical plans as required for the type of land use you are applying for. A pre-application conference may be required prior to submitting a formal land use application.

- c. If you obtain approval through the land use process you must comply with the conditions of approval and uses stated within the approval.
- d. If you do not obtain approval through the land use process you will be required to bring the use back to what the original permits allowed for the property.

**While the Planning & Zoning Division may give you longer times to complete a land use application due the use being a violation you will be required to provide additional information to the Planning & Zoning Division within 30 days of the date of the written notice of an “incomplete application”.

VIOLATION OF UNPERMITTED CONSTRUCTION

There has been commercial activities occurring within agriculturally exempt buildings and no change of use for commercial uses for a house the existed. Building, plumbing, electrical, and mechanical permits are required for all work done or a change of use occurring to the location. In order to abate these violations you must complete the following **no later than: March 7, 2022**

1. Immediately cease all use and occupancy of the building(s) for commercial purposes,

OR;

2. If you choose to obtain land use approval for the commercial uses and you receive such land use approval you will need to submit the building, plumbing, mechanical, electrical, and change of use plans along with any technical documents required by permitting and pay the appropriate fee(s).
 - a. The permit must be picked up within ten (10) days of being notified that the permit is ready.
 - b. Schedule all inspections so that final inspections may be obtained no later than 45 days from the date of the permit being issued.

*While permitting may allow for longer times to complete inspections than the date listed above you will be required to meet the deadlines outlined in this letter due this work being in violation.

Building permits are accepted online only, for more information on this process please refer to the County’s website at <https://www.clackamas.us/building>. For additional questions concerning these permit requirements or the online submittal process, you may contact the Building Codes Division under “Contact Information” below.

CONTACT INFORMATION

Planning & Zoning Division – If you have questions related to items labeled under Planning & Zoning Division please call them at 503-742-4500 or email at zoninginfo@clackamas.us

Building Department – Permitting – If you have questions related to items labeled under Building Department please call them at 503-742-4240 or email at bldservice@clackamas.us

Code Enforcement Specialist – Shane Potter – For all other questions please contact me at 503-742-4465 or email at spotter@clackamas.us

This letter addresses violations identified and will provide options on how to abate those violations. You should always check with the department identified in the violation for other options that may exist and were not brought up in this letter. Department contact information can be found towards the end of this

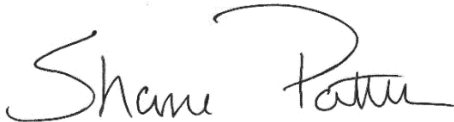
letter under Contact Information. You may contact that department to discuss options outlined or ask for other possible alternatives, if such alternatives exist. Further this letter may not address all violations that exist on site and instead is intended to address those violations identified during the review, research and inspections of this file. Items usually should be addressed in the order they are listed below.

If you have any questions concerning these permit requirements, online submittal process, or land use process, please contact the department listed above at the phone number or email, or you may stop by our offices at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and Friday 8:00 a.m. to 3:00 p.m. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>

If you choose to come to the Development Services Building please bring a copy of this correspondence in order for us to provide the highest level of customer service. You may also review the code at: <https://www.clackamas.us/code>

ITEMS INCLUDED IN THIS PACKET

- Violation Letter
- Required Notice of Fines and Penalties

A handwritten signature in black ink that reads "Shane Potter". The signature is written in a cursive style with a large, looping initial "S".

Shane Potter
Code Enforcement Specialist
Clackamas County Code Enforcement

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.

From: [Potter, Shane](#)
To: ["tsr@bctonline.com"](mailto:tsr@bctonline.com)
Subject: RE: Violation Number: V0051821
Date: Monday, September 12, 2022 7:41:00 AM
Attachments: [image002.jpg](#)
[image003.jpg](#)

Hi David and Tammy,

Thanks for the update. Please make sure to keep me updated on your progress. While planning does not usually have a deadline at this point since there is a violation we do maintain a 30 day deadline. You will need to provide an application within that thirty days and you will need to provide any additional information they ask for within 30 days after that. If there are any issues with those time frames we can talk about them and usually if a trade is involved I can have some flexibility but that would depend on the issue.

Sincerely,

Shane Potter
Code Enforcement Specialist

spotter@clackamas.us

503-742-4465

Office Hours: 7:30 a.m. to 4:00 p.m



From: tsr@bctonline.com <tsr@bctonline.com>
Sent: Friday, September 9, 2022 8:11 PM
To: Potter, Shane <SPotter@clackamas.us>
Cc: David Lawrence <djsdeckinginc@yahoo.com>
Subject: RE: Violation Number: V0051821

Warning: External email. Be cautious opening attachments and links.

Good evening Shane... David Lawrence and Tammy Stevens here.

Just following up on my voicemail message.

We attended the pre-application conference on September 7th and just received the Home Occupation with Exceptions application and Pre-Application Conference notes. WOW, we have a lot to do!

We'll be working on the application and providing all of the necessary information as soon as we can.

Is there a "deadline?" Joy Fields, the Planner, didn't know of one (as long as we are doing our due diligence), but we want to make sure there isn't a deadline out there we need to know about.

Thank you as always for your patience!

David & Tammy
503.939.3552

From: Potter, Shane <SPotter@clackamas.us>
Sent: Monday, July 18, 2022 7:29 AM
To: tsr@bctonline.com
Subject: RE: Violation Number: V0051821

Thank you for updating me on that.

Sincerely,

Shane Potter
Code Enforcement Specialist

spotter@clackamas.us
503-742-4465

Office Hours: 7:30 a.m. to 4:00 p.m



From: tsr@bctonline.com <tsr@bctonline.com>
Sent: Saturday, July 16, 2022 9:58 PM
To: Potter, Shane <SPotter@clackamas.us>
Cc: David Lawrence <djsdeckinginc@yahoo.com>
Subject: RE: Violation Number: V0051821

Warning: External email. Be cautious opening attachments and links.

Hey Shane,

Sorry to be a pest... just want to you keep you posted.

We have a pre-application zoom meeting date of 9/7. Hope to see you there.

Thank you for your endless patience and thank you for immediate responses.

Tammy Stevens and David Lawrence

From: Potter, Shane <SPotter@clackamas.us>
Sent: Thursday, June 16, 2022 12:14 PM
To: tsr@bctonline.com
Subject: RE: Violation Number: V0051821

Thank you for updating me

Sincerely,

Shane Potter
Code Enforcement Specialist

spotter@clackamas.us
503-742-4465

Office Hours: 7:30 a.m. to 4:00 p.m



From: tsr@bctonline.com <tsr@bctonline.com>
Sent: Thursday, June 16, 2022 12:10 PM
To: Potter, Shane <SPotter@clackamas.us>
Cc: David Lawrence <djsdeckinginc@yahoo.com>
Subject: RE: Violation Number: V0051821

Warning: External email. Be cautious opening attachments and links.

Hey Shane, Tammy Stevens and David Lawrence here.

We finally finished the narrative of the pre-application packet and submitted it to Michelle at the Planning Department Tuesday June 14th.

I let her know that I'd email you and she said, once the application is assigned, they'd reach out to you.

Thank you for your patience!

Tammy and David

From: Potter, Shane <SPotter@clackamas.us>
Sent: Thursday, May 12, 2022 12:33 PM
To: tsr@bctonline.com
Subject: RE: Violation Number: V0051821

Thank you for the update I appreciate it

Shane Potter

Code Enforcement Specialist

spotter@clackamas.us

503-742-4465

Office Hours: 7:30 a.m. to 4:00 p.m



From: tsr@bctonline.com <tsr@bctonline.com>

Sent: Thursday, May 12, 2022 12:31 PM

To: Potter, Shane <SPotter@clackamas.us>

Cc: David Lawrence <djsdeckinginc@yahoo.com>

Subject: Violation Number: V0051821

Warning: External email. Be cautious opening attachments and links.

Hey Shane, Tammy Stevens and David Lawrence here.

I've been horribly remiss with keeping you posted on this violation... very sorry!

After meeting with Jennifer Hughes to figure out our options (on 3/11/22) we all agreed that a level 3 home occupation permit with exceptions is the best route.

We completed a pre-application conference request, wrote a narrative and pulled together documents such as pictures, maps, etc.

We then met with Lorraine Gonzales on April 13, 2022, to review our documentation. Lorraine felt we needed to rework the narrative and that

additional supportive documents would be helpful. I'm just wrapping those revisions up and will be submitting our pre-application conference request this month (May 2022).

Please let us know if you have any questions. We'll do a better job of keeping you posted as we have our pre-application conference and then file for a home occupation permit with exceptions.

Thank you for your patience!!!

Tammy Stevens & David Lawrence
503.939.3552



Planning and Zoning
Department of Transportation and Development
Development Services Building
150 Beavercreek Road | Oregon City, OR 97045
503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

PRE-APPLICATION CONFERENCE SUMMARY

The information contained in this memo is introductory in nature and is designed to act as a guide to relevant ZDO and Comprehensive Plan standards. This is an initial review and is based on the information submitted by the applicant for the pre-application conference.

Permit Type: Home Occupation Exception

File No. ZPAC0084-22

Proposal: To have a landscaping business operating on the site with more employees and vehicles than would be permissible with a Level 3 Home Occupation.

Staff Contact: Joy Fields, Phone: 503-742-4500, E-mail: jfields@clackamas.us

Applicant: David Lawrence

Assessor's Map and Tax Lot Number: 21E28 03800

Site Address: 2154 SW Boreland Rd., West Linn OR 97068

Zoning: RRFF-5

I. APPLICABLE ZONING AND DEVELOPMENT ORDINANCE (ZDO) AND COMPREHENSIVE PLAN STANDARDS

Note to applicant: *Pre-application conferences are advisory in nature and are intended to familiarize applicants with the requirements of this Ordinance; to provide applicants with an opportunity to meet with County staff to discuss proposed projects in detail; and to identify standards, approval criteria, and procedures prior to filing a land use permit application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use review process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the County from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference. This document is not a land use decision and is not subject to appeal.*

A. ZDO Section 316 - RRFF-5 Zoning

1. The proposed use is permitted in the RRFF-5 Zoning District per ZDO 316 Table 316-1. Home occupations, are identified as an allowed use, subject to section 822
2. DIMENSIONAL STANDARDS for the RRFF-5 Zoning District are: Front (northeast/SW Borland Rd)– 30', Sides (North and South)– 10', and Rear 30' unless it is a detached accessory structure, then the minimum setback from the rear property boundary (southwest) is 10'.

B. ZDO Section 700 – No known environmental overlays that would require further land use review



**Planning and Zoning
Department of Transportation and Development**

Development Services Building
150 Beaver Creek Road | Oregon City, OR 97045

503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

C. ZDO Section 822 – Special Use Requirements. For a Level Three Home Occupation no outside storage is allowed, employees are limited to five and only three vehicles associated with the home occupation can be located on the subject property therefore, the applicant is proposing to apply for a Home Occupation Exception that is subject to 822.05.

Section 822.05 specifies that:

- A. The use shall remain compatible with the area; Services adequate to serve the proposed use shall be available, including transportation, public facilities, and other services existing or planned for the area affected by the use. Therefore, the application for a Home Occupation Exception must show how the proposal will protect or mitigate the impact to: the character of the neighborhood, including such factors as the presence of outside storage uses, proximity of off-site dwellings, level of surrounding traffic, size of off-site accessory buildings, and background noise levels and how the proposal will not force a significant change in accepted residential, farm, or forest practices on surrounding lands devoted to residential, farm, or forest use. Potential ways to mitigate impacts to the neighborhood include driveway and road improvements, screening, landscaping, building location, building design, and other improvements; How will the applicant utilize these mitigation measures? As discussed, labeling and showing the screening fence, and arborvitae will be beneficial in the application. Are there other similar uses in the neighborhood that have attributes that the proposed use will also have? The narrative provided identifies many similar uses.
- B. At a minimum, compliance with Subsections 1006.03(B), 1006.04(B), and 1006.06(C) (except as set forth in Subsection 1006.07), and 1007.07 is required. These development standards relate to water supply, sewage disposal, surface water management and erosion control. The proposal did not identify impact to any of these items and a future application would need to specifically identify if the home occupation would be using water, or septic, and how surface water would be impacted by the proposal. The property is in the Sherwood Wilsonville Groundwater Limited area. Including the well log showing the use of the water by the home occupation operator and office staff would be helpful to address the water supply concerns.
- C. 1. 822.04(A), (I), (J), (L)(4)(a) through (d) - The proposal identifies that the operator shall reside full-time in the dwelling. Will the home occupation will be operated substantially in the home or in the new building (3,456 square feet) or repair shop that is identified in the site plan as 1152 square foot? As discussed, identifying the portions of the property used for the home occupation will be essential in reviewing the application and communicating with members of the public. In addition to those conditions identified above, the following also applies: 2. Accessory building floor space for the home occupation shall not exceed 3,000 square feet.
- D. ZDO Section 1006 – Development Standards including: Applicants shall specify a lawful water source for the proposed use, and any impacts to septic or surface water. An authorization notice will be required to ensure the septic system is sized sufficiently (see Onsite Wastewater Program comments. As discussed, identifying the number and location of



the porta johns and the storm water detention, or conveyance system, will be important in the application.

E. Address any relevant comprehensive plan policies/maps and/or OAR requirements: One example is below. There may be other relevant goals and policies in the Comprehensive Plan that is available for viewing here: <https://www.clackamas.us/planning/comprehensive.html>

Chapter 4 of the Clackamas County Comprehensive Plan:

4.E.1.5 Lands within a designated Urban Reserve area shall continue to be planned and zoned for rural uses in a manner that ensures a range of opportunities for the orderly, economic and efficient provision of urban services when these lands are included in the Urban Growth Boundary. Planning and zoning shall be done in a manner consistent with OAR 660-021-0000 and the Metro Code, in areas where Metro has jurisdiction.

II. LAND USE PERMITTING PROCESS

1. Recommended land use application(s) Home Occupation Exception.

TYPE III

Insert application type is a “Type III” land use application process, as provided for in Section 1307 of the ZDO. Type III decisions include notice to owners of nearby land, the Community Planning Organization (CPO) if active, service providers (sewer, water, fire, etc.) and affected government agencies, and are reviewed at a public hearing before the County Land Use Hearings Officer. If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The County's decision can be appealed to the Oregon Land Use Board of Appeals (LUBA).

Special Process Considerations

2. The Type III application timeline requires that the Oregon Department of Land Conservation and Development and Oregon Department of Agriculture receive a notice of the hearing at least 35 in advance of the hearing. Therefore, once the County has a complete application, the hearing with the hearings officer is set for the first available date and notice is sent out to adjacent property owners within ½ mile of the site, DLCD and the CPO. The staff report and electronic link to attend the meeting is available one week prior to the hearing.
3. Fees – Effective July 1st the application fee for a Home Occupation with an Exception is \$6,080

Note to applicant: Review the applicable criteria listed above while preparing your written narrative and other land use application items Consult staff with any questions regarding applicability of the criteria identified above. It is the applicant's responsibility to clearly demonstrate how a proposal meets all applicable criteria. Please note also that as we look more in depth at an actual land use application submittal there may be other policies that arise that



Planning and Zoning
Department of Transportation and Development
Development Services Building
150 Beaver Creek Road | Oregon City, OR 97045
503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

we need to find consistency with so, while this is not an exhaustive list, it covers the main policy consistency findings that need to be made and other submittal requirements for a complete application.

III. QUESTIONS RAISED BY THE APPLICANT

1. Insert applicant question

None Provided

IV. AGENCY/DEPARTMENT CONTACT INFORMATION:

**This contact list is provided for the applicant to follow up with relevant service providers, agencies and County staff as needed*

SEE MASTER CONTACT LIST IN S DRIVE AND FILL AS APPROPRIATE

CPO-Stafford /Tualatin Valley CPO contacts: Randall Yamada; yamada2@mindspring.com
and staffordcpo@gmail.com

Fire District, Tualatin Valley: Jason Arn; Jason.arn@tvfr.com

ODOT - Region 1: ODOT_R1_DevRev@odot.oregon.gov

V. LIST OF ATTACHMENTS with additional contact information:

1. Engineering
2. Onsite Wastewater Program
3. Fire District
4. SDC Fees
5. ODOT



**Planning and Zoning
Department of Transportation and Development**

Development Services Building
150 Beaver Creek Road | Oregon City, OR 97045

503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

PRE-APPLICATION INFORMATION FROM TRAFFIC ENGINEERING AND DEVELOPMENT REVIEW

All information is considered informal, based on current Zoning and Development Ordinance requirements, current Roadway Standards requirements, and current Comprehensive Plan requirements. The information presented here is subject to change as revisions are made to the aforementioned documents and in the formal Design Review Process. Prior to the submittal of a Design Review application, the applicant is encouraged to contact staff to insure that these preapplication comments reflect the current standards.

PROJECT: ZPAC0084-22 – Home Occupation, 2154 SW Borland Road

Tax Lot: 21E28 03800

DATE: August 31, 2022

MEETING DATE: September 7, 2022

Engineering staff: Kenneth Kent 503-742-4673
kenken@clackamas.us

COMMENTS AND REQUIREMENTS

- 1) For the Home Occupation Exception application, the applicant shall provide revised, more detailed site plans in conformance with the requirements for preliminary development plans. All illustrated features shall be dimensioned.
- 2) A **Development Permit** will be required from the County Engineering Section prior to initiation of construction. The applicant shall pay the minimum Permit fee deposit (\$2,000). The plan review and inspection fee is based upon 8.83 percent of the estimated costs for public street frontage improvements and 5 percent of the estimated costs of the onsite transportation related improvements. These plans shall either be signed and stamped by a Professional Engineer registered in the State of Oregon, or shall be prepared in a manner complying with requirements acceptable to the Engineering Division
- 3) Access
 - a. SW Borland Road is a minor arterial roadway, where access is limited to one driveway approach in most cases. The existing access includes a paved approach and is adequate.
 - b. The access for Home Occupation Exceptions requires that impacts can be mitigated with adequate driveway access. The driveway approach will be required to meet minimum

intersection sight distance looking to the left and right on SW Borland Road. SW Borland Road is posted 40 MPH requiring 445 feet of visibility to the east and west. Sight distance is measured from a point 14.5 feet back from the edge of pavement, from a height of 3.5 feet, to a point in the center of the oncoming travel lane at a height of 3.5 feet. It appears vegetation clearing will be needed to provide adequate sight distance (See sight distance standards in Roadway Standards Section 240).

3) **Parking, Maneuvering**

- a. Applicant shall provide adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use the site, including a minimum of 24 feet of back up maneuvering room for all 90-degree parking spaces. All parking and maneuvering areas shall be surfaced with screened gravel or better (constructed per Roadway Standard Drawing R100).
- b. Wheel stops or other similar means of delineating gravel parking spaces will be required.

Archived: Wednesday, September 7, 2022 8:30:36 AM
From: Septic LU Notices
Sent: Tuesday, August 30, 2022 3:47:43 PM
To: Fields, Joy
Subject: Tentative: ZPAC0084-22 Home Occupation Exception for 2154 SW BORLAND RD
Last modification date: Thursday, September 1, 2022 1:49:53 PM
End: Wednesday, September 7, 2022 9:30:00 AM
Conversation: ZPAC0084-22 Home Occupation Exception for 2154 SW BORLAND RD
Attachments: ATT59876 ;

Hi Joy,

We would want to see them apply for an Authorization Notice to ensure that whatever septic system they are using is sized sufficiently.
We do not have any septic related records for this property, so cannot hazard a guess as to what the review outcome may be.

Thanks!

Erik Englebert, MS, REHS
Supervisor
Clackamas County – Transportation & Development
Onsite Wastewater Program
eenglebert@clackamas.us
150 S Beaver Creek Rd.
Oregon City, OR 97045

My working hours are M-F 7:30a – 4:00p

-
Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

Archived: Wednesday, September 7, 2022 8:28:35 AM

From: [Arn, Jason S.](#)

Sent: Thursday, September 1, 2022 8:15:36 AM

To: Fields, Joy

Subject: Tentative: ZPAC0084-22 Home Occupation Exception for 2154 SW BORLAND RD

Last modification date: Thursday, September 1, 2022 10:38:35 AM

End: Wednesday, September 7, 2022 9:30:00 AM

Conversation: ZPAC0084-22 Home Occupation Exception for 2154 SW BORLAND RD

Warning: External email. Be cautious opening attachments and links.

Hi Joy,

I will not be in attendance due to a conflicting appointment. I reviewed the Home Occupation application, and we don't have any code requirements to apply to existing structures. If there is going to be a new structure, we would need to review if for fire access.

Let me know if you have any questions.

Best,

Jason Arn

Tualatin Valley Fire & Rescue

Clackamas County Transportation System Development Charge Assessment - Traffic Impact Calculator
 [# of Weekly Events]

MONTH	MAXIMUM EVENTS ALLOWED EACH WEEK	MAXIMUM EVENTS ALLOWED EACH MONTH	MAXIMUM # GUESTS ALLOWED AT EACH EVENT	MAXIMUM # GUESTS PER MONTH	MAXIMUM TRIPS GENERATED PER MONTH	MODIFIED TRIPS PER MONTH (BASED ON CARPOOLING GUESTS = 1.5 PEOPLE PER CAR)
JANUARY	20	80	15	1,200	2,400	1,600
FEBRUARY	20	80	15	1,200	2,400	1,600
MARCH	20	80	15	1,200	2,400	1,600
APRIL	20	80	15	1,200	2,400	1,600
MAY	20	80	15	1,200	2,400	1,600
JUNE	20	80	15	1,200	2,400	1,600
JULY	20	80	15	1,200	2,400	1,600
AUGUST	20	80	15	1,200	2,400	1,600
SEPTEMBER	20	80	15	1,200	2,400	1,600
OCTOBER	20	80	15	1,200	2,400	1,600
NOVEMBER	20	80	15	1,200	2,400	1,600
DECEMBER	20	80	15	1,200	2,400	1,600

ANNUAL ESTIMATES	240	960	180	14,400	28,800	19,200	MODIFIED TRIPS PER YEAR
						369.23	<i>DIVIDED BY 52 WEEKS</i>
						52.75	<i>DIVIDED BY 7 DAYS</i>
						52.75	MODIFIED TRIPS PER DAY
						\$ 486.00	<i>TIMES COST PER TRIP END</i>
						\$ 25,636.50	ESTIMATED TSDC ASSESSMENT (CALCULATED BY # WEEKLY EVENTS)

\$ 25,636.50	TOTAL ESTIMATED TSDC ASSESSMENT
960	DIVIDED BY MAXIMUM # EVENTS PER YEAR
\$ 26.70	ESTIMATED TSDC ASSESSMENT PER EVENT

Cost per Trip Updated 01.01.2021
 Worksheet Revised 05.11.2021
 BY Dede Kraft

Owner:
 Project Description:
 Project Location
 Assumptions:



Installment Payment Plan for Transportation and Park System Development Charges (SDC)

UPDATED: 04-28-2022

A developer who is being charged Transportation System Development Charge (TSDC) and/or Park System Development Charge (PSDC) fees may be considered for deferral of the payment by applying to participate in an installment payment plan.

The following conditions apply when an installment payment application is approved:

- A \$500 administrative fee will be charged to the applicant. This payment is not applied to the principal balance.
- The county will place a lien on the applicant’s property in the amount of the total SDCs owed
 - The applicant has up to 10 years to pay off the lien(s)
 - Once the owed amount is paid, the county will release the lien(s)
 - There is no penalty for early payoff
- The applicant for an installment plan must provide documentation of their authority to assent to the imposition of a lien on the property
- The county will determine the applicable interest rate as shown below:

TSDC Principal	Interest Rate
\$0-\$24,999	Current prime lending rate (3.25%) plus 3.0% percentage points <i>(Current estimated = 6.25% -- April 17, 2022)</i>
\$25,000-\$500,000	Current prime lending rate (3.25%) plus 2.0% percentage points <i>(Current estimated = 5.25% -- April 17, 2022)</i>
PSDC Principal	Interest Rate
Any installment plan balance	Current prime lending rate (3.25%) plus 3.0% percentage points <i>(Current estimated = 6.25% -- April 17, 2022)</i>

The details of installment payment plans are outlined in [Section 11.03.040](#) of Clackamas County’s Code.

For more information, please email your building permit number and contact information to:
DTDFinancial@clackamas.us

Archived: Tuesday, September 6, 2022 12:48:56 PM
From: [ODOT R1 DevRev](#)
Sent: Tuesday, September 6, 2022 12:02:07 PM
To: Fields, Joy
Subject: Declined: ZPAC0084-22 Home Occupation Exception for 2154 SW BORLAND RD
Last modification date: Tuesday, September 6, 2022 12:20:14 PM
End: Wednesday, September 7, 2022 9:30:00 AM
Conversation: ZPAC0084-22 Home Occupation Exception for 2154 SW BORLAND RD

Warning: External email. Be cautious opening attachments and links.

Hello Joy,
ODOT has not identified any issues with the proposal for this pre application therefore our staff is not planning to attend the meeting tomorrow. Do you need a formal letter from our Development Review staff stating there are no ODOT concerns
Thanks,
Diana Powers (she/they)
Development Review Planner
Diana.Powers@odot.oregon.gov

ODOT Region 1 Development Review Program
ODOT_R1_DevRev@odot.oregon.gov











Citation No.: 2100518 - 1

Case No.: V0051821

ADMINISTRATIVE CITATION

Date Issued: March 2, 2023

Name and Address of Person(s) Cited:

Name: David J Lawrence
Mailing Address: PO Box 555
City, State, Zip: West Linn, OR 97068

Date Violation(s) Confirmed: February 24, 2023, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 2154 SW Borland Rd., West Linn, OR 97068

Legal Description: T2S, R1E SECTION 28, Tax Lot(s) 03800

Law(s) Violated

- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A, B, C, D, & E)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 12.316.030

Description of the violation(s):

- 1) Operating businesses at this location without land use approval including Greenhartt Construction and Tree Care Unlimited

Maximum Civil Penalty \$2,500.00 Fine \$400.00

- 2) Use of residential buildings for commercial activities.

Maximum Civil Penalty \$1,000.00 Fine \$500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$900.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75.00 monthly administrative fee is being assessed.

I hereby certify under penalties provided by ORS 153.990 that I have reasonable grounds to and do believe that the above person(s) committed or allowed to be committed the violation(s) described on this form.

Citation Issued by: Shane Potter Date: March 2, 2023
Telephone No.: 503-742-4465 Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

You have been cited for the violation(s) of law stated on the front of this form. You MUST exercise ONE of the following options within fifteen calendar days of the date of this citation.

If you fail to exercise one of these options within fifteen calendar days of the citation date, the County may request a hearing before the Code Enforcement Hearings Officer following which you may be ordered to pay the maximum civil penalty and abate the violation.

Options:

1. Abate the violation and pay the fine. Sign the statement of Understanding below and deliver or mail this form, together with a check or money order payable to Clackamas County in the amount of the fine to:
Clackamas County Code Enforcement Section
150 Beaver Creek Rd.
Oregon City, OR 97045
2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above or sent to codeenforcement@clackamas.us.

A request for hearing must contain all of the following information:

- a. Your name and address;
- b. A copy of the citation or the Citation No. and Case No.; and,
- c. The description of the relief you are requesting.

At the hearing, an administrative fee may be assessed by the Hearings Officer in addition to civil penalty(ies) if the Hearings Officer concludes you are responsible for the violation. If a civil penalty is imposed the amount will likely exceed the fine amount on this citation.

STATEMENT OF UNDERSTANDING

I, the undersigned, do hereby acknowledge that I understand the following:

1. By paying the fine I admit the existence of the violation(s) alleged on this citation and my responsibility for it.
2. Paying the fine does not relieve me of my responsibility to correct the violation and to comply with all applicable laws.
3. Additional citations may be issued to me if I fail to correct the violation or violate other applicable laws.

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____

Potter, Shane

From: tsr@bctonline.com
Sent: Thursday, March 16, 2023 9:57 AM
To: Potter, Shane
Cc: David Lawrence
Subject: Violation Number: V0051821

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Warning: External email. Be cautious opening attachments and links.

Hey Shane,

First and foremost, our apologies for not “keeping you posted” as promised!!! After the pre-application conference, David has had to do an incredible amount of soul searching as over \$100,000 had been invested, the business is a close friend in need, and David had hoped to be able to retire.

Anyway, David has asked Big Sky Landscaping and Tree Care Unlimited to leave... they are looking for a new location. The other business, Greenhartt Construction, left over six months ago. We will be moving David’s company, DJ’s Custom Decking, in as it does not exceed Level 3 Home Occupation permit limits and one of the owners will be living there. David will apply for a home occupation permit.

David is certainly willing to pay whatever fines are needed and, once Big Sky Landscaping & Tree Care Unlimited has relocated, we will submit an application for a level 3 home occupation permit.

We know we have not answered all of your questions... could we schedule a conference call with you?

Again, our apologies for letting the code enforcement complaint go further than it should have... not our intent, but very hard decisions had to be made.

Could you email a couple of days and times that would work to have a conversation with you?

Many, many thanks!

Sincerely,

David Lawrence
Tammy Stevens

Potter, Shane

From: tsr@bctonline.com
Sent: Wednesday, March 22, 2023 12:35 PM
To: Potter, Shane
Cc: David Lawrence
Subject: RE: Violation Number: V0051821

Warning: External email. Be cautious opening attachments and links.

Hey Shane,

Thank you for your time this morning.

We will keep you posted (at least monthly) of the progress to come into compliance.

We understand that referring the violation to the Hearings Officer may happen from 30 days up to 6 months from the March 2, 2023, citation date and that fine could be \$3,500.

We discussed the ultimate step of Circuit Court which is expensive with forceable compliance.

Again, thank you for your patience and for explaining the process.

Tammy Stevens and David Lawrence

PS As mentioned, we've kept the Stafford CPO and Hamlet apprised.

From: Potter, Shane <SPotter@clackamas.us>
Sent: Tuesday, March 21, 2023 2:58 PM
To: tsr@bctonline.com
Subject: RE: Violation Number: V0051821

Hi Tammy,

Please feel free to call me tomorrow at 971-291-7089. I am currently working on a file today but should be available most if not all of tomorrow afternoon.

Sincerely,

Shane Potter
Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beaver Creek Rd., Oregon City, OR 97045
Primary Phone: 503-742-4465
spotter@clackamas.us

www.clackamas.us

Hours: M-F from 7:30 am until 4:00 pm (Lobby closed to the public Wednesdays and Fridays)

Were you happy with the service you received today?



CLICK A SMILEY

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

From: tsr@bctonline.com <tsr@bctonline.com>

Sent: Thursday, March 16, 2023 9:57 AM

To: Potter, Shane <SPotter@clackamas.us>

Cc: David Lawrence <djsdeckinginc@yahoo.com>

Subject: Violation Number: V0051821

Importance: High

Warning: External email. Be cautious opening attachments and links.

Hey Shane,

First and foremost, our apologies for not “keeping you posted” as promised!!! After the pre-application conference, David has had to do an incredible amount of soul searching as over \$100,000 had been invested, the business is a close friend in need, and David had hoped to be able to retire.

Anyway, David has asked Big Sky Landscaping and Tree Care Unlimited to leave... they are looking for a new location. The other business, Greenhartt Construction, left over six months ago. We will be moving David’s company, DJ’s Custom Decking, in as it does not exceed Level 3 Home Occupation permit limits and one of the owners will be living there. David will apply for a home occupation permit.

David is certainly willing to pay whatever fines are needed and, once Big Sky Landscaping & Tree Care Unlimited has relocated, we will submit an application for a level 3 home occupation permit.

We know we have not answered all of your questions... could we schedule a conference call with you?

Again, our apologies for letting the code enforcement complaint go further than it should have... not our intent, but very hard decisions had to be made.

Could you email a couple of days and times that would work to have a conversation with you?

Many, many thanks!

Sincerely,

David Lawrence
Tammy Stevens

Potter, Shane

From: tsr@bctonline.com
Sent: Monday, April 24, 2023 2:58 PM
To: Potter, Shane
Cc: David Lawrence
Subject: Violation Number: V0051821

Follow Up Flag: Follow up
Flag Status: Completed

Warning: External email. Be cautious opening attachments and links.

Hey Shane,

Just sending a follow-up email regarding the above violation.

On March 28, 2023, David issued a 60-day written eviction notice to Big Sky Landscaping to vacate the premises by 6/1/23. They are having a difficult time finding a descent location with an affordable lease, but are focused and committed.

We sincerely appreciate your patience and understanding and will stay in touch. The moment we know more, we'll let you know.

David Lawrence
Tammy Stevens

Potter, Shane

From: Hughes, Jennifer
Sent: Friday, May 5, 2023 8:13 AM
To: tsr@bctonline.com; Potter, Shane
Cc: David Lawrence
Subject: RE: Violation Number: V0051821
Attachments: Five-party IGA.pdf

Hi Tammy,

Responding to your request “to apply to create a Rural Commercial Overlay (RCO) on residential/farm zoned lots within the urban growth boundary reserve”. Unfortunately, there are a number of concerns with this.

- Such an overlay doesn’t exist in the county’s Comp Plan/ZDO, so the first step would be a text amendment. That cannot be initiated by a property owner but rather by the Board, Planning Commission or Planning Director. In practice, it would need to be included in the Long Range Planning Work Program. That said, a zone change to Rural Commercial, rather than an overlay, would be a more typical way of providing for commercial uses. However, even outside a reserve area, the criteria for a zone change can be difficult to meet. Also, note that there are strict limits on building size per commercial use (3,000 square feet) in Rural Commercial areas outside designated unincorporated communities.
- State law restricts zone changes and allowances for new uses in reserves. Although I understand there are existing commercial uses on the sites, if they are there without land use approval, they would still be considered new uses in the context of a zone change or zoning code amendment. Possibly there is a narrow pathway to a zone change in limited cases in a reserve area, although our staff is not confident about that.
- Even assuming we could find a pathway in state law for a zone change, a traffic study would be required. I don’t know how the roundabout and I-205 ramps are currently functioning at peak hours, so I don’t know if traffic would be a barrier to approval.
- The county has essentially ceded urban planning authority in the Stafford triangle to Tualatin/West Linn/Lake Oswego through an intergovernmental agreement. Although I understand that this would be rural zoning, I think that the IGA prohibits the county from changing the zoning in that area. See the bottom of page 2/top of page 3 in the attached.

I’m sorry to be so discouraging on this, but I don’t see a pathway to approval under current regulations.

Jennifer Hughes, Planning Director
Planning and Zoning
Clackamas County Department of Transportation and Development
150 Beaver Creek Road, Oregon City, OR 97045
503-742-4518
Work Hours: Mon-Fri, 8 a.m. – 5 p.m.
www.clackamas.us







BOARD OF COUNTY COMMISSIONERS

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

October 10, 2023

--DRAFT--

Land Conservation and Development Commission (LCDC)
635 Capitol St. NE, Suite 150
Salem, OR, 97301-2540

Dear Commission members,

As we know, the Oregon Court of Appeals recently reversed the Land Conservation and Development Commission's (LCDC) decision to deny jurisdiction to review a petition for an enforcement order alleging that the current IGA's governing future urbanization of the Stafford Urban Reserve area present unlawful barriers contrary to Metro's planning obligations and land use authority.

The Court's ruling does not resolve the merits of the allegations before LCDC and merely directs the Commission to proceed its review on the merits. It is apparent to Clackamas County that the issues raised in this ruling need to be addressed, resolved quickly and in a manner satisfactory to the involved cities if the region is to be assured an adequate supply of future lands for residential, employment and other development needs.

Further delay regarding the 6,000 acres of designated urban reserve in Stafford serves no purpose and only continues to undermine the integrity of the Urban and Rural Reserves program. Instead, Clackamas County believes strongly that the most productive next step is to proceed immediately with review by LCDC and, if warranted, implement any necessary modifications of the Stafford reserves mapping.

For the County's part, we can commit to assisting with any modification necessary to ensure that the region's need for future developable lands is met.

Clackamas County respectfully requests that the Court of Appeals ruling be accepted by the parties and that a petition for review by the Oregon Supreme Court not be pursued.

Respectfully,

Clackamas County

cc: Metro Council
City of Lake Oswego
City of Tualatin
City of West Linn
David Marks

DRAFT

From: [Hughes, Jennifer](#)
To: [Potter, Shane](#)
Subject: RE: Code Violation Hearing
Date: Tuesday, October 24, 2023 12:11:14 PM

David Marx requested that the Land Conservation and Development Commission issue an enforcement order finding that two intergovernmental agreements governing the planning process in the Stafford area are in violation of land use laws. The Court of Appeals recently ruled on a jurisdictional issue but not on the merits of the case. It's now back at LCDC. The draft letter is a request that the parties not appeal the Court of Appeals ruling to the Supreme Court and that LCDC move forward with making a decision on the enforcement order. Even if LCDC were to rule in Mr. Marx's favor, it will not change the zoning in Stafford or remove the area from the urban reserve.

Jennifer Hughes, Planning Director

Planning and Zoning

Clackamas County Department of Transportation and Development

150 Beaver Creek Road, Oregon City, OR 97045

503-742-4518

Work Hours: Mon-Fri, 8 a.m. – 5 p.m.

www.clackamas.us