



NOTICE OF HEARING

June 27, 2024

Dane Fitch
4084 NE 5th Dr
Gresham, OR 97030

RE:: County of Clackamas v. Dane Fitch
File: V0015422

Hearing Date: July 23, 2024

Time: This item will not begin before 1:00 pm however it may begin later depending on the length of preceding items.

Location: Hearing will be held by virtual Zoom meeting. Please see attached information regarding the process for the Zoom meeting.

Enclosed you will find the following:

1. Notice of Rights
2. Copy of Complaint and Request for Hearing

You **must** appear at the time set forth in this Notice of Hearing or the relief requested in the **Complaint** may be **granted against you by default**.

You can access the complete hearing packet at <https://www.clackamas.us/codeenforcement/hearings>

You may contact Jennifer Kauppi, Code Compliance Specialist for Clackamas County at (503) 742-4759, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

1. **Prior to the Hearing.** You have the right to make the following requests:
 - (A) You can request the opportunity to review public records and to talk to County staff about the violations or request a subpoena for that purpose if the County does not allow you to do so.
 - (B) You can request that the Hearings Officer postpone the hearing for good cause by writing the Hearings Officer at least 7 calendar days prior to the scheduled hearing date.
 - (C) You can request that the Hearings Officer decide the matter based exclusively on written materials from the parties or conduct the hearing by phone.
2. **Procedure.** The hearing will be governed by general rules of procedure designed to allow you to hear and confront the evidence against you, and for you to present evidence favorable to you. You are not required to present any evidence, the burden is on the County to establish by a preponderance of the evidence that a violation exists, or existed. Either party may, at their own expense, obtain an attorney to represent them at the hearing. If you wish to be represented by an attorney they need only notify the County and the Hearings Officer in writing of their intent to appear on your behalf. The County will present evidence first, and then you may question that evidence. You may then present your own evidence, if you wish, and the County may question your evidence. Testimony by witnesses is evidence. The Hearings Officer may inquire into any facts that are relevant to the hearing and may question the parties or witnesses about the case. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.
3. **Record of Proceedings.** An audio record will be made of the proceedings when a hearing is conducted. The audio record is available through the Clackamas County Code Enforcement Section and is available to you upon request.
4. **Hearings Officer.** The Hearings Officer is an independent contractor paid by the County to conduct hearings and render decisions. He/she is not a County employee. His/her function is to preside over the hearing, make a record of proceedings, consider admissible evidence, and interpret and apply the law. After the hearing is closed the Hearings Officer will enter written findings of fact, conclusions of law, and any Order deemed proper. If a violation is proven, then the Order may include civil penalties, fines, administrative fees, or may require the respondent to take certain actions, or refrain from certain actions. An Order issued by the Hearings Officer may be a Final Order or Continuing Order. The Hearings Officer's Order is the final decision of the County, and may be appealed pursuant to Oregon law. The Hearings Officer for Clackamas County is:

Carl Cox
Attorney at Law
14725 NE 20th Street, #D-5
Bellevue, WA 98007
5. **Right to Recess.** If, during the course of the hearing, Respondent or the County requests a recess or postponement, or additional time to present crucial evidence, the Hearings Officer may allow a continuance of the hearing for good cause. The Respondent may also request that the proceeding be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.
6. **Right to Appeal.** The Final Order of the Hearings Officer shall set forth the right of the respondent to appeal any adverse Order. Appeal may be taken pursuant to Section 2.07.130 of the Clackamas County Hearings Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, appellant is responsible for all costs of appeal including preparation of transcript.



You must have access to the internet or to a telephone line to use the Zoom platform. A Zoom invite has been sent to justin@irongaterealtygroup.com and leithem09@gmail.com, a copy of the link is provided below.

If you would like to present evidence at the Hearing please email JKauppi@clackamas.us or mail your evidence to Clackamas County Code Enforcement at 150 Beaver Creek Rd, Oregon City, Oregon 97045, **no later than 4 working days prior to the hearing**. Staff will number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

If you are unable to participate in a hearing through the Zoom platform please contact Jennifer Kauppi at 503-742-759 **within 3 calendar days of receipt of the Notice of Hearing**.

If you do not know how to use Zoom, please Google "how to use Zoom" and there are many interactive guides on the internet.

If you experience difficulties connecting to the Zoom hearing before your scheduled start time, please call 503-830-9960 for assistance.

Zoom invite

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://clackamascounty.zoom.us/j/84507456489?pwd=e1noRbFOVccHbK4bgTbYfXvtCS96dw.1>

Passcode: 261031

Or One tap mobile:

+17193594580,,84507456489#,,,,*261031# US

+12532050468,,84507456489#,,,,*261031# US

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 408 638 0968 or +1 669 444 9171 or +1 669 900 6833 or +1 507 473 4847 or +1 564 217 2000 or +1 646 876 9923 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053

Webinar ID: 845 0745 6489

Passcode: 261031

International numbers available: <https://clackamascounty.zoom.us/u/keFyPrqeml>



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Or an H.323/SIP room system:

H.323:

- 162.255.37.11 (US West)
- 162.255.36.11 (US East)
- 115.114.131.7 (India Mumbai)
- 115.114.115.7 (India Hyderabad)
- 213.19.144.110 (Amsterdam Netherlands)
- 213.244.140.110 (Germany)
- 103.122.166.55 (Australia Sydney)
- 103.122.167.55 (Australia Melbourne)
- 149.137.40.110 (Singapore)
- 64.211.144.160 (Brazil)
- 159.124.132.243 (Mexico)
- 159.124.168.213 (Canada Toronto)
- 65.39.152.160 (Canada Vancouver)
- 207.226.132.110 (Japan Tokyo)
- 149.137.24.110 (Japan Osaka)

Webinar ID: 845 0745 6489

Passcode: 261031

SIP: 84507456489@zoomcrc.com

Passcode: 261031

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.

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

COUNTY OF CLACKAMAS,

Petitioner,

v.

DANE FITCH,

Respondent.

File No: V0015422

COMPLAINT AND REQUEST FOR HEARING

I, Jennifer Kauppi, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondent's mailing address is: 4084 NE 5th Drive, Gresham, OR 97030.

2.

The address or location of the violation(s) of law alleged in this Complaint is:

58226 E Marmot Road., Sandy, OR 97055 also known as T2S, R6E, Section 22BC, Tax Lot 01400,
and is located in Clackamas County, Oregon.

3.

On or about the 6th day of June 2022 and on or about the 30th day of March, 2023
the Respondent violated the following law, in the following way:

- a. Respondent violated the Clackamas County Building Code, Chapter 9.02 by failing to obtain approved permits and approved final inspection for an addition to a single family residence. This violation is a Priority 1 violation pursuant to the Clackamas County

Violation Priorities.

- b. Respondent violated the Clackamas County Building Code, Chapter 9.02 by failing to obtain approved permits and approved final inspection for the addition of a bathroom in a single family residence. This violation is a Priority 4 violation pursuant to the Clackamas County Violation Priorities.
- c. Respondent violated the Clackamas County Building Code, Chapter 9.02 by failing to obtain approved permits and approved final inspection for the conversion of a detached garage into habitable space. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violation was given to Respondent in the following manner: Notice of Violation dated June 6, 2022 and Administrative Citation #2200154 in the amount of \$1,200.00 was mailed via first class mail on March 30, 2023. A copy of the notice document is attached to this Complaint as Exhibit C and Exhibit H, and incorporated by this reference.

6.

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 the Board of County Commissioners. Said range for a Building Code Priority 1 violation being \$750.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code. Said range for a Building Code Priority 4 violation being \$250.00 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 Respondent to pay an administrative compliance fee as provided by Appendix A to the Clackamas County Code;

4. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to reimburse the County for any expense the County may incur in collection of any penalties, fines or fees that may be imposed:

and

5. Ordering any other relief deemed reasonably necessary to correct the violations.

DATED THIS 13 day of June, 2024.



Jennifer Kauppi
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

File No.: V0015422

DANE FITCH,

Respondent.

STATEMENT OF PROOF

History of Events and Exhibits:

April 4, 2022	Clackamas County received a complaint regarding a conversion of a garage into habitable space and addition to a single family residence without permits.
April 6, 2022 Exhibit A	Correspondence was sent to the owner at the time regarding the alleged violation.
April 6, 2022 Exhibit B	I reviewed an online Airbnb ad, previous listing of the property and permit records. I confirmed the detached garage had been turned into a bunk room. The single family residence had an addition done and a closet had been converted into a bedroom.
May 25, 2022	I reviewed County records and found that the property had been sold. All previous fines and fees were voided.
June 6, 2022 Exhibit C	Correspondence was sent to Rhapsody Real Estate LLC with a copy to Dane Fitch Registered Agent with a deadline of July 5, 2022 to abate the violation.
June 27, 2022 Exhibit D	A review of County records found that the property had been transferred to Dane Fitch who is the Registered Agent for Rhapsody Real Estate LLC. I discussed the transfer of ownership with County Counsel. It was determined that because Dane Fitch was noticed as the Registered Agent in the correspondence sent on June 6, 2022 he was properly noticed of the violation and I could proceed with enforcement without having to re-notice the Respondent.
July 6, 2022 Exhibit E	Permit B0419022 was submitted to the County for review, however, the drawings were incomplete. In addition, a separate permit would need to be submitted for the conversion of the detached garage into habitable space.
October 19, 2022 Exhibit F	Permit B0647122 was submitted for the garage conversion to habitable space. At the time of this submittal, permit B0419022 was still incomplete.

December 12, 2022 Exhibit G	I received an email from Justin Leithem who is the contact person for permits B0419022 and B0647122. He provided an update on the status of the additional information that was required to be submitted for plan review. This email is part of a longer email string showing the progression of the County requesting an update on the progress of permits.
March 30, 2023 Exhibit H	I reviewed County records and found permit B0419022 and B0647122 had not been issued. Citation 2200154 for \$1,200.00 was issued for the Priority 1 and 4 violation on the single family residence and the Priority 1 violation on the detached garage. The citation was sent first class mail and was not returned. This citation remains unpaid.
March 30, 2023 Exhibit H	I reviewed County records and found permit B0419022 and B0647122 had not been issued. Citation 2200154 for \$1,200.00 was issued for the Priority 1 and 4 violation on the single family residence and the Priority 1 violation on the detached garage. The citation was sent first class mail and was not returned. This citation remains unpaid.
May 10, 2023 – June 7, 2023 Exhibit I	Steve Hanschka and Justin Leithem exchanged emails regarding the land use requirements for the property. The garage was unpermitted and because of the Floodway restrictions for new buildings on the property the garage would not be permitted to stay. If they wanted to make an improvement to the house and attached the garage to the house a no rise certification is required per ZDO 703.07(E)(3)
June 27, 2023 Exhibit J	An updated Notice of Violation was sent to the Respondent with a deadline of July 27, 2023 to abate the violation.
July 20, 2023 Exhibit K	I received an email from Justin stating they had hired HM Group LLC to do the work for the no rise certificate.
October 19, 2023 Exhibit L	I emailed Justin and the contact for HM Group LLC requesting an update on the expected timeframe for submittal. Justin responded that HM Group LLC was 3-4 weeks out.
June 11, 2024	I researched the County permitting system. No applications have been submitted for the land use requirements in order to move forward with the building permits.
June 13, 2024	This matter was referred to the Hearings Officer

If the Compliance Hearings Officer affirms the County's position that a violation of the Building Code, Title 9.02.040 exists, the County may request a Continuing Order in this matter recommending the following:

- The Respondent be ordered to bring the property into compliance with the Building Code within 30 days of the date of the Order by submitting all required information including required no-rise certificate to the planning department and technically complete building permit plans to connect the detached garage to the single family residence
- **OR**
- Submit a demolition permit to remove the detached garage and a submit a separate building permit application and technically plans for the addition to the single family residence and 2 story decks.
- Respond within ten days with additional plan review requests. Permits to be paid for within ten days of being notified they are ready to be issued. Obtain all required inspections including approved final inspections within 60 days of permits being issued.
- Code Enforcement to confirm compliance of the above item and 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:
- The imposition of civil penalties for the Building Code violation of up to \$3,000.00 for date cited March 30, 2023.
- The County is requesting that the fine amount of \$1,200.00 be waived on Citation No. 2200154 that was issued on March 30, 2023 since the County is requesting civil penalties pursuant to ORS 455.895(2).
- The administrative compliance fee calculated at \$75.00 per month from June, 2022 totals \$1,800.00. The County is reducing the Administrative Compliance Fees in the amount of \$450.00 for a total amount due of \$1,350.00. This is a reasonable estimate of the cost of this enforcement matter.
- The County requests the Hearings Officer to permanently prohibit the Respondent from violating this law in the future.
- If the Respondent fails to comply with the Hearings Officer's Continuing Order the County will request the Hearings Officer to issue a Final Order and will also request the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.



April 6, 2022

Gregory Management LLC
58226 E Marmot Rd
Sandy, OR 97055

Michael Gregory - Registered Agent
19235 SE Debora Dr
Damascus, OR 97089

Subject: Alleged Violation of the Building Code, Chapter 9.02.040 of the Clackamas County Code

Site Address: 58226 E Marmot Rd., Sandy, OR 97055
Legal Description: T2S, R6E, Section 22BC, Tax Lot 01400

It has come to the attention of Clackamas County Code Enforcement that a two story addition, remodel to a single family residence with additional bedrooms and bathroom and a conversion of a detached garage into habitable space may have been built without the benefit of permits.

This may constitute a violation of the Building Code, Chapter 9.02.040 Clackamas County Code.

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

E-mail address is JKauppi@clackamas.us

Telephone number is 503-742-4759

**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

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¡LE DAMOS LA BIENVENIDA! Spanish

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ДОБРО ПОЖАЛОВАТЬ! Russian

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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.

오.

(FOR OFFICIAL USE ONLY)

CLACKAMAS COUNTY PUBLIC WORKS

902 ABERNETHY RD., OREGON CITY, OREGON 97045

Permit No. 875-76

Occupancy I

Plan Check No. C-4602-76

Type of Building 5N

Construction Cost 22600

Single Family X

Permit Fee 104.00

Multi Family (no _____)

State Surcharge 3.12

Commercial _____

Plan Check Fee 52.00

Industrial _____

Total Fee 159.12

Other _____

Less Prepaid 38.00

Amount Due 121.12

Receipt No. _____

BUILDING PERMIT APPLICATION

413041
413059

Permit Received By nct Date 4-5-76

Project Location (Address) Garden Drive 58226 E. Marmot Rd

Subdivision Name _____ Lot _____ Block _____

Tax Lot 1400 & 1401 Section 22B Township 2S Range 6E

Lot Size 37,260 (SqFt) Building Area 816 (SqFt) Basement Area NONE (SqFt) Garage Area NONE (SqFt)

Stories ONE Bedrooms TWO Water Source WELL Sewage Disposal SEPTIC TANK & DRAIN FIELD

Estimated Cost of Labor and Material 14,000.00

Four (4) copies of a plot plan drawn to scale on 8 1/2" x 14" paper must be submitted with each permit and must show: Property lines and dimensions - proposed and existing structures - location of well and/or water service lines - location of septic tank and drainfield and/or sewer lines - proposed location of raindrains and method of disposal - location of driveways, patio slab, parking area and walkways - contour or ground elevation at property corners - proposed main floor and garage floor elevations - proposed setbacks from all property lines.

Plans and specifications made by WOOD PANEL STRUCTURES INC accompany this application

Owners Name GEORGE ENTENMANN Builders Name GEORGE ENTENMANN

Address 16630 SE WASHINGTON Address 16630 SE WASHINGTON

City PORTLAND State ORE. City PORTLAND State ORE.

Phone 253-8188 Zip 97233 Phone 253-8188 Zip 97233

Valid Homebuilders Registration No. _____

I agree to build according to the above description, accompanying plans and specifications, the State of Oregon Structural Specialty Code, and to the conditions set forth below.

Applicant George Al Entenmann

Sewage Disposal Requirements

Septic Tank Capacity 750 Gallons. Drainfield (Equal X or Serial _____) Distribution.

Total Length of Lines 150 Ft. Number of Lines 4 Distance Between Lines 10 Ft.

Comments: 4-40' Lines 24" deep max. 100' min from wells, stream & River.

* Note: May be within 100 year flood plain

Development Construction Requirements

Curbs _____ Street Pavement _____ Sidewalks _____ Storm Drainage _____

Comments: _____

Planning: _____

Zoning: RR

Subdivision: _____

Development Construction	Sewage Disposal	Plans Checked	Planning Dept.	Permit Issued
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	and Approved	Approved	
By <u>LM</u>	By <u>Paul Dennis</u>	By <u>JDC</u>	<u>4-29-76</u>	By <u>nct</u>
Date <u>5-4-76</u>	Date <u>4-7-76</u>	Date <u>4-27-76</u>	by <u>WJR</u>	Date <u>5-5-76</u>

To Be Filled In by Applicant (Print or Type)

To Be Filled In by Applicant (Print or Type)

(FOR OFFICIAL USE ONLY)

(FOR OFFICIAL USE ONLY)

APPLICATION APPROVED

BY David

DATE 6-16-76

PLUMBING PERMIT

Permit is hereby issued to (repair, alter, install) Plumbing Pipes, Fixtures or Sewers, according to plans and specifications and descriptions as given below:

PERMIT NO. P-804-76
Receipt No. 8668
FEE FOR PERMIT 35.50

APPLICANT MUST FILL IN FROM HERE DOWN IN INK OR INDELIBLE PENCIL

Application is hereby made to install Plumbing Pipes or Fixtures according to plans and specifications and description as given below:

Location-Number and Street Tax Lots 1400 & 1401 - SW 1/4 - Sec 22 T, 25, R 6E BLDG. PERMIT NO. 875-76

Lot _____ Block _____ Addition _____

Name and Address of Owner GEORGE H. ENTENMANN 16630 S.E. WASH - PORTLAND, OR

Name and Address of Plumber _____

Building (Old or New) NEW Height in Stories 1 Occupied as HOME

SCHEDULE OF WORK

FIXTURES	NUMBER			FIXTURES	NUMBER			FIXTURES	NUMBER		
	New	Move	Replace		New	Move	Replace		New	Move	Replace
4.00 Water Closet	1			Water Service 4.50	1			Fountains			
Shower Bath				Connections, Sewer				Air Conditioner			
3.00 Bath Tub	1			Connections, Cesspool				Urinals			
3.00 Basins	1			Connections, Septic Tank 7.50	1			Sinks, Bar			
Auto. Dishwasher				Floor Drain				Sinks, Service			
3.00 Sink, Kitchen	1			Area Drain				Sewer Ejectors			
Disposal				Rain Drains 4.50				Refrigerator			
Laundry Trays				Catch-Basins, Yard				Dental Chairs			
3.00 Auto. Clothes Washer	1			Catch-Basins, Garage				Fire Sprinkler Heads			
3.00 Hot Water Tank	1			Development Tanks				Lawn Sprinkler Heads			

Other Fixtures:

REMARKS:

SEPTIC TANK OR CESSPOOL PERMITS MUST BE SECURED BEFORE A COVER INSPECTION WILL BE MADE.

X add 376 to total

IMPORTANT!—Plumbing shall not be installed in any building, (either new or altered or repaired), except as shown or designated on the corresponding building plans as filed with, or required by, the Building Department in accordance with the provisions of the Building Code.

I agree to install the plumbing system according to this description, plans and specifications and the Plumbing Code of Clackamas County.

I AM THE LEGAL OWNER OF THE ABOVE LOCATION AND WILL PERSONALLY DO ALL THE PLUMBING WORK CONTAINED IN THIS APPLICATION.

(signed) George H. Entenmann

Plumbing Firm _____

Supervisor

© 2021



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013005
729567

2 6E 22BC 01400
KEY 709567 CODE 046040

SITUS.

2 6E 22BC 01400

58226 E Marmot Rd
Sandy

ACRES .93

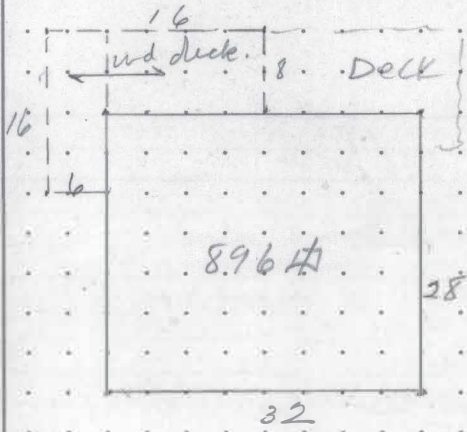
2011317606909

Land	Bldg.	Year	Maint.	Year	Appr.
Class		Built	Area	Appr.	No.

VALUATION SUMMARY OF REAL PROPERTY

Assessment Year	Total Acres	Land	Improvements	F.P. Acres	F.P.L.V.	Remarks
90	.93	33330	31130	.93		
R26E22BC01400 90T	.93	33,330	8% B 33,620			
R26E22BC01400 91T	.93	9% L 36,320	14% B 38,320			
R26E22BC01400 92T	.93	11% L 40,310	17% B 44,830			
92	.93	38940	44830	.79		
R26E22BC01400 93T	.93	11% L 43,220	11% B 49,760	FPA .79		
R26E22BC01400 94T	.93	20% L 51,860	7% B 53,240	FPA .79		
R26E22BC01400 95T	.93	14% L 59,120	14% B 60,690	FPA .79		
R26E22BC01400 96T	.93	9% L 64,440	9% B 66,150	FPA .79		
R26E22BC01400 97T	.93	15% L 74,100	20% B 79,380	FPA .79		
R26E22BC01400 99T	.93	11% L 82,250	11% B 88,110	FPA .79		
R26E22BC01400 2000	0.93	82,420	88,800	FPA 0.79		

BUILDING DIAGRAM



IMPROVEMENT DATA

00709567

Property Class: 801
58226 E MARMOT RD, SANDY, OR, 97055, USA

1 2 3

PHYSICAL CHARACTERISTICS

Style: 51 Houses built 1970 to 1979
Occupancy: Single family

Story Height: 1.0
Finished Area: 896
Attic: None
Basement: None

ROOFING
Material: Cedar Shakes-Hvy
Type: Gable
Framing: Std for class
Pitch: Not available

FLOORING
Sub and joists 1.0
Carpet 1.0

EXTERIOR COVER
T 111 plywood 1.0

INTERIOR FINISH
Paneling 1.0

ACCOMMODATIONS
Finished Rooms 2
Bedrooms 2

HEATING AND AIR CONDITIONING
Primary Heat: Not available
Lower Full Part
/Bsmt 1 Upper Upper

PLUMBING
3 Fixt. Baths 1 3
TOTAL 3

REMODELING AND MODERNIZATION
Amount Date

Construction	Base Area	Floor Area	Finished Area	Sq Ft	Value
1 Wood frame w/sh	896	1.0	896		39640
			896 Crawl	----	0
TOTAL BASE					39640
Row Type Adjustment					1.00%
SUB-TOTAL					39640
0 Interior Finish					0
0 Ext Lvg Units					0
0 Basement Finish					0
Fireplace(s)					1900
Heating					0
Air Condition					0
Frame/Siding/Roof					1520
Plumbing Fixt: 3					1360
Other Features					120
SUB-TOTAL ONE UNIT					44540
SUB-TOTAL 0 UNITS					44540
Exterior Features		Garages			
Description	Value				
0 Integral					0
0 Att Garage					0
0 Att Carports					0
0 Bsmt Garage					0
Ext Features					0
SUB-TOTAL					44540
Quality Class/Grade					3+
GRADE ADJUSTED VALUE					53000

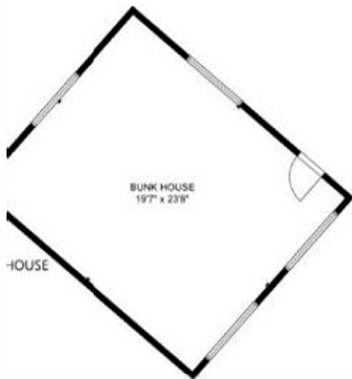
SPECIAL FEATURES

Description	Value
D :MISCFEAT	120
WDSTOVE	1900

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Stry Hgt	Const Type	Year Const	Eff Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market RDF	% Comp	Value
D DWELL	1.00	D			3+	1976	1971	AV	0.00	Y	0.00	896	53000	31	0	85	100	58130
01 WDDK	0.00	01			4	1975	1975	AV	0.00	N	0.00	224	838	0	SV	100		1570
02 UTLSEED	0.00	02			4	1980	1980	AV	7.50	N	8.85	48	420	19	-87	100		640
03 DETGAR	0.00	03			4	1988	1988	AV	30.19	N	35.62	480	17100	11	-87	100		28460

Data Collector/Data Appraiser/Data Neighborhood Supplemental Cards
92 01/01/1990 Neigh 16208 AV TOTAL IMPROVEMENT VALUE 88800



HOUSE



GROSS INTERNAL AREA
TOTAL: 1,852 sq ft
FLOOR 1: 1,372 sq ft, FLOOR 2: 480 sq ft
EXCLUDED AREA: BUNK HOUSE: 463 sq ft, PORCH: 105 sq ft
SIZE AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY.



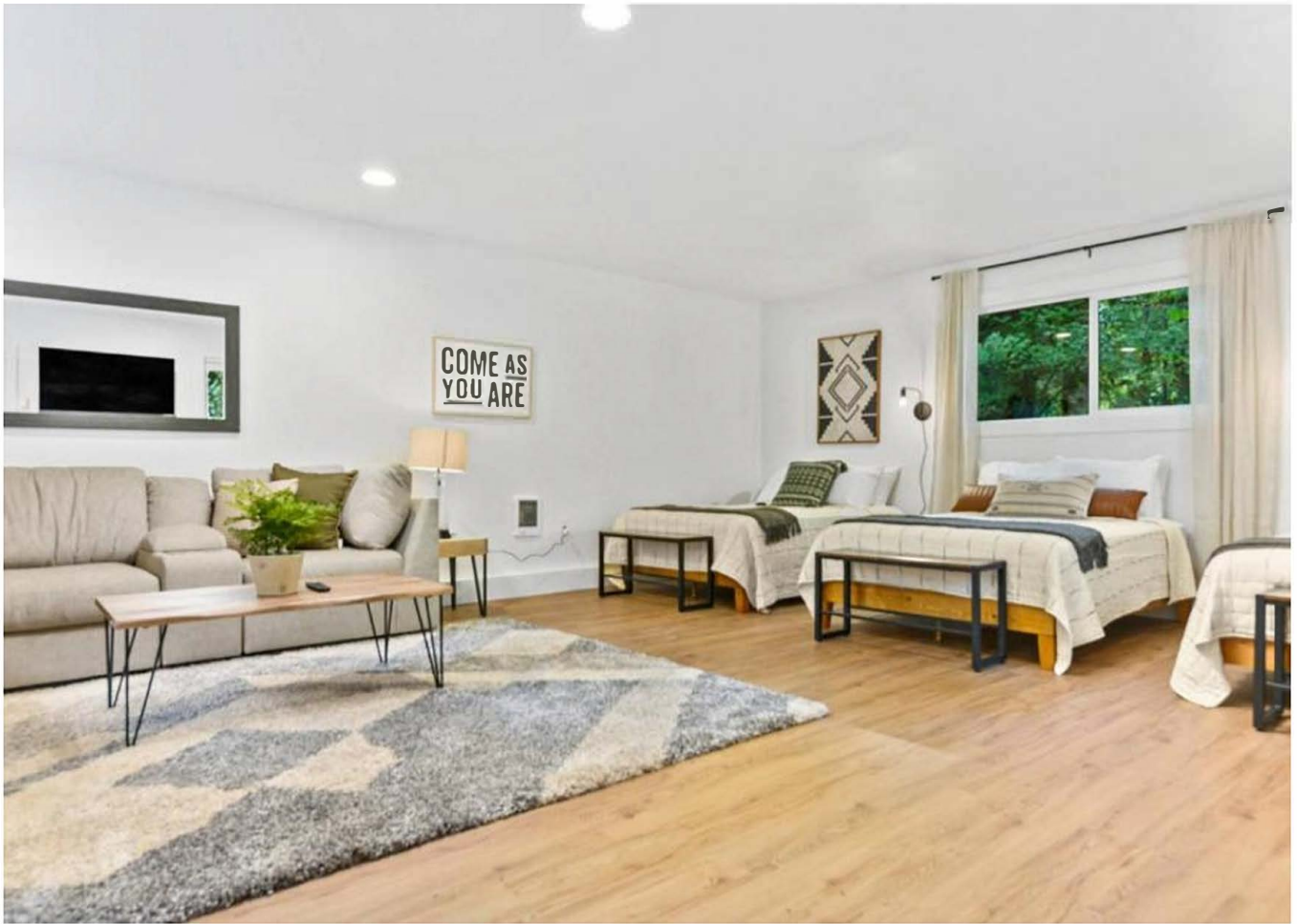




U

W







June 6, 2022

Rhapsody Real Estate LLC
PO Box 809
Gresham, OR 97030

Dane Fitch - Registered Agent
4084 NE 5th Dr
Gresham, OR 97030

SUBJECT: Violation of the Clackamas County Building Code, Title 9.02.040
(B),(C),(D),(E)

VIOLATION: V0015422

SITE ADDRESS: 58226 E Marmot Rd., Sandy, OR 97055

LEGAL DESCRIPTION: T2S, R6E, Section 22BC, Tax Lot 01400

This letter serves as notice of a violation of the Clackamas County Code. The violations include:

Two-story addition and remodel to a single family residence without permits
Conversion of a detached garage into a bunk room without permits

VIOLATIONS & HOW TO RESOLVE

On April 4, 2022 Clackamas County received a complaint regarding a remodel of a single family residence and a detached garage without permits. Based on research of the listing of the property on Zillow and listing of the rental advertisement it was confirmed that the remodel of the residence and conversion of the detached garage has been done without permits. Further research indicates that the two story addition to the single family residence appears to have also been done with permits. The two-story addition, interior remodel and conversion of the detached garage without permits constitutes a violation of Clackamas County Code Title 9.02.040 (B),(C),(D),(E). In order to abate the violation(s), you must complete the following **no later than July 5th, 2022:**

Two-story addition, interior remodel and conversation of detached garage.

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s). Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

CONTACT INFORMATION

Building – If you have questions concerning permitting requirements please contact the building department at 503-742-4240 or on-line at bldservice@clackamas.us.

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beaver Creek Road, Oregon City. The lobby is open between the hours of 8:00 a.m. to 4:00 p.m. Monday through Thursday and 8:00 a.m. to 3:00 p.m. on Fridays.

If you have any questions my direct telephone number is 503-742-4759 and my email is jkauppi@clackamas.us.

Jennifer Kauppi

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.

After Recording Return to:

Dane Fitch
4084 NE 5th Dr
Gresham OR 97030

Send all tax statements to:

Dane Fitch
4084 NE 5th Dr
Gresham OR 97030

STATUTORY BARGAIN AND SALE DEED

Grantor, Rhapsody Real Estate LLC, conveys to Dane Fitch, Grantee, the following described real property:

SEE ATTACHED EXHIBIT "A"

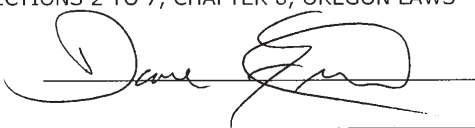
Tax Account No. 00709567,00709576

The true consideration for this conveyance is \$0.00.

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.

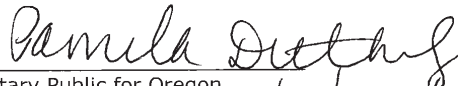
LAWYERS 147200751K

Dated 13th day of June, 2022


RHAPSODY REAL ESTATE, LLC

STATE OF OREGON
COUNTY OF Multnomah

The foregoing instrument was acknowledged before me this 13th day of June, 2022, by Dane Fitch, Member of RHAPSODY REAL ESTATE


Notary Public for Oregon
My commission expires 1/27/2024

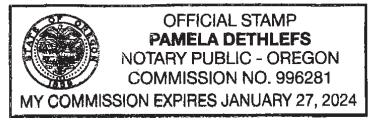


EXHIBIT "A"
Legal Description

PARCEL I:

26E22BC01400 00709567

A PART OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 6 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE WHICH IS NORTH 0°35' WEST 190.35 FEET, NORTH 65°12' EAST 300.17 FEET AND NORTH 51°42' EAST, 310.00 FEET FROM THE ONE-QUARTER SECTION CORNER ON THE WEST LINE OF SAID SECTION 22; THENCE NORTH 51°42' EAST, A DISTANCE OF 88.00 FEET; THENCE SOUTHEASTERLY 205.00 FEET, MORE OR LESS, TO A POINT WHICH IS SOUTH 52°28'30" WEST, 100.00 FEET FROM THE MOST EASTERLY CORNER OF A TRACT OF LAND DESCRIBED IN CONTRACT TO OLIVER S. BATES, ET UX, RECORDED APRIL 13, 1964, FEE NO. 6053, AND RERECORDED SEPTEMBER 2, 1964, FEE NO. 15513; THENCE SOUTH 52°28'30" WEST, 100.00 FEET; THENCE NORTH 34°28'30" WEST 205.42 FEET TO THE POINT OF BEGINNING.

pt 1400

TOGETHER WITH THE RIGHT TO USE IN COMMON WITH OTHERS AN EASEMENT FOR INGRESS AND EGRESS DESCRIBED IN A DOCUMENT RECORDED NOVEMBER 2, 1964 IN BOOK 647, PAGE 269, DEED RECORDS.

PARCEL II:

26E22BC01401 00709576

PART OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE WHICH IS NORTH 0°35' WEST 190.35 FEET, NORTH 65°12' EAST 300.17 FEET AND NORTH 51°42' EAST 310.0 FEET FROM THE ONE-QUARTER SECTION CORNER ON THE WEST LINE OF SAID SECTION 22; THENCE NORTH 51°42' EAST A DISTANCE OF 88 FEET TO THE TRUE PLACE OF BEGINNING OF THE TRACT HEREIN TO BE DESCRIBED; THENCE CONTINUING NORTH 51°42' EAST 88 FEET TO AN IRON PIPE; THENCE SOUTH 41°19'40" EAST 207.99 FEET TO AN IRON PIPE ON THE NORTH BANK OF THE SANDY RIVER; THENCE SOUTH 52°28'30" WEST ALONG THE NORTH BANK OF THE SANDY RIVER 100 FEET; THENCE NORTHWESTERLY 205 FEET, MORE OR. LESS, TO THE TRUE PLACE OF BEGINNING.

pt 1401

TOGETHER WITH THE RIGHT TO USE IN COMMON WITH OTHERS AN EASEMENT FOR INGRESS AND EGRESS AND UTILITY PURPOSES, DESCRIBED IN A DOCUMENT RECORDED OCTOBER 2, 1964 IN BOOK 647, PAGE 269, DEED RECORDS, CLACKAMAS COUNTY.

PARCEL III:

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**rest 1400
rest 1401**

COMMENCING AT THE WEST ONE-QUARTER OF SECTION 22; THENCE NORTH 0°35' WEST, ALONG THE WEST LINE OF SAID SECTION 22, A DISTANCE OF 190.35 FEET TO A

EXHIBIT "A"
Legal Description

POINT; THENCE NORTH 65°12' EAST, A DISTANCE OF 300.17 FEET TO A POINT; THENCE NORTH 51°42' EAST, A DISTANCE OF 486.00 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO GEORGE H. ENTENMANN AND JANICE K. ENTENMANN BY DEED RECORDED AUGUST 15, 1975, FEE NO. 75-225988, DEED RECORDS, CLACKAMAS COUNTY; THENCE SOUTH 41°19'40" EAST, ALONG THE EAST LINE OF SAID ENTENMANN TRACT, A DISTANCE OF 207.99 FEET TO THE SOUTHEASTERLY CORNER THEREOF, AND THE POINT OF BEGINNING OF THE TRACT HEREIN TO BE DESCRIBED; THENCE CONTINUING SOUTH 41°19'40" EAST, ALONG THE SOUTHEASTERLY EXTENSION OF SAID EASTERLY LINE, A DISTANCE OF 130 FEET, MORE OR LESS, TO THE NORTH BANK OF THE SANDY RIVER; THENCE SOUTHWESTERLY, ALONG SAID NORTH BANK, A DISTANCE OF 220 FEET, MORE OR LESS, TO A POINT IN THE SOUTHEASTERLY EXTENSION OF THE EAST LINE OF PARCEL II OF THAT CERTAIN TRACT OF LAND CONVEYED TO HARRY WILLIAM NOYES AND FAYE M. NOYES, BY DEED RECORDED APRIL 22, 1974, FEE NO. 74-10023, DEED RECORDS; THENCE NORTH 34°40'20" WEST, ALONG SAID SOUTHEASTERLY EXTENSION, A DISTANCE OF 165 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF PARCEL 2, SAID NOYES TRACT; THENCE NORTHEASTERLY TO THE POINT OF BEGINNING.



150 Beaver Creek Rd
Oregon City, OR 97045
503-655-8671

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Property Account Summary

6/29/2022

Account Number	00709567	Property Address	58226 E MARMOT RD , SANDY, OR 97055
----------------	----------	------------------	-------------------------------------

General Information

Alternate Property #	26E22BC01400
Property Description	Section 22 Township 2S Range 6E Quarter BC TAX LOT 01400
Last Sale Price	\$0.00
Last Sale Date	06/27/2022
Last Sale Excise Number	415267
Property Category	Land &/or Buildings
Status	Active, Locally Assessed
Tax Code Area	046-040
Remarks	

Property Characteristics

Neighborhood	16208: Sandy River mountain area 800, 801
Land Class Category	801: Recreational improved
Building Class Category	13: Single family res, class 3
Year Built	1976
Acreage	0.93
Change property ratio	8XX

Property Details

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths
896	0 X 0	1976	38	1.0	2	1	0

Parties

Role	Percent	Name	Address
Taxpayer	100	FITCH DANE	4084 NE 5TH DR, GRESHAM, OR 97030
Owner	100	FITCH DANE	4084 NE 5TH DR, GRESHAM, OR 97030

Property Values

Value Type	Tax Year 2021	Tax Year 2020	Tax Year 2019	Tax Year 2018	Tax Year 2017
AVR Total	\$219,125	\$212,743	\$206,547	\$200,531	\$194,690
Exempt					
TVR Total	\$219,125	\$212,743	\$206,547	\$200,531	\$194,690
Real Mkt Land	\$180,742	\$161,440	\$161,440	\$145,647	\$132,487
Real Mkt Bldg	\$138,750	\$125,780	\$126,190	\$118,040	\$112,600

Real Mkt Total	\$319,492	\$287,220	\$287,630	\$263,687	\$245,087
M5 Mkt Land	\$180,742	\$161,440	\$161,440	\$145,647	\$132,487
M5 Mkt Bldg	\$138,750	\$125,780	\$126,190	\$118,040	\$112,600
M5 SAV					
SAVL (MAV Use Portion)					
MAV (Market Portion)	\$219,125	\$212,743	\$206,547	\$200,531	\$194,690
Mkt Exception					
AV Exception					

Tax Rate

Description	Rate
Total Rate	14.0856

Tax Balance

No Charges are currently due. If you believe this is incorrect, please contact the Assessor's Office.

Parents

Parcel No.	Seg/Merge No.	Status	From Date	To Date	Continued	Document Number
No Parents Found						

Children

Parcel No.	Seg/Merge No.	Status	From Date	To Date	Document Number
No Children Found					

Related Properties

No Related Properties Found

Active Exemptions

No Exemptions Found

Events

Effective Date	Entry Date-Time	Type	Remarks
06/24/2022	06/27/2022 16:55:00	Taxpayer Changed	Property Transfer Filing No.: 415267 06/24/2022 by BCROWE
06/24/2022	06/27/2022 16:55:00	Recording Processed	Property Transfer Filing No.: 415267, Bargain & Sale, Recording No.: 2022-036691 06/24/2022 by BCROWE
05/06/2022	05/17/2022 13:08:00	Taxpayer Changed	Property Transfer Filing No.: 412703 05/06/2022 by SMALSOM
05/06/2022	05/17/2022 13:08:00	Recording Processed	Property Transfer Filing No.: 412703, Warranty Deed, Recording No.: 2022-026719 05/06/2022 by SMALSOM
07/01/2021	08/17/2021 10:52:00	Taxpayer Changed	Property Transfer Filing No.: 396134 07/01/2021 by CINDYSIM
07/01/2021	08/17/2021 10:52:00	Recording Processed	Property Transfer Filing No.: 396134, Warranty Deed, Recording No.: 2021-063937 07/01/2021 by CINDYSIM
07/01/2021	08/11/2021 10:35:00	Taxpayer Changed	Property Transfer Filing No.: 395888 07/01/2021 by CINDYSIM
07/01/2021	08/11/2021 10:35:00	Recording Processed	Property Transfer Filing No.: 395888, Death Certificate, Recording No.: 2021-063936 07/01/2021 by CINDYSIM
07/01/2021	08/11/2021 10:32:00	Recording Processed	Property Transfer Filing No.: 395886, Death Certificate, Recording No.: 2021-063935 07/01/2021 by CINDYSIM
09/10/2019	09/10/2019 15:17:00	The situs address has changed	by DROME
03/14/2019	03/14/2019 10:06:00	The situs address has changed	by HALLEYWUN
10/27/2006	11/29/2006 11:18:00	Taxpayer Changed	Property Transfer Filing No.: 150696 10/27/2006 by AMANDAOLS

10/27/2006	11/29/2006 11:18:00	Recording Processed	Property Transfer Filing No.: 150696, Bargain & Sale, Recording No.: 2006-099637 10/27/2006 by AMANDAOLS
07/01/1999	07/01/1999 12:00:00	Ownership at Conversion	Bargain and Sale: 97-58104, 7/1/97, \$ 0

Receipts

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
05/16/2022 13:06:00	5192713	\$3,209.96	\$3,209.96	\$3,209.96	\$0.00
11/02/2020 00:00:00	4833322	\$3,004.17	\$3,004.17	\$2,914.04	\$0.00
11/14/2019 00:00:00	4688377	\$2,987.31	\$2,987.31	\$2,887.69	\$0.00
11/20/2018 00:00:00	4571222	\$2,854.24	\$2,854.24	\$2,768.61	\$0.00
11/02/2017 00:00:00	4260191	\$2,788.27	\$2,788.27	\$2,704.62	\$0.00

Sales History

Sale Date	Entry Date	Recording Date	Recording Number	Sale Amount	Excise Number	Deed Type	Transfer Type	Grantor(Seller)	Grantee(Buyer)	Other Parcels
06/13/2022	06/27/2022	06/24/2022	2022-036691	\$0.00	415267		M	RHAPSODY REAL ESTATE LLC	FITCH DANE	No
05/04/2022	05/17/2022	05/06/2022	2022-026719	\$656,008.00	412703		X	GREGORY MANAGEMENT LLC	RHAPSODY REAL ESTATE LLC	No
07/01/2021	08/11/2021	07/01/2021	2021-063936	\$0.00	395888		X	ENTENMANN JANICE K	ENTENMANN DALENE	No
07/01/2021	08/11/2021	07/01/2021	2021-063935	\$0.00	395886		X	ENTENMANN STEVEN G	ENTENMANN JANICE K	No
06/30/2021	08/17/2021	07/01/2021	2021-063937	\$555,000.00	396134		X	ENTENMANN DALENE	GREGORY MANAGEMENT LLC	No
08/18/2006	11/29/2006	10/27/2006	2006-099637	\$1.00	150696		S	ENTENMANN JANICE K 1/2	ENTENMANN JANICE K	No

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Version 4.0.2.9



Business Name Search

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Business Entity Data

04-24-2023

11:22

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1038484-95	DLLC	ACT	OREGON	08-04-2014	08-04-2023	
Entity Name	RHAPSODY REAL ESTATE LLC					
Foreign Name						

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Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	4084 NE 5TH DR					
Addr 2						
CSZ	GRESHAM	OR	97030	Country	UNITED STATES OF AMERICA	

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

Type	AGT	REGISTERED AGENT	Start Date	08-04-2014	Resign Date
Name	DANE	JEFFERY FITCH			
Addr 1	4084 NE 5TH DR				
Addr 2					
CSZ	GRESHAM	OR	97030	Country	UNITED STATES OF AMERICA

Type	MAL	MAILING ADDRESS
Addr 1	PO BOX 809	
Addr 2		
CSZ	GRESHAM	OR 97030
Country	UNITED STATES OF AMERICA	

Type	MEM	MEMBER	Resign Date
Name	DANE	JEFFERY FITCH	
Addr 1	4084 NE 5TH DR		
Addr 2			
CSZ	GRESHAM	OR	97030
Country	UNITED STATES OF AMERICA		

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

Name History

Plan Review - Review Comments Report

Project Name: **B0419022**

Workflow Started: **7/6/2022 11:44:26 AM**

Report Generated: **04/24/2023 01:01 PM**

REVIEW COMMENTS						
REF #	CYCLE	REVIEWED BY	TYPE	FILENAME	DISCUSSION	STATUS
1		Coordinator Shirley Cass-Crosby 7/15/22 11:32 AM	Comment Unfortunately the drawings you have submitted are just that, drawings that were not approved for work that was done without permits. We are currently in 2021 ORSC code cycle and the drawings must meet that current code cycle. There was also work done without permit, that would have required inspections. You will need to get and Engineer to do the drawing for you and they will also give you supporting documentation for the drawings that you can upload into the documents. Please be sure to delete all the old drawing prior to you uploading the correct drawing once you have received them back from the engineer. I have included the one and two family checklist for you and it is uploaded into the Clackamas Forms folder for you. This is a helpful guide for you, as what is one the list is whet will need to be in the drawings. I do not see any other back up documentation as in trusses or other types of documentation that is reflected on the checklist. If you need any further assistance you are welcome to call me at 503-742-4240 or email me at scasscrosby@clackmas.us. I would suggest if you have any questions to please reach out to me before you send the task back to us.			Unresolved

Plan Review - Review Comments Report

Project Name: **B0647122**

Workflow Started: **10/19/2022 10:56:34 PM**

Report Generated: **04/24/2023 01:04 PM**

REVIEW COMMENTS						
REF #	CYCLE	REVIEWED BY	TYPE	FILENAME	DISCUSSION	STATUS
1		Coordinator Shirley Cass-Crosby 10/26/22 9:01 AM	Comment Please review the Garage Conversion Handout uploaded in Clackamas Forms and update the drawings accordingly. Please email me with any questions at scasscrosby@clackamas.us .		Responded by: Elson Nguyen - 10/27/22 9:42 PM THE SPACE HAS BEEN LABELED AS "GUEST BEDROOM" AS REQUIRED	Resolved
2		Coordinator Shirley Cass-Crosby 10/28/22 7:10 AM	Comment Per my email, please make the minor correction. Once you have update the drawing to say the new requested info, I can then move it onward.		Responded by: Elson Nguyen - 10/28/22 11:28 AM REVISED PLAN HAS BEEN UPLOADED ----- Responded by: Elson Nguyen - 10/28/22 11:16 AM EGRESS WINDOWS HAVE BEEN ADDED ON PLAN. THERE IS NO WATER HEATER AND FURNACE IS PROPOSED. WE USE WALL CADET HEATER FOR THE SPACE	Resolved
3	1	Engineering Amanda Rozzell 10/31/22 4:15 PM	Comment OFF OF EXISTING DRIVEWAY. NO PROPOSED CHANGE. OK TO SIGN OFF.			Info Only
4	1	System Development Charges (SDC) Jodi Lagerwey 11/1/22 1:15 PM	Comment Pending planning sign off to make sure this shouldn't be permitted as an ADU.			Unresolved
5	1	Septic Shelby Wonsley 11/10/22 10:09 AM	Comment An Authorization Notice is required under DEQ rules (OAR 340-071-0205) to add bedrooms or otherwise increase the flow to a home served by an existing septic system. Before Onsite Wastewater Program staff may sign off on your Building permit application, you will need to apply for and receive an approved Authorization Notice. Information on the process and the forms necessary to apply have been uploaded to the "Clackamas Forms" folder for your convenience. Completed forms should be sent to soilsconcern@clackamas.us Questions about the process can be directed to either soilsconcern@clackamas.us or 503-742-4740			Unresolved
6	1	Septic Shelby Wonsley 11/10/22 10:09 AM	Comment Please upload a revised site plan that includes the location of the septic system.			Unresolved

Plan Review - Review Comments Report

Project Name: **B0647122**

Workflow Started: **10/19/2022 10:56:34 PM**

Report Generated: **04/24/2023 01:04 PM**

REF #	CYCLE	REVIEWED BY	TYPE	FILENAME	DISCUSSION	STATUS
7	1	Septic Shelby Wonsley 11/10/22 10:18 AM	Comment Rental listing shows a total of 4 bedrooms plus a bunk house (this garage conversion) with multiple bed spaces. Septic system needs to be sized appropriately - start with Authorization Notice. Pictures saved in S drive SitePhotos.			Info Only
8	1	Building Chris Long 11/17/22 12:25 PM	Library Comment For slab-on-grade floors, the perimeter of the floor shall be insulated. The insulation shall extend downward from the top of the slab for a minimum of 24 inches or downward to the bottom of the slab, then horizontally beneath the slab for a minimum total distance of 24 inches (Exception: For monolithic slabs, the insulation shall extend downward from the top of the slab to the bottom of the thickened edge). Please address this requirement within the plans in accordance with Section N1104.7. Please show compliance with this section within the plans.			Unresolved
9	1	Building Chris Long 11/17/22 12:27 PM	Library Comment N1101.2.3.1 Changes of use that are greater than 30% of the existing building heated floor area or more than 400 square feet in area, whichever is less, shall be required to select one measure from Table N1101.3 As this is changing an unconditioned garage to a conditioned bedroom that is greater than 400 square feet, one item will need to be selected and shown on the plans that will comply with one selected table from N1101.3 (small addition additional measures)			Unresolved
10	1	Building Chris Long 11/17/22 12:33 PM	Library Comment N1101.4 Plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems as herein governed, including but not limited to: exterior envelope component materials; R-values of insulating materials; fenestration U-factors, HVAC equipment efficiency performance and systems controls, lighting, and the other pertinent data to indicate compliance with the requirements of this chapter. Provide the fenestration U-factors for the windows that are to be installed and the model/specifications of the cadet heater to be used.			Unresolved
11	1	Building Chris Long 11/17/22 12:40 PM	Library Comment If you have any questions regarding the plan review comments you can contact me at CLong@clackamas.us or by phone at 503-742-4228 .To view the code sections referenced in your review comments click the following link for access to the Oregon codebooks: Adopted Oregon Codes Online			Info Only

Plan Review - Review Comments Report

Project Name: **B0647122**

Workflow Started: **10/19/2022 10:56:34 PM**

Report Generated: **04/24/2023 01:04 PM**

REF #	CYCLE	REVIEWED BY	TYPE	FILENAME	DISCUSSION	STATUS
12	1	Planning County Lizbeth Dance 11/29/22 3:57 PM	Library Comment ZDO 833 GUEST HOUSES-STANDARDS Guest houses shall comply with the following standards: A. Use: A guest house shall be used only by members of the family residing in the primary dwelling, their nonpaying guests, or their nonpaying employees who work on the premises, or for residential occupancy by one or more paying guests for a period that does not exceed 30 consecutive nights by any one person. Residential occupancy by paying guests plus occupants of the primary dwelling shall not exceed 15 persons. B. Number: Only one guest house shall be allowed per lot of record. C. Maximum Floor Area: The maximum floor area shall be 600 square feet. D. Maximum Separation Distance: The guest house shall be located within 100 feet of the primary dwelling to which it is accessory. This distance shall be measured from the closest portion of each structure. E. Facilities: Occupants of the guest house and the primary dwelling shall live together as one housekeeping unit, sharing the kitchen and laundry facilities in the primary dwelling. The guest house may include one bathroom plus one additional sink but shall not include a dishwasher, stove, oven, or other cooking appliances. F. Utilities: All public water, electric, natural gas, and sanitary sewer service for the guest house shall be extended from the primary dwelling services. No separate meters for the guest house shall be allowed. G. On-Site Wastewater Treatment Systems: A guest house shall use the same on-site wastewater treatment system as the primary dwelling except when a separate system is required by the County due to site constraints, failure of the existing system, or where the size or condition of the existing system precludes its use.			Unresolved
13	1	Planning County Lizbeth Dance 11/29/22 4:04 PM	Comment Entire property in the Flood Way - NO development in the flood way is allowed - it is unclear how this garage building was established - as residential occupancy elevation standards differ from accessory building not for occupancy standards per ZDO 703- Flood Plain Development Review. A detached accessory building cannot be just a bedroom - this established building may be able meet ZDO 833 GUEST HOUSES-STANDARDS. Please provide additional flood elevation information and revise the floor plan either removing the sleeping facility or meet the Guest House standards this may require Flood Way Development Review.			Unresolved

Kauppi, Jennifer

From: Justin Leithem <justin@irongaterealtygroup.com>
Sent: Monday, December 12, 2022 3:36 PM
To: Kauppi, Jennifer
Subject: Re: V0015422 - 58226 E Marmot Rd - B0419022

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

Hey Jennifer,

We've been taking care of multiple concerns that have come up in regards to these permits. We ordered a septic system evaluation and flood certificate level inspections and are trying to tackle all of the unexpected and expensive things being added from the county. I didn't mean to leave you hanging, I thought the different branches in the county were connected a bit more.

Sent from my iPhone

On Dec 12, 2022, at 1:34 PM, Kauppi, Jennifer <JKauppi@clackamas.us> wrote:

Justin,

Hello. I am following up regarding permit B0419022. It appears the information still has not been submitted to the County for the work done to the house.

Please advise

Thank you

Jennifer

From: Justin Leithem <justin@irongaterealtygroup.com>

Sent: Monday, September 26, 2022 8:33 AM

To: Kauppi, Jennifer <JKauppi@clackamas.us>

Cc: ELSON NGUYEN <elson.hmgrouppdx@gmail.com>

Subject: Re: V0015422 - 58226 E Marmot Rd

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

We are getting closer. The engineer is requesting dimensions for the foundation stem wall to finish up so we are working on getting a contractor out there to dig down to discover those dimensions.

Sent from my iPhone

On Sep 26, 2022, at 8:20 AM, Kauppi, Jennifer <JKauppi@clackamas.us> wrote:

Good Morning,
Please provide an update on when the plans will be expected to be completed for the both the house and the detached garage.

Thank you

Jennifer

From: ELSON NGUYEN <elson.hmgrouppdx@gmail.com>

Sent: Tuesday, August 30, 2022 9:05 PM

To: Justin Leithem <leithem09@gmail.com>; Kevin Goldsmith <kgconsultantsllc@gmail.com>; Kauppi, Jennifer <JKauppi@clackamas.us>

Subject: Fwd: V0015422 - 58226 E Marmot Rd

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

----- Forwarded message -----

From: Cass-Crosby, Shirley <scasscrosby@clackamas.us>

Date: Tue, Aug 30, 2022 at 2:25 PM

Subject: RE: V0015422 - 58226 E Marmot Rd

To: elson.hmgrouppdx@gmail.com <elson.hmgrouppdx@gmail.com>

Hi There,

There was an addition to the home by quite a bit, so this is where the engineer gets involved to evaluate the work that was done without permits. The property owner is given inspection reports that do inform what was done without permit and or there is a violation letter that is sent to the owner that states the findings. There will definitely be mechanical, electrical and plumbing for both structures, however for building I will try to break this down. The engineer on their site visit evaluates the work that the owner did without permits. They can also do a research request to see what is in the permit history verses what is potentially existing now. The research request does require a form to be filled out and there are fees for this.

In regards to the home, the second story was added without permits, so the whole second story is an issue and then the alteration to the first floor becomes an issue and so on.

There was a detached garage that was converted to living space without permits, so the overall structure will needs to be addresses based on the building now being habitable.

Please let me know if you need further explanation, as usually presenting this to you engineer is where they get involved and assist you in wither or the drawings and the engineering calcs, supported by an evaluation letter.

Thanks,

Shirley Cass-Crosby

Permit Technician – Building Codes

150 Beaver Creek Rd #225

Oregon City, OR 97045

503.742.4240

<image001.jpg>

Our office hours are Monday – Thursday, 8 am to 4 pm and Friday we are closed to the public, however we are still available for phone calls and emails from 8 am to 3pm.

Coming Soon in August 2021! We're excited to launch Development Direct -- our new one-stop digital services hub for Building Codes and Development Engineering. [Click here to learn more.](#)

<image002.png>

From: Kauppi, Jennifer <JKauppi@clackamas.us>
Sent: Friday, August 26, 2022 1:23 PM
To: 'ELSON NGUYEN' <elson.hmgrouppdx@gmail.com>
Cc: Justin Leithem <leithem09@gmail.com>; Kevin Goldsmith <kgconsultantsllc@gmail.com>; Cass-Crosby, Shirley <scasscrosby@clackamas.us>
Subject: RE: V0015422 - 58226 E Marmot Rd
Importance: High

Elson,

B0419022 had been submitted but the documentation was incomplete.

I have copied Permit Technician Shirley Cass-Crosby. She will let you know next week what information you will need to supply.

PLEASE NOTE You will have to submit one set of plans for the house and another set of plans for the detached garage that has been turned into a bunk house. These will be 2 separate permits.

Thank you

Jennifer

From: ELSON NGUYEN <elson.hmgrouppdx@gmail.com>
Sent: Friday, August 26, 2022 12:51 PM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Cc: Justin Leithem <leithem09@gmail.com>; Kevin Goldsmith <kgconsultantsllc@gmail.com>
Subject: Re: V0015422 - 58226 E Marmot Rd

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

Hi Jennifer,

Can you please let me and my structural engineer know what we should do now to get the permit approved?

Elson

On Fri, Aug 26, 2022 at 12:40 PM ELSON NGUYEN <elson.hmgrouppdx@gmail.com> wrote:

Not sure yet.

I need to work with Justin to see if he submit the old plan for addition that we have from previous owner or we have to make a new plan set

Elson

On Fri, Aug 26, 2022 at 6:25 AM Kauppi, Jennifer <JKauppi@clackamas.us> wrote:

Thank you for letting me know.

Do you have an approximate time frame?

Thank you

From: ELSON NGUYEN <elson.hmgrouppdx@gmail.com>

Sent: Thursday, August 25, 2022 11:22 PM

To: Kauppi, Jennifer <JKauppi@clackamas.us>; Justin Leithem <leithem09@gmail.com>; Kevin Goldsmith <kgconsultantsllc@gmail.com>

Subject: V0015422 - 58226 E Marmot Rd

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

Hi jennifer,

My name is Elson- architect

I heard from Justin that you wanted to make sure that he had an Architect and Engineer for the project "legalize unpermitted addition and detached garage conversion"

I will take care for architectural plans and my structural engineer named Kevin Goldsmith will take care of structural plans

Elson

--

Regards,



Elson Nguyen Founder

HM GROUP LLC

(971) 563.2067 (Cell Phone)

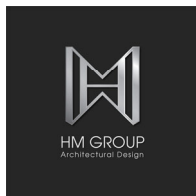
Elson.HMgroupPDX@gmail.com

3036 SE 131st Ave

Portland, OR 97236

--

Regards,



Elson Nguyen Founder

HM GROUP LLC

(971) 563.2067 (Cell Phone)

Elson.HMgroupPDX@gmail.com

3036 SE 131st Ave



Citation No. 2200154

Case No. V0015422

ADMINISTRATIVE CITATION

Date Issued: March 30, 2023

Name and Address of Person(s) Cited:

Name: Dane Fitch
Mailing Address: 4084 NE 5th Dr
City, State, Zip: Gresham, OR 97030

Date Violation(s) Confirmed: On the 30th day of March, 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): 58226 E Marmot Rd., Sandy, OR 97055

Legal Description: T2S, R6E Section 22BC, Tax Lot(s) 01400

Law(s) Violated:

Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (B)(C)(D)(E)

Description of the violation(s):

- 1) Addition to a single family residence including electrical without approved permits or approved final inspections.
Maximum Civil Penalty \$1,000.00 Fine \$500.00

- 2) Bathroom added to single family residence without permits or approved final inspections.
Maximum Civil Penalty \$1,000.00 Fine \$200.00

- 3) Detached accessory structure converted to habitable space including electrical without approved permits or approved final inspections.
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 \$1,200.00. 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 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: Jennifer Kauppi
Telephone No.: 503-742-4759

Date: March 30, 2023
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: _____

From: [Dance, Lizbeth](#)
To: "[Justin Leithem](#)"; [Hanschka, Steve](#)
Cc: [Kauppi, Jennifer](#); [Blessing, Ben](#)
Subject: RE: Marmot Rd Recap around the moon
Date: Wednesday, June 7, 2023 2:08:48 PM

Hello,

Steve has outlined the procedure within this e-mail chain –

5/10/2023 - If you moved the garage and attached it to the home, as an improvement to the home, then you would need a “no-rise” certification, which is a potentially complicated and expensive process, per Ordinance Subsection 703.07(E)(3).

ZDO 703 with mapping and detail of the overlay was provided to you on May 10, 2023, as well.

Here is the link to the FEMA website regarding what is needed for a no rise certification through them - <https://www.fema.gov/glossary/no-rise-certification-floodways>

Once the analysis is done you could then submit the Flood Plain (way) Development Review Land Use application including development plans showing how the garage could be relocated and the home and garage would be connected including the elevation of this one structure (home with attached garage) as determined in the No-rise analysis at least 24” above base flood elevation with appropriate Flood Way development structural engineering.

I am not sure if the cost of the required engineered No-rise assessment, Land Use application as well as development including the required engineered plans and construction work associated with relocation of the garage then elevating and connecting the home and garage on the property with required surveys of development elevations throughout the inspection process would cost less that removing the unpermitted garage.

This is for you to determine.

Lizbeth Dance, Planner II

Clackamas County Transportation & Development

Planning & Zoning / Long Range Planning

150 Beaver Creek Road

Oregon City, Oregon 97045

503-742-4524

My office hours are M-Th 6:30 am – 5:00pm

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: Justin Leithem <justin@irongaterealtygroup.com>

Sent: Wednesday, June 7, 2023 1:36 PM

To: Hanschka, Steve <SteveHan@clackamas.us>

Cc: Kauppi, Jennifer <JKauppi@clackamas.us>; Blessing, Ben <BBlessing@clackamas.us>; Dance, Lizbeth <LDance@clackamas.us>

Subject: Re: Marmot Rd Recap around the moon

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

If we wanted to explore an option to figure out how to keep the garage building, I really would like to understand what that would look like. Who do we need to talk to and what do we need to do?

We obviously inherited these problems and are the third homeowner since all this has been done. We want to do the right thing and pay whatever fees we have to, but also did not plan for these insane costs, such as demoing an entire garage building, and that has a very negative impact on our family financially.

Any guidance or creative solutions we would really appreciate.

Sent from my iPhone

On May 10, 2023, at 2:52 PM, Hanschka, Steve <SteveHan@clackamas.us> wrote:

Justin, attached is Section 703, which is the section I am referring to. Also attached is the FEMA floodplain map for the area showing your location, along with a detail map of the floodplain showing that there is only about 30 ft. in the most northerly sector of the property, which is the required setback in your zoning from the front property line, that is out of the floodway.

Steve Hanschka, Sr. Planner

Clackamas County Transportation & Development
Planning & Zoning / Long Range Planning / Septic & Onsite Wastewater
150 Beaver Creek Road
Oregon City, Oregon 97045
503-742-4512

My office hours are Tues., Wed. and Thurs. 7:30 am – 6:00pm

www.clackamas.us

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The Planning and Zoning public service telephone line at 503-742-4500 and email account at zoninginfo@clackamas.us are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m., and the public service lobby is open Monday, Tuesday and Thursday from 8:00 a.m. to 4:00 p.m..

<image001.jpg>

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This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: Justin Leithem [<mailto:justin@irongaterealtygroup.com>]

Sent: Wednesday, May 10, 2023 1:52 PM

To: Hanschka, Steve <SteveHan@clackamas.us>

Cc: Kauppi, Jennifer <JKauppi@clackamas.us>; Blessing, Ben <BBlessing@clackamas.us>; Dance, Lizbeth <LDance@clackamas.us>

Subject: Re: Marmot Rd Recap around the moon

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

Do you have a map showing that flood zone overlay on the property? Just wondering if there's any part of our property that we could potentially put the garage on to salvage that building.

Also, is there a link to the section you are referring to so I can read up on it by chance?

Sent from my iPhone

On May 10, 2023, at 9:46 AM, Hanschka, Steve <SteveHan@clackamas.us> wrote:

Justin, unfortunately essentially all of this property has been within the Regulatory Floodway since 1987, when the floodway was first calculated / mapped for this area. The existing home was constructed prior to the mapping of the floodway, however per Ordinance Subsection 703.07, beginning on Page 703-9, new structures, including detached accessory structures, are not a permitted use in the floodway. Per Ordinance Subsection 703.07(E), the existing home could be improved, and if the improvements constitute a Substantial Improvement (See Ordinance Subsection 703.05[KK] on Page 703-8), then the home would need to be elevated and constructed to meet current floodplain standards. If you moved the garage and attached it to the home, as an improvement to the home, then you would need a "no-rise" certification, which is a potentially complicated and expensive process, per Ordinance Subsection 703.07(E) (3).

Steve Hanschka, Sr. Planner
Clackamas County Transportation & Development
Planning & Zoning / Long Range Planning / Septic & Onsite
Wastewater
150 Beaver Creek Road
Oregon City, Oregon 97045

503-742-4512

My office hours are Tues., Wed. and Thurs. 7:30 am – 6:00pm

www.clackamas.us

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[<image001.jpg>](#)

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This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: Justin Leithem [<mailto:justin@irongaterealtygroup.com>]

Sent: Tuesday, May 9, 2023 8:35 AM

To: Kauppi, Jennifer <JKauppi@clackamas.us>

Cc: Hanschka, Steve <SteveHan@clackamas.us>; Blessing, Ben <BBlessing@clackamas.us>; Dance, Lizbeth <LDance@clackamas.us>

Subject: Re: Marmot Rd Recap

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

Not yet lol. Let me know if there's a better way to get that set up.

Sent from my iPhone

On May 9, 2023, at 7:16 AM, Kauppi, Jennifer <JKauppi@clackamas.us> wrote:

Justin,

Have you received a response back concerning the request

for a meeting to discuss the property?

Thank you

Jennifer

From: Justin Leithem <justin@irongaterealtygroup.com>

Sent: Friday, May 5, 2023 1:44 PM

To: Kauppi, Jennifer <JKauppi@clackamas.us>; Hanschka, Steve <SteveHan@clackamas.us>; Blessing, Ben <BBlessing@clackamas.us>; Dance, Lizbeth <LDance@clackamas.us>

Subject: Re: Marmot Rd Recap

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

Hey Jennifer, Steve, Liz, and Ben,

I would love to schedule a time where we can sit down and figure out what the best next steps are for us to get this property approved. In the process of getting the structures fully permitted it sounds like we may have ran into some pre-existing issues, of the garage was built in a possible AE flood way zone prior to us taking ownership of this property. we would like to understand what the steps forward should be before we spend more money and getting permits if that's possible. Thank you so much for your help and understanding as we are just trying to make a right what previous owners did wrong. If we need to demolish the garage, we would like to explore the option of picking it up and moving it into an appropriate location if possible and continuing to get the permits that were never taken out by the previous owner.

Sincerely,

Justin Leithem

503-502-5375

Sent from my iPhone

On May 5, 2023, at 10:44 AM, Kauppi, Jennifer <JKauppi@clackamas.us> wrote:

Justin,

The link is where you can find the hearing packet -

<https://www.clackamas.us/codeenforcement/hearings>

The hearing is listed under May 23 – Dane Fitch
– 11:30 am.

I have also attached the original tax jacket for
the property.

The garage was built in 1988. The entire garage
was unpermitted.

Liz Dance was the original review person on
this. The resident experts for Floodway issues is
Steve Hanschka or Ben Blessing.

Stevehan@clackamas.us and
BBlessing@clackamas.us these are their emails.

I would email all three to get something set up.
Please include me on the email.

Thank you

**Jennifer Kauppi – Code Enforcement
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703 FLOODPLAIN MANAGEMENT DISTRICT (FMD)

703.01 FINDINGS OF FACT

A Floodplain Management District (FMD) is needed for the following reasons:

- A. Flood Losses Resulting from Periodic Inundation: The special flood hazard areas of the County are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the County's tax base, all of which adversely affect the public health, safety, and general welfare.
- B. General Causes of These Flood Losses: Flood losses are caused by:
 - 1. The cumulative effect of obstructions in special flood hazard areas that increase flood heights and velocities and, when inadequately anchored, damage land uses in other areas; and
 - 2. The occupancy of special flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately floodproofed, inadequately elevated, or otherwise unprotected from flood damages.

703.02 PURPOSE

Section 703 is adopted to:

- A. Promote the public health, safety, and general welfare;
- B. Protect human life and health;
- C. Minimize public and private flood losses due to flooding in flood hazard areas;
- D. Minimize expenditure of public money for costly flood control projects;
- E. Minimize prolonged business interruptions;
- F. Help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize future flood blight areas;
- G. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or that cause increases in erosion, flood heights, or velocities;
- H. Minimize damage to public facilities and utilities—such as water and gas mains; electric, telephone, and sewer lines; streets; and bridges—located in special flood hazard areas;
- I. Require that uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction;

- J. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
- K.. Protect individuals, as much as possible, from buying lands that are not suitable for intended purposes because of flood hazard, by ensuring to the degree possible that potential buyers are notified that property is in a special flood hazard area; and
- L. Minimize the need for rescue and relief efforts associated with flooding undertaken at the expense of the general public.

703.03 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by the FMD is considered reasonable for regulatory purposes and is based on engineering and scientific study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. Section 703 does not imply that areas outside the FMD or land uses permitted within the FMD will be free from flooding or flood damages. Section 703 shall not create liability on the part of the County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on the FMD or any administrative decision lawfully made hereunder.

703.04 APPLICABILITY

Section 703 applies to the FMD, which is applied to the special flood hazard areas (SFHAs) identified by the Federal Insurance Administration in a scientific and engineering report entitled, “The Flood Insurance Study for Clackamas County, Oregon & Incorporated Areas,” (FIS) dated January 18, 2019, with accompanying Flood Insurance Rate Maps (FIRMs).

- A. The FIS and FIRMs are hereby adopted by reference and declared to be a part of Section 703 and are on file at the County Department of Transportation and Development.
- B. The Planning Director shall make interpretations where needed, as to the exact location of the boundaries of the SFHA (for example, where there appears to be a conflict between a mapped boundary and actual field conditions, topography, and/or elevations). In areas where base flood elevation data have been provided, the Planning Director may require the applicant to submit an elevation certificate. To most precisely determine the base flood elevation of the subject area, the elevations provided by the FIS flood profiles in combination with the cross section lines on the FIRM shall supersede the base flood elevation lines and values identified on the FIRM.

703.05 DEFINITIONS

The following definitions apply to Section 703:

- A. Area of Shallow Flooding: A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- B. Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.
- C. Base Flood Elevation: The computed elevation to which floodwater is anticipated to rise during the base flood. Base flood elevations are shown on Flood Insurance Rate Maps and on the flood profiles included in the Flood Insurance Study.
- D. Basement: Any area of the building having its floor subgrade (below ground level) on all sides.
- E. Below-Grade Crawl Space: An enclosed area below the base flood elevation — which is in nearly all cases considered by the National Flood Insurance Program to also be a basement — that generally serves as the foundation for a structure and exhibits the following characteristics:
 - 1. All sides of the crawl space are below the adjacent exterior grades outside the crawl space;
 - 2. The interior grade inside the crawl space is not more than two feet below the lowest adjacent exterior grade; and
 - 3. The height, measured from the interior grade of the crawl space to the top of the crawl space foundation, does not exceed four feet at any point.
- F. Community Rating System: A program of the National Flood Insurance Program (NFIP) that recognizes jurisdictions for implementing floodplain management practices and standards that exceed NFIP minimum requirements. Membership in the program results in increased public safety and property protection, along with reductions in flood insurance premiums.
- G. Conditional Letter of Map Revision (CLOMR): The Federal Emergency Management Agency's (FEMA's) comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

- H. Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include schools, hospitals, nursing homes, orphanages, penal institutions, fire stations, police stations, communications centers, water and sewage pumping stations, other public or quasi-public buildings, emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.
- I. Cross Section: A source of data that is developed during the hydraulic analyses of a stream in the course of producing the Flood Insurance Rate Maps (FIRMs) and the Flood Insurance Study (FIS). Cross sections provide an elevation view of the floodplain taken perpendicular to the flow at specific points and are typically determined using field survey information and topographic maps. Some of the locations of cross sections are shown on the FIRMs and are, in turn, cross-referenced in the FIS, where they provide precise information about a variety of data that relates to flood conditions.
- J. Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- K. Elevation Certificate: A form produced by the Federal Emergency Management Agency (FEMA) that is completed by a professional engineer, licensed architect, or licensed surveyor, usually through field survey work, that reports elevation information about grades, structures, and other facilities. An elevation certificate is used to determine the relationship of grades, structures, and other facilities to the base flood elevation. It is also used to certify building elevations to ensure compliance with community floodplain regulations; determine proper insurance rates; and support a Letter of Map Amendment or Letter of Map Revision Based on Fill. Communities that participate in the Community Rating System are required to use an elevation certificate for all official reporting and recordkeeping of elevations.
- L. Encroachments: Activities or construction within the floodway, including fill, new construction, substantial improvements, and other development.
- M. Federal Emergency Management Agency (FEMA): A federal agency, whose primary mission is to reduce the loss of life and property and protect the nation from all hazards, including natural disasters, acts of terrorism, and other manmade disasters, by leading and supporting the nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation. Among other things, FEMA manages and oversees the National Flood Insurance Program.

- N. Flood:
1. A general and temporary condition of partial or complete inundation of normally dry land area from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in Subsection 703.05(N)(1)(b) and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection 703.05(N)(1)(a).
- O. Flood Insurance Rate Map: An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
- P. Flood Insurance Study: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- Q. Flood Profile: A graph, found in the Flood Insurance Study, of computed flood elevations at floodplain cross sections that is typically available for a stream that has base flood elevations shown on the Flood Insurance Rate Map (FIRM). Elevations provided by the flood profiles, used in combination with the cross section lines on the FIRM, are the most accurate means of determining the base flood elevation at a particular site.
- R. Floodplain: Land area susceptible to being inundated by water from any source.
- S. Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

- T. Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Often referred to as the “regulatory floodway.”
- U. Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA establishes a property’s location in relation to the special flood hazard area.
- V. Letter of Map Revision (LOMR): The Federal Emergency Management Agency’s modification to an effective Flood Insurance Rate Map (FIRM). LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. The LOMR officially revises the FIRM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report.
- W. Letter of Map Revision Based on Fill (LOMR-F): The Federal Emergency Management Agency’s modification of the special flood hazard area shown on the Flood Insurance Rate Map based on the placement of fill outside the existing regulatory floodway.
- X. Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Subsection 703.11(A)(1).
- Y. Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle. A manufactured home may also be referred to as a manufactured dwelling.
- Z. National Flood Insurance Program (NFIP): A federal program that is administered by the Federal Emergency Management Agency that is designed to reduce the loss of life, damage to property, and rising disaster relief costs, both within and beyond the special flood hazard area. The NFIP makes federally backed flood insurance available to communities that agree to adopt and enforce floodplain management ordinances that meet or exceed NFIP requirements.

- AA. New Construction: Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the County (Section 703) and includes any subsequent improvements to such structures.
- BB. “No-Rise” Certification: A certification that is provided by a professional engineer or licensed architect that demonstrates through accompanying hydrologic and hydraulic analyses, performed in accordance with standard engineering practice and National Flood Insurance Program rules and regulations, that an encroachment within the floodway will not result in any increase in the flood levels during the regulatory flood discharge. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map.
- CC. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or projected into any channel, watercourse, or regulatory flood hazard area that may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where it might be carried downstream by the flow of water resulting in damage to life or property.
- DD. Pre-FIRM Structure: A structure that was built before March 1, 1978, the effective date of the first Flood Insurance Rate Map (FIRM) for the County, and hence, prior to the date when detailed flood hazard data and flood elevations were provided to the County.
- EE. Recreational Vehicle: A vehicle which is:
1. Built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. Designed to be self-propelled or permanently towable by a light duty truck; and
 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- FF. Regulatory Flood Protection Elevation: The elevation to which uses regulated by the FMD are required to be elevated or floodproofed.
- GG. Special Flood Hazard Area: (SFHA): An area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on a FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AR, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

- HH. Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the structure.
- II. Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- JJ. Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The market value of the structure before the damage occurred shall be the structure's real market value that is provided by the County Department of Assessment and Taxation. The cost of restoring a structure shall be determined by the County Building Codes Division.
- KK. Substantial Improvement: Any reconstruction, repair, rehabilitation, addition, or other improvement — or series of reconstructions, repairs, rehabilitations, additions or other improvements — of a structure, the cost of which — or cumulative costs of which at the time of the most recent reconstruction, repair, rehabilitation, addition, or other improvement — equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The market value of the structure shall be determined at the time of the most recent reconstruction, repair, rehabilitation, addition, or other improvement, either before the improvement is started, or if the structure has been damaged and is being restored, before the damage occurred. The market value of the structure shall be the structure's real market value that is provided by the County Department of Assessment and Taxation. The cost of reconstruction, repair, rehabilitation, addition, or other improvement of a structure, or series thereof, shall be determined by the County Building Codes Division. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
2. Any alteration of a “historic structure” listed on the National Register of Historic Places or a State or Local Inventory of Historic Places, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

LL. Variance: A grant of relief by the County from the terms of a floodplain management regulation.

MM. Water-Dependent Use: A use that is dependent on close proximity to the water to perform its intended purpose and by reason of the intrinsic nature of its operations. The term “water dependent use” shall be recognized as having a broader meaning than the term “functionally dependent use” as defined in Volume 44 Code of Federal Regulations (CFR) Section 59.1. A “water dependent use” shall not meet the requirements to qualify for a variance under Volume 44 CFR Section 60.6(a)(7) unless the use also qualifies as a “functionally dependent use” as defined in Volume 44 CFR 59.1.

NN. Wet Floodproofing: Permanent or contingent measures that are applied to a structure or its contents that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area. Generally, this includes properly anchoring the structure, using flood resistant materials below the base flood elevation and protecting mechanical and utility equipment. Application of wet floodproofing as a flood protection technique under the National Flood Insurance Program is limited to enclosures below elevated residential and non-residential structures and to nonresidential structures that have been issued variances by the County.

703.06 TYPE I USES

The following uses require review as a Type I application pursuant to Section 1307, *Procedures*, and are exempt from the requirement to obtain a floodplain development permit and from compliance with Subsections 703.10 and 703.11.

- A. Reconstruction, repair, rehabilitation, addition, or other improvement of a pre-FIRM structure that is not a substantial improvement and where the structure has not sustained substantial damage. If the structure is located in the floodway, no increase in ground coverage shall result unless a “no-rise” certification is provided.

703.07 DEVELOPMENT IN THE FLOODWAY

Development in the floodway is prohibited, except as provided in Subsection 703.06, or for the following uses. The following uses are allowed only if permitted in the underlying zoning district and require approval of a floodplain development permit:

- A. Water-dependent uses. A “no-rise” certification shall be provided.
- B. Riprap or other structural stream bank protection measures, subject to either Subsection 703.07(B)(1) or 703.07(B)(2).
 - 1. If riprap or other structural stream bank protection measures are proposed to repair bank damage, bank removal, or bank erosion, the following criteria shall be met. For the purpose Subsection 703.07(B)(2), pre-existing conditions are the conditions of the repair area upon which the FIRM(s), flood boundary and floodway map(s), and FIS(s) were based that were in effect during the period that the bank was damaged, removed, and/or eroded, leading up to the proposed repair.
 - a. The measures shall not encroach any further into the stream channel than the pre-existing conditions.
 - b. The measures shall not add any more cubic yards of bank material than was in place in the pre-existing conditions.
 - c. The measures shall not exceed the height of the bank nor protrude above the topography that was in place in the pre-existing conditions.
 - d. The pre-existing conditions shall be demonstrated through some combination of historical and aerial photography, survey and cross-section information, maps or plans, hydrologic and hydraulic modeling, or any other pertinent information.
 - e. The applicant shall provide evidence from a professional engineer, with expertise in hydrology, hydraulics, fluvial geomorphology, or hydrogeology, that the proposal complies with Subsections 703.07(B)(2)(a) through (d) and that the proposed stream bank protection measures will cause no adverse impacts to upstream or downstream properties, when compared to impacts of the pre-existing conditions.
 - 2. If riprap or other structural stream bank protection measures are proposed for reasons other than to repair bank damage, bank removal, or bank erosion, or if the repair exceeds the standards of Subsection 703.07(B)(1), the applicant shall provide a “no-rise” certification and evidence from a professional engineer, with expertise in hydrology, hydraulics, fluvial geomorphology, or hydrogeology, that the proposed stream bank protection measures will cause no adverse impacts to upstream or downstream properties.
- C. Hydroelectric facilities. A “no-rise” certification shall be provided;
- D. Stream crossings. A “no-rise” certification shall be provided;

- E. Replacement, substantial improvement, or repair of substantial damage of a structure that was constructed prior to the establishment of, or revisions to, the floodway, subject to the following:
 - 1. The development shall comply with Subsection 1206.06.
 - 2. Foundations shall be designed by a professional engineer or licensed architect, to the satisfaction of the County Building Codes Division, to withstand the mean velocity of floodwaters in the floodway, as they are listed in the Floodway Data tables of the Flood Insurance Study, and to withstand the scouring forces associated with those floodwater velocities.
 - 3. If an increase in ground coverage is proposed, a “no-rise” certification shall be provided.

703.08 DUTIES OF THE PLANNING DIRECTOR

The Planning Director is hereby appointed to administer and implement Section 703 by granting or denying development permit applications in accordance with its provisions. The Planning Director may delegate authority to implement these provisions. Duties of the Planning Director under Section 703 include:

- A. The Planning Director shall review floodplain development permits to determine if the proposed development adversely affects the flood carrying capacity of the special flood hazard area. For purposes of this subsection, "adversely affects" means that the cumulative effect of the proposed development and all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.
- B. Within the special flood hazard area, when more detailed base flood elevation or floodway data is available outside of the adopted Flood Insurance Study (FIS) from a federal, state or other authoritative source — such as preliminary or draft information from a new study that will revise the FIS —the Planning Director may obtain, review, and reasonably utilize such data as long as it is more restrictive than the currently effective data. When the data pertains to a preliminary or draft FIS in Zone A, the Planning Director is required to reasonably utilize the data, and is allowed discretion in using this data only to the extent that the technical or scientific validity of the data in the draft or preliminary FIS is questioned by a qualified professional.
- C. When base flood elevation data has not been provided (A zones), the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the standards in Subsections 703.08, 703.10, and 703.11.

- D. The Planning Director shall, where base flood elevation data is provided through the FIS, Flood Insurance Rate Map, or utilized pursuant to Subsections 703.08(B) or (C), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.
- E. For all new or substantially improved structures, the Planning Director shall review an elevation certificate or a Federal Emergency Management Agency National Flood Insurance Program Floodproofing Certificate (for Non-Residential Structures) provided by the applicant and shall verify and record the actual elevation (in relation to mean sea level) and maintain the elevation and floodproofing certificates required.
 - 1. In either case, the currently effective form shall be used, and it shall be completed in accordance with the accompanying instructions.
 - 2. The determination regarding which certificate is required shall be made based on the nature of the development consistent with National Flood Insurance Program regulations.
- F. The Planning Director shall maintain for public inspection all records pertaining to the provisions of Section 703.
- G. The Planning Director shall review all floodplain development permits to determine if the proposed development activity qualifies as a substantial improvement.
- H. The Planning Director shall provide to building officials the regulatory flood protection elevation applicable to any building requiring a building permit.
- I. The Planning Director shall notify adjacent communities, the State of Oregon Department of Land Conservation and Development, and other appropriate state and federal agencies prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
- J. The Planning Director shall notify the Federal Emergency Management Agency (FEMA) within six months of project completion when an applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified base flood elevations. This notification shall be provided as a Letter of Map Revision (LOMR).
 - 1. The project applicant shall be responsible for preparing technical data to support the LOMR application and for payment of all processing and application fees charged by FEMA.

703.09 FLOODPLAIN DEVELOPMENT PERMITS

Except as provided under Subsection 703.06, a floodplain development permit (FDP) shall be obtained for development laterally within the FMD before construction or development begins. The permit shall be for all structures, including manufactured dwellings, and for all development, including fill and other activities. Work that is necessary to protect existing structures, utility facilities, roadways, driveways, and stream banks in response to emergencies may be undertaken prior to obtaining an FDP, provided that an application is made within 90 days of water receding. The measures used for protection may not be able to be permitted. An FDP requires review as a Type II application pursuant to Section 1307, *Procedures*.

- A. Submittal Requirements: In addition to the submittal requirements identified in Subsection 1307.07(C), an application for an FDP shall include:
1. A site plan drawn to scale, showing elevations of the site; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; and location and elevations of streets, water supply, sanitary facilities, and soil types; and other applicable information;
 2. Specifications for building construction and materials, loads and forces, and effect on soil bearing pressures, erosion control, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities;
 3. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
 4. Either an elevation certificate or a Federal Emergency Management Agency National Flood Insurance Program Floodproofing Certificate (for Non-Residential Structures).
 - a. In either case, the currently effective form shall be used, and it shall be completed in accordance with the accompanying instructions, and based on construction drawings and proposed site locations of development.
 - b. The determination regarding which certificate is required shall be made based on the nature of the proposed development consistent with National Flood Insurance Program regulations.
- B. Factors of Consideration: In reviewing an application for an FDP, the following factors shall be considered:
1. The danger to life and property due to increased flood heights or velocities caused by encroachments;

2. The danger that materials may be swept on to other lands or downstream to the injury of others;
 3. The proposed water supply and sanitation systems and the ability of those systems to prevent disease, contamination, and unsanitary conditions;
 4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 5. The importance to the community of the service provided by the proposed facility;
 6. The requirements of the facility for a waterfront location;
 7. The availability of alternative locations not subject to flooding for the proposed use;
 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 9. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area;
 10. The safety of access to property in times of flood for ordinary and emergency vehicles;
 11. Whether the proposed development activity represents a substantial improvement to an existing structure;
 12. Whether the proposed structure qualifies as a critical facility;
 13. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
 14. Other factors that are relevant to the purpose of Section 703.
- C. Approval Criteria: An FDP shall be subject to the following standards and criteria:
1. All necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
 2. If the proposed development is in the floodway, the standards of Subsection 703.07 have been met.
 3. If the proposed development includes alteration of a watercourse, maintenance will be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4. The proposed development will comply with the applicable provisions of Subsections 703.10 and 703.11.
- D. Conditions of Approval: The County may attach conditions of approval to an FDP if such conditions are deemed necessary to further the purpose of Section 703. Such conditions may include, but are not limited to:
1. Limitations on periods of use and operation;
 2. Imposition of operation controls, sureties, and deed restrictions; and
 3. Floodproofing and other protective measures, such as:
 - a. Installation of watertight doors, bulkheads, and shutters;
 - b. Reinforcement of walls to resist water pressure;
 - c. Use of paints, membranes, or mortars to reduce seepage of water through walls;
 - d. Addition of mass or weight to structures to resist flotation;
 - e. Installation of pumps to lower water levels in structures;
 - f. Construction of water supply and waste treatment systems to prevent the entrance of floodwaters;
 - g. Pumping facilities for subsurface external foundation wall and basement floor pressures;
 - h. Construction to resist rupture or collapse caused by water pressure or floating debris;
 - i. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 - j. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
- E. Finalization of an FDP: If a preliminary elevation certificate or floodproofing certificate was required for a structure, a second elevation certificate is required prior to approval of the foundation inspection. In addition, a building permit for that structure shall not receive a final approval or certificate of occupancy until the County approves a final elevation certificate or floodproofing certificate that is based on the as-built/finished construction.

- F. Approval Period: Approval of an FDP is valid for four years from the date of the final written decision. If the County’s final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void.
1. “Implemented” means all major development permits shall be obtained and maintained, or if no major development permits are required to complete the development contemplated by the approved FDP, “implemented” means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained.
 - a. A “major development permit” is:
 - i. A building or manufactured dwelling placement permit for a new primary structure that was part of the FDP approval; or
 - ii. A permit issued by the County Engineering Division for parking lot or road improvements that were part of the FDP approval.
- G. Time Extension: If the approval of an FDP is not implemented within the initial approval period established by Subsection 703.09(F), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.

703.10 GENERAL FMD STANDARDS

Development in the FMD shall comply with the following standards:

A. Anchoring:

All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods, and Utilities:

1. The following standards shall apply to below-grade crawl spaces. For more detailed information, refer to FEMA Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*. For flood insurance purposes, there is an additional charge that is added to the basic flood insurance policy premium for structures that are built on below-grade crawl spaces.

- a. The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the openings required by Subsection 703.10(B)(1)(b). Because of hydrodynamic loads, crawl-space construction is prohibited in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a professional engineer or licensed architect. Other types of foundations are recommended for these areas.
- b. The crawl space shall have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening shall be no more than one foot above the lowest adjacent exterior grade.
- c. Portions of the building below the base flood elevation (BFE) shall be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- d. Any building utility systems within the crawl space shall be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, shall either be placed above the BFE or sealed from floodwaters.
- e. The interior grade of a crawl space below the BFE shall not be more than two feet below the lowest adjacent exterior grade.
- f. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall shall not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- g. There shall be an adequate drainage system that removes floodwaters from the interior area of the crawl space. The enclosed area shall be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.

- C. Substantial Improvement and Substantial Damage: A structure for which a substantial improvement or repair of substantial damage is proposed shall be elevated, retrofitted, upgraded, etc., such that the structure and all of its interior and exterior service facilities, systems, equipment, machinery and appliances shall be brought into compliance with the applicable standards of this section.
- D. Manufactured Dwellings:
1. Manufactured dwellings to be placed or substantially improved shall be placed on a permanent foundation and elevated pursuant to Subsection 703.11.
 2. Manufactured dwellings shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 3. Manufactured dwellings shall be placed utilizing the applicable designs and guidelines, as approved by the Building Codes Division, of the September 1985 FEMA Publication, *Manufactured Home Installation in Flood Hazard Areas*, and State of Oregon Manufactured Dwelling Installation Specialty Code, whichever is the most restrictive.
- E. Recreational Vehicles: Recreational vehicles shall comply with the requirements of Subsection 703.10(D) for manufactured dwellings or shall be:
1. Located on the site for fewer than 180 consecutive days;
 2. Fully licensed and ready for highway use;
 3. Supported on wheels or a jacking system;
 4. Attached to services on the site only by quick-disconnect type utilities and security devices; and
 5. Void of any permanently attached additions.
- F. Fill:
1. Any fill or other materials — except those proposed within the interior of, and inside the walls of, a crawl space, foundation, basement or enclosure floor — shall be shown to have a beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the applicant, showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
 2. Fill or other materials shall be protected against erosion by riprap, vegetative cover, or bulkheading.

3. Structures may be allowed to be constructed on fill and thereby elevated above the BFE, subject to the following standards:
 - a. The fill shall be placed such that the lowest adjacent finished grade of the fill to the foundation of the structure is at least two feet above the BFE.
 - b. The lowest portion of the lowest structural support system of the building (i.e., the bottom of slab, bottom of footings, or bottom of any other lowest on-grade or sub-grade supporting member) shall be located at least one foot above the BFE.
 - c. Placement of the fill shall require approval of a grading permit.
 - d. The structure shall be constructed pursuant to the applicable standards of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built on Fill in or near Special Flood Hazard Areas Are Reasonably Safe from Flooding*.
4. All fill placed at or below the BFE shall be balanced with at least an equal amount of material removal either on-site, or from a nearby area at or below the BFE and in the same drainage basin. In addition, the following standards shall apply:
 - a. Excavation below the level of the seasonal groundwater table shall not be used in balancing fill volumes against excavation volumes;
 - b. The mean annual groundwater level shall be determined by soil morphology, or other available data on groundwater conditions;
 - c. Balancing of a fill shall occur at the same time as the fill is placed on the development site;
 - d. The site plan required in Subsection 703.09(A)(1) shall identify the area where material is removed from the floodplain to balance fill volumes, including pertinent elevations and volume of fill removed;
 - e. A professional engineer or licensed architect shall certify that the amount of material removed balances the amount of fill material;
 - f. A suitable recorded easement or similar legally binding mechanism, in a form acceptable to County Counsel shall be provided to the Planning Director, indicating that future development of the delineated area where material is removed to balance fill volumes is prohibited, and the delineated area cannot be used in the future as balancing for a fill; and
 - g. When the balancing occurs off-site, the application shall also include:
 - i. Authorization from the owner of the property where the balancing will occur; and

- ii. A legal description of the parcel where the balancing will occur.
5. The following uses or activities are not subject to the provisions of Subsection 703.10(F)(4):
- a. Removal and/or fill necessary to plant new trees or vegetation;
 - b. Removal and/or fill required for the construction of storm-water runoff detention facilities and/or structures; and
 - c. Removal and/or fill required for the construction of other facilities such as levees designed specifically to reduce or mitigate flood impacts.
- G. Stream Crossings, Including Bridges and Culverts, and Transportation Projects:
- 1. Stream crossings and transportation projects shall be designed as balanced removal and fill projects, or designed to not raise the BFE.
 - 2. Stream crossings and transportation projects that encroach into the floodway shall obtain a “no-rise” certification, or, if the “no-rise” condition cannot be achieved, shall obtain a Conditional Letter of Map Revision, prior to permitting the work, followed by a Letter of Map Revision after the work has been completed.
 - 3. Stream crossings and transportation projects shall be designed to minimize the area of fill in the special flood hazard area (SFHA) and to minimize erosive water velocities.
 - 4. Stream crossings shall be as close to perpendicular to the stream as practicable.
 - 5. Stream crossings shall be designed to allow fish passage.
 - 6. Stream crossings and transportation projects are subject to review and approval pursuant to applicable federal and state statutes and administrative rules.
- H. Subdivisions:
- 1. Subdivisions shall be consistent with the need to minimize flood damage.
 - 2. Subdivisions shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize flood damage.
 - 3. Subdivisions shall have adequate drainage provided to reduce exposure to flood damage.

I. Toxic or Hazardous Materials:

1. The storage or use of toxic or hazardous materials in conjunction with nonresidential uses is prohibited, except as permitted in Subsection 703.10(I)(2).
2. Storage or use of toxic or hazardous materials may be permitted if the applicant demonstrates the following:
 - a. The proposed development requires toxic or hazardous materials for operation.
 - b. An area outside the SFHA is not available to be used for storage or use of toxic or hazardous materials.
 - c. The containers, structures, facilities and machinery that contain, use or process the toxic or hazardous materials shall be elevated:
 - i. A minimum of two feet above the BFE in AE zones, as indicated on the FIRM or determined pursuant to Subsection 703.08(B);
 - ii. A level to be determined pursuant to Subsection 703.11(C)(1) in unnumbered A zones, as indicated on the FIRM or determined pursuant to Subsection 703.08(B); or
 - iii. The depth number specified on the Flood Insurance Rate Map — or a minimum of two feet above the highest adjacent grade if no depth number is specified — in shallow flooding areas.
 - iv. The structures that support the containers, structures, facilities, and machinery that contain, use or process the toxic or hazardous materials shall comply with Subsections 703.10(A) and 703.10(B)(2) and (7).

- J. Critical Facilities: Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above base flood elevation or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures shall be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

703.11 SPECIFIC STANDARDS

A. AE Zones with Designated Floodways: In AE zones with designated floodways, as indicated on the Flood Insurance Rate Map (FIRM) or determined pursuant to Subsection 703.08(B), development shall comply with the following criteria:

1. Residential Construction: New construction and substantial improvement of a dwelling shall have the lowest floor, including basement, elevated at least two feet above the base flood elevation (BFE), except that new or substantially improved manufactured dwellings shall have the bottom of the longitudinal frame beam and electrical crossover connections elevated at least one foot above the BFE. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a professional engineer or licensed architect or shall meet or exceed the following minimum criteria. For more detailed information, refer to FEMA Technical Bulletin 1-93, *Openings in Foundation Walls*.
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided, unless the applicant provides documentation from a professional engineer or licensed architect that a flood vent manufacturer's product can provide less than one square inch of opening for every square foot of enclosed area and still meet National Flood Insurance Program standards.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
2. Nonresidential Construction: New construction and substantial improvement of a nonresidential structure shall either comply with Subsection 703.11(A)(1), or, together with attendant utility and sanitary facilities, shall comply with the following criteria. For more detailed information, refer to FEMA Technical Bulletin 3-93, *Non-Residential Floodproofing — Requirements & Certification*.
 - a. The structure shall be floodproofed, so that below the point one foot above the BFE, the structure is watertight, with walls substantially impermeable to the passage of water. Applicants floodproofing nonresidential structures shall be notified in writing that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to one foot above the BFE will be rated as being floodproofed to the BFE).

- b. The structure shall have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. A professional engineer or licensed architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the County.
- B. AE Zones without Designated Floodways: In AE zones without designated floodways, as indicated on the FIRM or determined pursuant to Subsection 703.08(B), development shall comply with Subsection 703.11(A) and the following criteria:
1. The cumulative effect of the proposed development and all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
 2. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow.
 3. So far as practical, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- C. Unnumbered A Zones: In unnumbered A zones, as indicated on the FIRM or determined pursuant to Subsection 703.08(B), development shall comply with the following criteria:
1. Proposed construction shall be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, post-flood improvements to the waterway, etc., where available. Failure to elevate the lowest floor to at least two feet above the highest grade may result in higher insurance rates.
 2. Proposed residential construction shall comply with Subsections 703.11(A)(1). Proposed nonresidential construction, together with attendant utility and sanitary facilities, shall comply with Subsections 703.11(A)(2). However, the level to which the structure must be elevated or floodproofed shall be determined pursuant to Subsection 703.11(C)(1).
 3. Proposed construction shall comply with Subsections 703.11(B)(2) and (3).
 4. The applicant shall provide base flood elevations for the area of development. Where base flood elevation data have not been provided or are not available from another authorized source, the data shall be generated for subdivisions or other proposed development that contain at least 50 lots or five acres, whichever is less.

D. Areas of Shallow Flooding: In areas of shallow flooding, development shall comply with the following criteria:

1. New construction and substantial improvement of a dwelling shall comply with Subsections 703.11(A)(1) and shall have the lowest floor, including basement, elevated above the highest adjacent grade of the building site to a minimum of two feet above the depth number specified on the FIRM. If no depth number is specified, the lowest floor shall be elevated at least two feet above the highest adjacent grade of the building site.
2. New construction and substantial improvement of a nonresidential structure shall either comply with Subsection 703.11(D)(1), or, together with attendant utility and sanitary facilities, shall comply with Subsection 703.11(A)(2), except that the structure shall be floodproofed to the elevation identified in Subsection 703.11(D)(1).
3. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

703.12 EXCEPTION

A. Approval Criteria: Certain non-residential structures — such as detached garages and storage sheds solely used for parking and limited storage that are no greater than 400 square feet in area and do not exceed one story, pole barns used for storage of farm machinery and equipment, small garden sheds, and structures used in conjunction with agricultural activities — may be granted an exception from the elevation and floodproofing standards of Subsection 703.11, subject to the following criteria. (For more detailed information, refer to FEMA Technical Bulletin 7-93, *Wet Floodproofing Requirements*.) Additionally, the following structures may qualify for the exception: residential accessory structures up to 200 square feet, which may not require a building permit pursuant to Oregon Residential Specialty Code R105.2; residential accessory structures greater than 200 and up to 400 square feet if the lot size and setbacks qualify pursuant to Oregon Residential Specialty Code R105.2; and commercial accessory structures that are up to 120 square feet, which may not require a building permit pursuant to Oregon Structural Specialty Code 105.2.

1. The exception is reviewed pursuant to Subsection 703.13, and compliance with the approval criteria of Subsection 703.13(A) is demonstrated.
2. The structure will be wet floodproofed.
3. The structure will not be temperature controlled.
4. The structure will not cause significant flood risk.
5. The structure will not be used for human habitation, and will be utilized for storage or parking.

6. The structure will be located, designed, and constructed to have low flood damage potential.
 7. The structure will be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.
 8. The structure will not be used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality, unless confined in a tank installed in compliance with Section 703 or stored at least one foot above the base flood elevation.
 9. The structure will be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
 10. The structure will be constructed with electrical and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
 11. The structure will be constructed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or comply with Subsections 703.11(A)(1)(a) through (c).
 12. The structure will be constructed with flood-resistant materials that meet the requirements of the County Building Codes Division, up to:
 - a. A minimum of one foot above the BFE in AE zones, as indicated on the FIRM or determined pursuant to Subsection 703.08(B);
 - b. A level to be determined pursuant to Subsection 703.11(C)(1) in unnumbered A zones, as indicated on the FIRM or determined pursuant to Subsection 703.08(B); or
 - c. The depth number specified on the Flood Insurance Rate Map — or a minimum of two feet above the highest adjacent grade if no depth number is specified — in areas of shallow flooding.
 13. If the structure will be located in the floodway, the structure will comply with Subsection 703.07.
- B. Insurance Consequences: If an exception is granted for a structure that is accessory to a dwelling and the structure will exceed a value greater than 10 percent of the value of the dwelling, the applicant shall be given written notice that substantial increases in insurance rates may result.

703.13 VARIANCES

- A. Approval Criteria: In conjunction with review of a floodplain development permit, a variance from the requirements of Section 703 may be approved, subject to the following standards and criteria:
1. The request is consistent with Subsection 703.09(B).
 2. There is good and sufficient cause for the variance.
 3. Compliance with the requirements for which the variance is requested would cause an exceptional hardship to the applicant.
 4. Approval of the variance would not result in increased flood levels during base flood discharge, additional threats to public safety, extraordinary public expense, or a nuisance condition, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 5. The variance requested is the minimum necessary, considering the flood hazard, to provide relief.
 6. If the proposal is to repair or rehabilitate a historic structure that is listed on the National Register of Historic Places or a State or Local Inventory of Historic Places, the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. Consequences: If a variance is granted that allows the lowest floor of a structure to be built below the regulatory flood protection elevation, the applicant shall be given written notice that:
1. The cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation; and
 2. Such construction below the base flood level increases risks to life and property and the County is not liable for any damages that result from the variance approval.
- C. The written notice required by Subsection 703.13(B) shall be maintained with a record of all variance actions.

[Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-275, 1/18/19]



June 27, 2023

Dane Fitch
4084 NE 5th Dr
Gresham, OR 97030

SUBJECT: Violation of the Clackamas County Building Code, Title 9.02.040
(B),(C),(D),(E)

VIOLATION: V0015422

SITE ADDRESS: 58226 E Marmot Rd., Sandy, OR 97055
LEGAL DESCRIPTION: T2S, R6E, Section 22BC, Tax Lot 01400

This letter serves as notice of a violation of the Clackamas County Code. The violations include:

Two-story addition and remodel to a single family residence without permits
Detached garage built without permits and converted into a bunk room

VIOLATIONS & HOW TO RESOLVE

On April 4, 2022 Clackamas County received a complaint regarding a remodel of a single family residence and a detached garage without permits. Based on research of the listing of the property on Zillow and listing of the rental advertisement it was confirmed that the remodel of the residence and conversion of the detached garage has been done without permits. Further research indicates that the two story addition to the single family residence appears to have also been done with permits.

On October 19, 2022 permit B0647122 was submitted for the detached garage and B0419022 was submitted for the addition to the house.

A review from the planning department for the detached garage permit determined that the entire property is in the Flood Way and development is not allowed. In addition, the structure was also built without permits. There have been several emails between Justin Leithem and the planning department to determine what steps would need to be taken in order to keep the detached garage structure.

Permit B0419022 for the addition to the single family residence was determined to be an incomplete submittal as the plans were not drawn to code and an licensed engineer or architect will be required to stamp the corrected drawings and provide calculations.

The two-story addition, interior remodel and detached garage without permits constitutes a violation of Clackamas County Code Title 9.02.040 (B),(C),(D),(E). In order to abate the violation(s), you must complete the following **no later than July 27th, 2023**:

Two-story addition and interior remodel of a single family residence.

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s).
****A licensed engineer or architect with the State of Oregon is required to stamp the drawings and submit calculations****
- Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>
 - Respond to all requests for addition plan review information within ten days of being notified.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

Detached garage built without permits

The detached garage on the subject property was built without permits. Because the property is in the Flood Way the garage will not be able to remain in its current location. Based on emails from the planning department you appear to have two choices in order to abate the garage violation.

- You will need to submit for a no rise certification through FEMA. Once the analysis is complete, you would then have to submit the appropriate land use applications with the County. If land use is approved you will have 30 days from the date of the approval to submit or have your professional submit technically complete plans and pay appropriate fee(s).

OR

- You can abate the violation by submitting a demolition permit application to remove the detached garage and all associated demolition debris from the subject property.
 - You will be required to have a licensed electrician submit an electrical permit to decommission the electrical that was installed in the detached garage.
 - Respond to all requests for addition plan review information within ten days of being notified.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

CONTACT INFORMATION

Planning – If you have questions concerning land use requirements please contact the Land Use and Planning Department at 503-742-4500 or on-line at ZoningInfo@clackamas.us.

Building – If you have questions concerning permitting requirements please contact the building department at 503-742-4240 or on-line at bldservice@clackamas.us.

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beaver Creek Road, Oregon City. The lobby is open between the hours of 8:00 a.m. to 4:00 p.m. Monday through Thursday. Our offices are closed to the public on Fridays.

If you have any questions my direct telephone number is 503-742-4759 and my email is jkauppi@clackamas.us.

Jennifer Kauppi

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.

Kauppi, Jennifer

From: Kauppi, Jennifer
Sent: Tuesday, July 18, 2023 3:07 PM
To: 'Justin Leithem'
Subject: RE: Breezeway to the detached structure on Marmot

Heck ya.....glad to hear!

I will postpone the hearing once I receive an email from the architect that you have hired to do the work.

Jennifer

From: Justin Leithem <justin@irongaterealtygroup.com>
Sent: Tuesday, July 18, 2023 3:04 PM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: Re: Breezeway to the detached structure on Marmot

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

Hey Jennifer

I just got off a good phone call with Steve. We have a clear path forward. I'm going to get the architect working on a plan that includes us extending the current house to connect the garage. Once that is complete we will submit that to the company that will do the no rise survey and once complete we can submit the plans and survey to you guys. Let me know what you need from us to show so we can postpone the hearing. And thank you!

Sent from my iPhone

On Jul 18, 2023, at 1:04 PM, Kauppi, Jennifer <JKauppi@clackamas.us> wrote:

Justin,

I heard back from Steve Hanschka. The breezeway is not an option between the two structures.

Thank you

Jennifer Kauppi – Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beaver Creek Rd.
Primary Phone: 503-742-4759

www.clackamas.us

Hours: M-F from 7:30 a.m. until 4:00 p.m.

Lobby hours 8:00 a.m. until 4:00 p.m. Monday – Thursday. Offices are closed to the public on Fridays.



INVOICE

HIEN (ELSON) NGUYEN (HM Group LLC) 3036 SE 131 st Ave Portland, OR 97236 (971) 563-2067 elson.hmgrouppdx@gmail.com		
		To: Justin Leithem

Customer	Project Information	Scope of Work	Payment Term
Justin Leithem leithem09@gmail.com (503) 502-5375	Garage Conversion 58226 E Marmot Rd. Sandy, OR 97055	Convert existing detached garage into habitable space	Invoice

Stage#	Description	Notes
1	Prepare plan set for building permit submission	exclude structural design if needed
2	Correction response submission	

1	Prepare plan set for building permit submission	exclude structural design if needed
2	Correction response submission	
3	Permit running	

Proposal Fee: \$2,000 (Including the architectural plan set and permit running)

Payment Notes: Payments will be split into **3 Phases**.

- Phase #1: **\$1,200** Deposit To Start Doing The Work

Note: Deposit is non-refundable if the scope of work is canceled by any reason

- Phase #2: **\$500** Correction Response Submission
- Phase #3: **\$300** Permit Is Approved

(If the project exceeds the maximum working values/hours, or any changes that are not included in the agreement, the payment will be added separately and counted by hour rate.)

Make all checks payable to Hien Nguyen and send to 3036 SE 131st Ave Portland, OR 97236

From: leithem09@gmail.com
To: [Kauppi, Jennifer](#)
Subject: Fwd: Case Number: B2409006 - Clackamas County : Sandy River
Date: Thursday, October 19, 2023 6:59:51 PM
Attachments: [image001.png](#)

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

See email
Thread below. Just waiting for fema.

Sent from my iPhone

Begin forwarded message:

From: kelli grover <kg@firwooddesign.com>
Date: October 10, 2023 at 1:33:47 PM PDT
To: leithem09@gmail.com
Subject: FW: Case Number: B2409006 - Clackamas County : Sandy River

Hi Justin - passing along the email I received from FEMA – looks like it will be a few weeks before we receive the requested information. Thanks -

Kelli A. Grover, P.E.



359 E. Historic Columbia River Highway
Troutdale, OR 97060
P:503-668-3737 X113
Licensed in OR,WA,ID & MT
OR DBE,WBE #3741

From: FEMA-EngineeringLibrary [<mailto:fema-engineeringlibrary@fema.dhs.gov>]
Sent: Tuesday, October 10, 2023 9:37 AM
To: kelli grover
Cc: FEMA-EngineeringLibrary
Subject: Case Number: B2409006 – Clackamas County : Sandy River

October 10, 2023

Case Number: B2409006 – Clackamas County : Sandy River

We received your request for technical support data related to a Federal Emergency Management Agency (FEMA) Flood Insurance Study. Your submittal seems to include all the necessary information for us to process your request. If we find that we need any additional information while conducting our research, we will contact you.

Requests are typically completed in 3 to 4 weeks, once we have all the required

information and fees.

Your request has been placed in a que for processing and will be processed in the order it was received. You may also contact the FEMA Engineering Library at fema-engineeringlibrary@fema.dhs.gov with any additional questions. **Please make sure to reference the case number above on all correspondence.**

Please note the following regarding receipts for payment. If you paid with a credit card, once your payment is processed an automated receipt will be emailed to you via <https://protect-us.mimecast.com/s/4uuNCDkogpsj0N7BUWxfQI?domain=pay.gov>. If you paid via check, then your processed check is your receipt. If you did not receive your receipt or have any questions regarding the fee processing, please contact our Fee Administrator at fema-mappingfees@fema.dhs.gov.

FEMA Engineering Library Team