



NOTICE OF HEARING

March 12, 2025

David Bertram
22929 S Wilcock Rd
Canby, OR 97013

Esther Fawver
7335 S Fawver Rd
Canby, OR 97013

RE:: County of Clackamas v. David Bertram and Esther Fawver
File: V0075717

Hearing Date: April 8, 2025

Time: This item will not begin before 10:30 am 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 Shane Potter, Code Compliance Specialist for Clackamas County at (503) 742-4465, 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 Officers 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 peachboydave@yahoo.com. A copy of the link is provided below. Once you have joined the meeting, please allow the moderator to promote you to a panelist.

If you would like to present evidence at the Hearing please email or mail your evidence to Shane Potter 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 Shane Potter at 503-742-4465 **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. **When joining the webinar please accept the request to join as a panelist.**

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 PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/84867348441?pwd=iO3M59dJ38B7oSIA2vaQGbBAZAPyj.1>

Passcode:414102

Phone one-tap:

+17193594580,,84867348441#,,,,*414102# US

+12532050468,,84867348441#,,,,*414102# US

Join via audio:

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 876 9923 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

Webinar ID: 848 6734 8441

Passcode: 414102

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 COUNTY OF CLACKAMAS

CLACKAMAS COUNTY,

Petitioner,

v.

DAVID BERTRAM FAWVER &
ESTHER M J FAWVER,

Respondents.

FILE NO(S): V0075717

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents' mailing address is: 7335 S Fawver Rd., Canby, OR 97013 and 22929 S Wilcock Rd., Canby, OR 97013.

2.

The Respondents own/owns or occupies the address or location of the violation(s) of law alleged in this complaint 22929 S Wilcock Rd and No Address, also known as T3S, R1E, Section 29D, Tax Lots 00500 and 00800, the properties are zoned EFU (Exclusive Farm Use) and is the location of violation(s) asserted by the County.

3.

a. On or about the 19th day of August 2020, and on or about the 2nd day of December, 2020 the Respondents violated the following laws, in the following ways:

Title 9 of the Clackamas County Building Code Section 02.040 for failure to obtain permits for the greenhouses and two expired electrical permits. This violation is a Priority 1 violation pursuant to the Clackamas County priorities.

Title 10 of the Clackamas County Franchise Code Section .03.060 for solid waste on site. This violation is a Priority 4 violation pursuant to Clackamas County priorities.

Title 12 of the Clackamas County Zoning Ordinance Section 401.04 for occupied recreational vehicles. This violation is a priority 2 violation pursuant to the Clackamas County priorities.

b. On or about the 19th day of August 2020, and on or about the 11th day of October 2021 the Respondents violated the following laws, in the following ways:

Title 9 of the Clackamas County Building Code Section 02.040 for failure to complete two electrical permits. This violation is a Priority 1 violation pursuant to the Clackamas County priorities.

Title 12 of the Clackamas County Zoning Ordinance Section 401.04 for occupied recreational vehicles. This is a Priority 2 violation pursuant to the Clackamas County priorities.

c. On or about the 4th day of January 2023, and on or about the 3rd day of May 2023 the Respondents violated the following laws, in the following ways:

Title 9 of the Clackamas County Building Code Section 02.040 for creating an accessory dwelling in the pole barn without permits and inspections. This violation is a Priority 1 violation pursuant to the Clackamas County priorities.

Title 12 of the Clackamas County Zoning Ordinance Section 401.04 for creating an accessory dwelling without obtaining land use approval. This is a Priority 2 violation pursuant to Clackamas County priorities.

4.

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

5.

Notice of the violation was given to Respondents in the following manner:

a. Violation notices dated August 19, 2020 and Citation and Complaints #1500757-1 dated December 2, 2020 and #1500757-2 dated October 11, 2021. A copy of the notice documents is attached to this complaint as Exhibits G, K and N and incorporated by this reference.

b. Violation notices dated January 4, 2023 and Citation and Complaint #1500757-3 dated May 3, 2023. A copy of the notice documents is attached to this complaint as Exhibits R and T 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 Respondents to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondents from violating these laws in the future;

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondents for each violation, within the range established by the Board of County Commissions. Said range for a Priority 1 for a Building Code violation being \$750.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code. Said range for a Priority 4 Solid Waste Code violation being \$100.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code. Said range for a Priority 2 Zoning Ordinance violation being \$750.00 to \$3,500.00 per occurrence as provided by Appendix B to the Clackamas County Code.

3. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to pay an administrative compliance fee as provided by Appendix A to the Clackamas County Code; and

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

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

DATED THIS 7th day of March, 2025

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

Shane Potter
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

CLACKAMAS COUNTY,

Petitioner,

File No.: V0075717

v.

DAVID BERTRAM FAWVER & ESTHER
M J FAWVER,

Respondents.

STATEMENT OF PROOF

History of Events and Exhibits:

Exhibit A

The respondents' mailing address is 7335 S Fawver Rd., Canby, OR 97013 and 22929 S Wilcock Rd., Canby, OR 97013. The address the Respondents own/reside on is 22929 S Wilcock Rd., Canby, OR 97013, also known as T3S, R1E, Section 29D Tax Lot 00500 and 00800. Both parcels are zoned EFU (Exclusive Farm Use). Exhibit A page 2 is a map showing outlines of all parcels the Respondent owns in this area, however the ones in blue are the parcels that are being addressed in this violation.

Pages 3 through 7 are photos starting on page 3 a 2018 aerial, then 2020, 2021, 2023 and then page 7 being a 2025 aerial of tax lot 500.

Pages 8 through 12 are photos starting on page 8 a 2018 aerial, then 2020, 2021, 2023 and then page 12 being a 2025 aerial of tax lot 500.

September 6, 2017

Clackamas County received complaints regarding an occupied recreational vehicle and solid waste on site.

December 26, 2017
Exhibit B

A letter of allegation was mailed to the Respondents seeking contact with the County within 10 days of the letter. The letter was mailed first class mail, and the mail was not returned.

January 2, 2018

Clackamas County Code Enforcement Specialist (CES) Shane Potter received a call from the owner who stated that they are currently trying to get rid of the tenants. Later that day an individual named Rick called who said they rent the property. Rick stated they do stay there in the recreational vehicles in the summer during the growing of their crops. CES Potter informed them they must obtain land use approval to use the recreational vehicles as temporary dwellings.

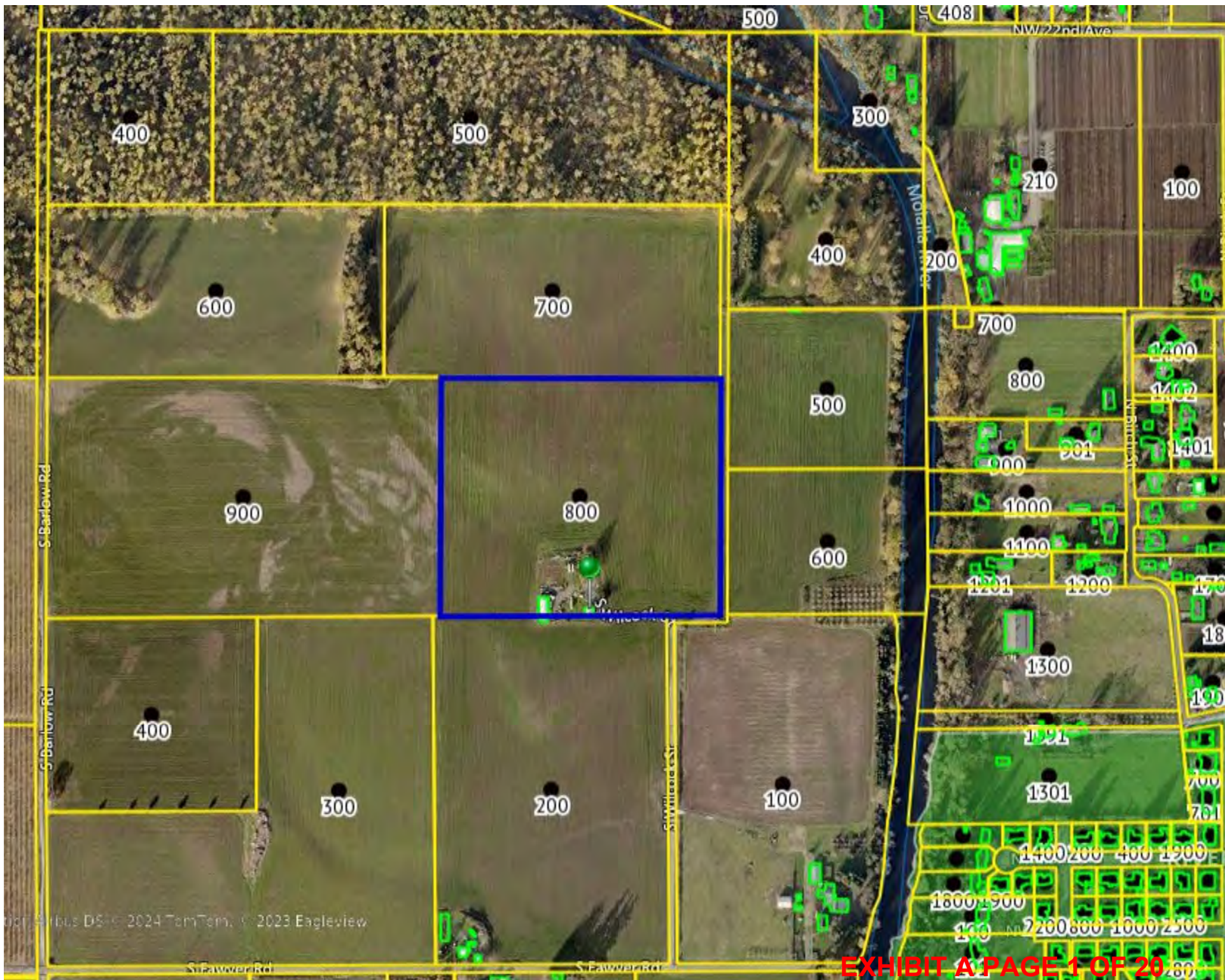
February 1, 2018 Exhibit C	CES Mike Boyes conducted a site visit. CES Boyes attempted to contact Respondent David Fawver to meet at the site but was unable to reach him. CES Boyes identified 2 recreational vehicles and large greenhouses.
March 29, 2018	Respondent David Fawver called and stated they have removed the two trailers, but some trash remains on site.
July 25, 2018 Exhibit D	CES Kimberly Benthin conducted a site visit. CES Benthin identified 2 recreational vehicles on tax lot 500 and at least 3 recreational vehicles on tax lot 800 where the house is located. CES Benthin identified popouts open and a dish antenna on the roof. The recreational vehicles were fully visible from the right of way. CES Benthin identified black plastic piled up visible from surrounding properties.
September 20, 2018 Exhibit E	CES Potter prepared a Notice of Violation for a zoning violation for occupied recreational vehicles. The notice gave a deadline of October 19, 2018. The notice was mailed first class mail, and the mail was not returned.
January 14, 2019 Exhibit F	CES Barnes conducted a site visit and identified a recreational vehicle back by the greenhouses.
August 22, 2019 Exhibit G	CES Barnes conducted a site visit and there were no trespass signs on the streets to both tax lots in question. CES Barnes took photos from the road and from the other side of the river where recreational vehicles could be seen.
September 16, 2019	An individual named Nick called and spoke with CES Potter and explained the recreational vehicle by the river is used for lunches. CES Potter explained they must obtain approval for that type of use.
June 3, 2020 Exhibit H	CES Benthin conducted a site visit and identified several greenhouses along with commercial vehicles and recreational vehicles. CES Benthin identified piles of black plastic that were not photographed.
August 19, 2020 Exhibit I	CES Potter prepared an updated the Notice of Violation to address the solid waste, greenhouses built without permits and outstanding electrical permits and occupied recreational vehicles. The letter provided a deadline of September 19, 2020. The notice was mailed first class mail, and the mail was not returned.

November 6, 2020 Exhibit J	CES Potter completed a site visit and identified recreational vehicles remaining on site, solid waste remains on site and greenhouses remain unpermitted on site. These items were seen on site.
December 2, 2020 Exhibit K	Citation #1500757-1 issued for 1) multiple large-scale greenhouses erected without permits and two outstanding electrical permits that have expired; 2) solid waste around the greenhouses and down the lane. There is black plastic throughout the site; 3) there are occupied recreational vehicles on site, mostly located around the house and back by the river. The citation was mailed first class mail, the mail was not returned, and the citation has not been paid.
February 25, 2021 Exhibit L	CES Potter conducted a site visit and identified multiple greenhouses, semi-trailers, porta potties, and recreational vehicles consistent with previous site visits.
April 29, 2021 Exhibit M	CES Potter conducted a site visit and identified recreational vehicles both at the house and near the greenhouses, and greenhouses remain on site.
October 11, 2021 Exhibit N	Citation #1500757-2 was issued for 1) occupied recreational vehicles on site; 2) two electrical permits remain and greenhouses built without permits. The citation was mailed first class mail, the mail was not returned, and the citation has been paid.
February 14, 2022	CES Potter spoke with Canby Fireman Matt English who had been on a call to the site due to burn violations. During the site visit Matt English identified an individual living in the shop.
January 13, 2022 Exhibit O	CES Potter conducted a site visit and identified recreational vehicles on site along with solid waste piled up by the road.
April 4, 2022 Exhibit P	CES Potter conducted a site visit and identified recreational vehicles on site along with solid waste piled by the road.
May 6, 2022 Exhibit Q	CES Potter received an email from Matt English who stated they went on site on May 5, 2022, and talked to an individual who stated they reside in the recreational vehicle. Matt English provided a photo of the location.

September 29, 2022	Respondent David Fawver came into the County offices and spoke with CES Andrea Hall. Respondent David Fawver stated two individuals reside in the recreational vehicle and there are no plans to have them relocate. Respondent David Fawver explained to CES Hall that his daughter lives in the house and he lives in the pole building.
January 4, 2023 Exhibit R	CES Potter prepared a new Notice of Violation to address the zoning violation for multiple dwellings and building code violations for living in the pole barn without permits. The notice provided a deadline of February 4, 2023, to abate the violations. The notice was mailed first class mail, and the mail was not returned.
April 21, 2023 Exhibit S	CES Potter conducted a site visit and identified recreational vehicles remaining on site, small amount of solid waste, and no greenhouses identified. Nothing appeared to change around the house.
May 3, 2023 Exhibit T	CES Potter researched permits and found no permit activity for the pole barn. CES Potter prepared citation #1500757-3 for a building code violation for failure to obtain permits for the residential dwelling in the pole barn and a zoning code violation for accessory dwellings without land use approval. The citation was mailed first class mail, the mail was not returned, and the citation has been paid.
May 18, 2023 Through May 23, 2023 Exhibit U	On May 18, 2023, CES Hall met with Respondent David Fawver at the County Offices. Respondent David Fawver said he understands the permits need to be addressed and he paid the citation for \$900.00. He requested that CES Potter send an email detailing what needs to be done to remedy the situation. On May 19, 2023, CES Potter emailed Respondent David Fawver the requested information. On May 23, 2023, Respondent David Fawver asked that I provide him with a little time to get this done.
January 22, 2025 Exhibit V	CES Potter conducted a site visit and identified the recreational vehicles remaining on site. CES Potter researched County records and found no permits have been obtained for the pole barn.
February 7, 2025	Clackamas County referred this matter to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of the solid waste, building code, and/or zoning code violations exist on the subject property, the County would request a Final Order be issued requiring the Respondents:

- Payment of Citation #1500757-1 for \$200.00.
- Civil penalties for the following:
 - Imposition of civil penalties for citation #1500757-1 for a building code violation of up to \$1,000.00 and a solid waste code violation up to \$1,000.00 and a zoning code violation up to \$2,500.00.
 - Imposition of civil penalties for citation #1500757-2 for a building code violation up to \$1,000.00 and a zoning code violation up to \$2,500.00.
 - Imposition of civil penalties for citation #1500757-3 for a building code violation up to \$1,000.00 and a zoning code violation up to \$2,500.00.
- The imposition of an administrative compliance fee to be imposed from September 2018 for a total of \$5,626.00. However, due to several months of inactivity the County is requesting a reduction of this fee of \$3,375.00 for a total requested administrative compliance fee by the County of \$2,250.00.
- If the violations are not abated the County may request authorization for further enforcement action including proceeding to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.
- The County would also ask that reimbursement be ordered for any expense the County incurs in collection of these monies.



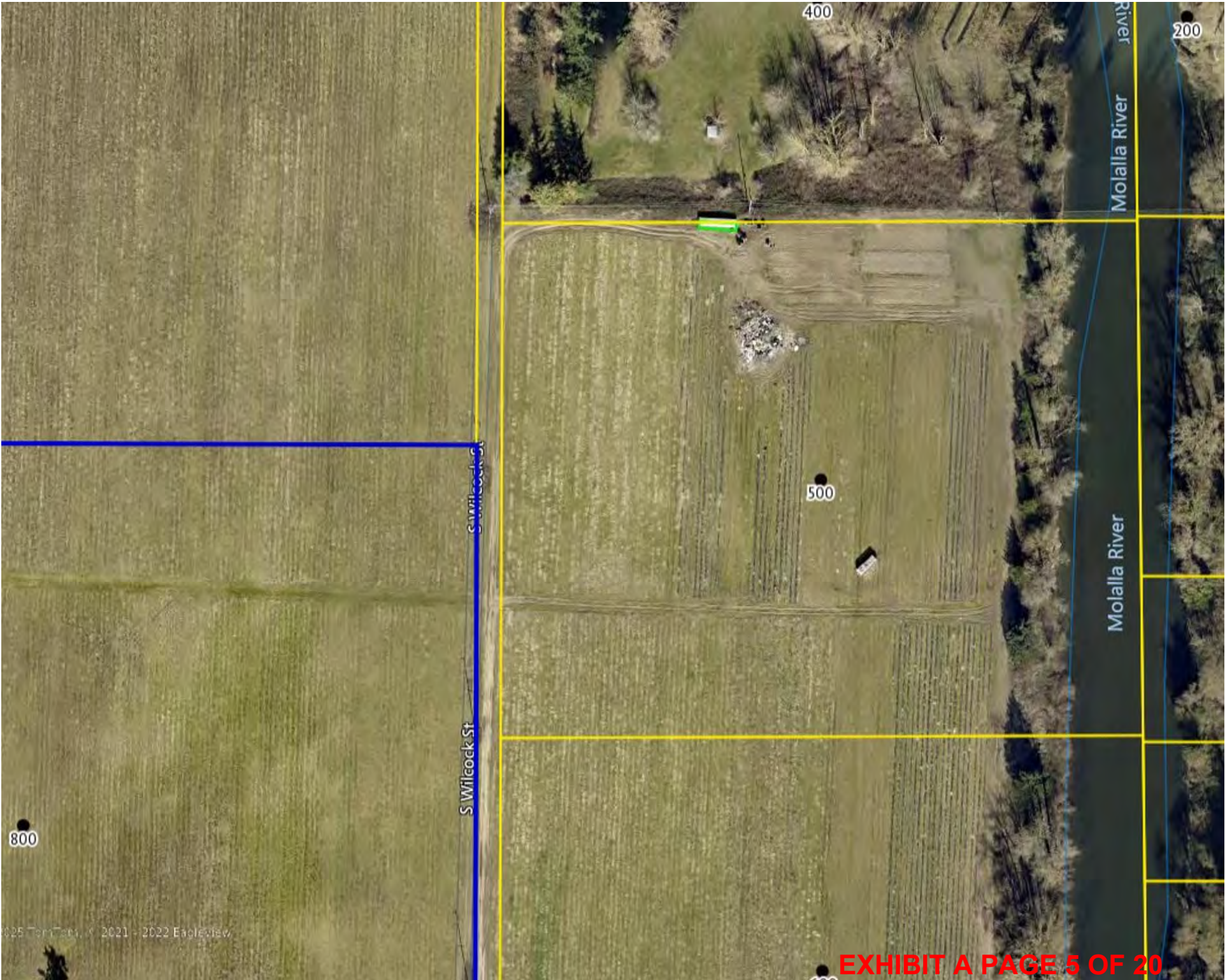
© 2024 TomTom, © 2023 Eagleview

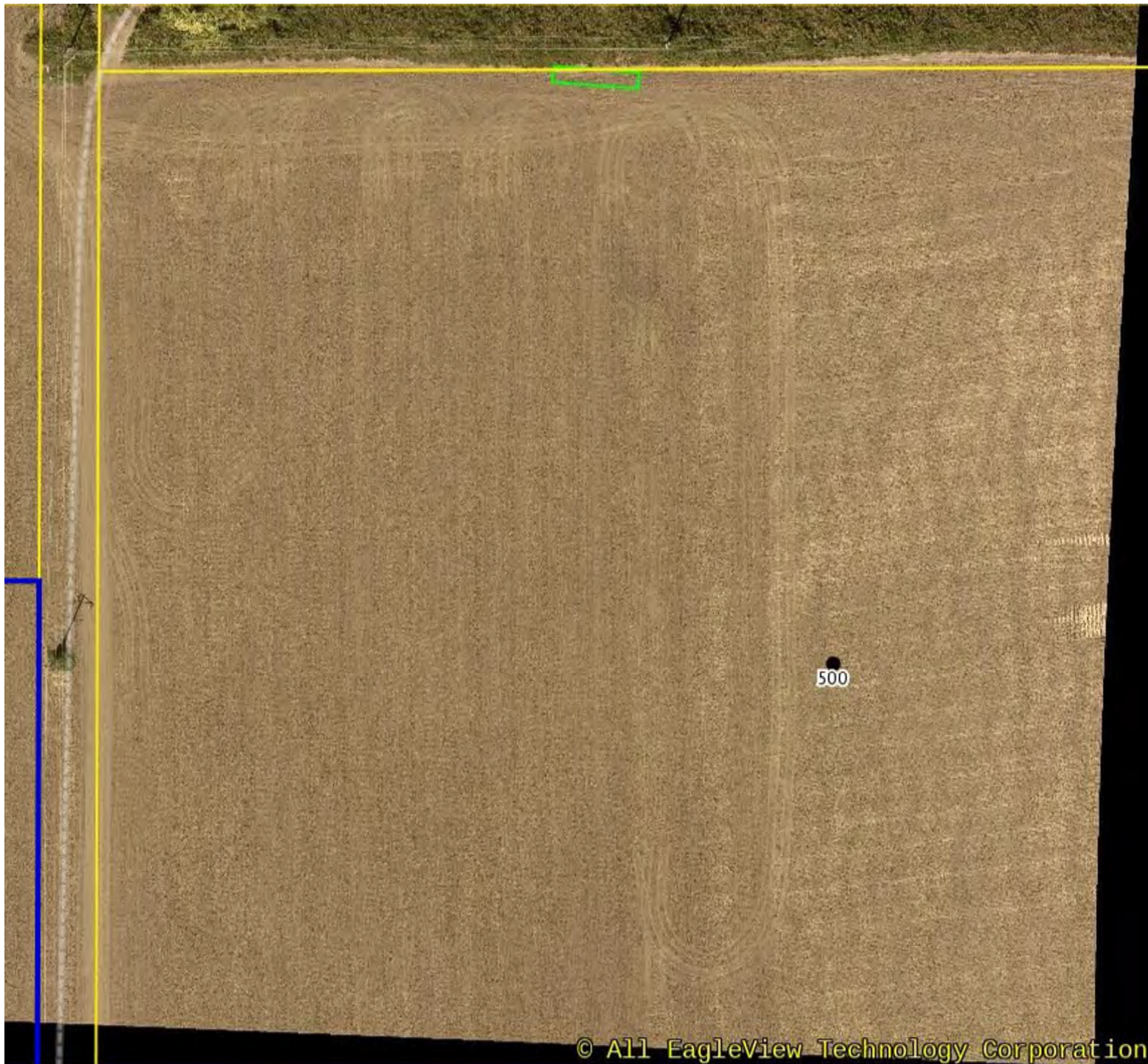




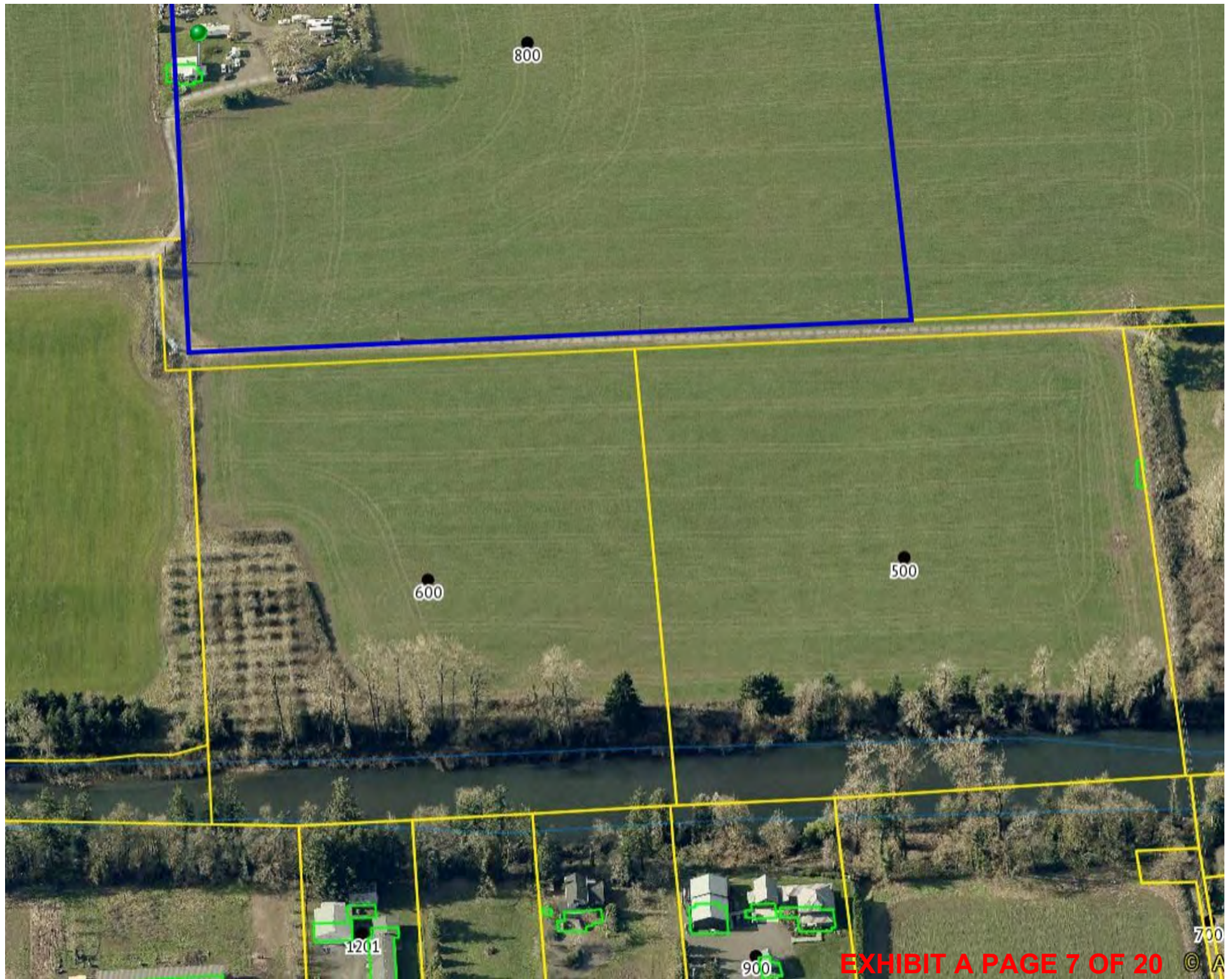


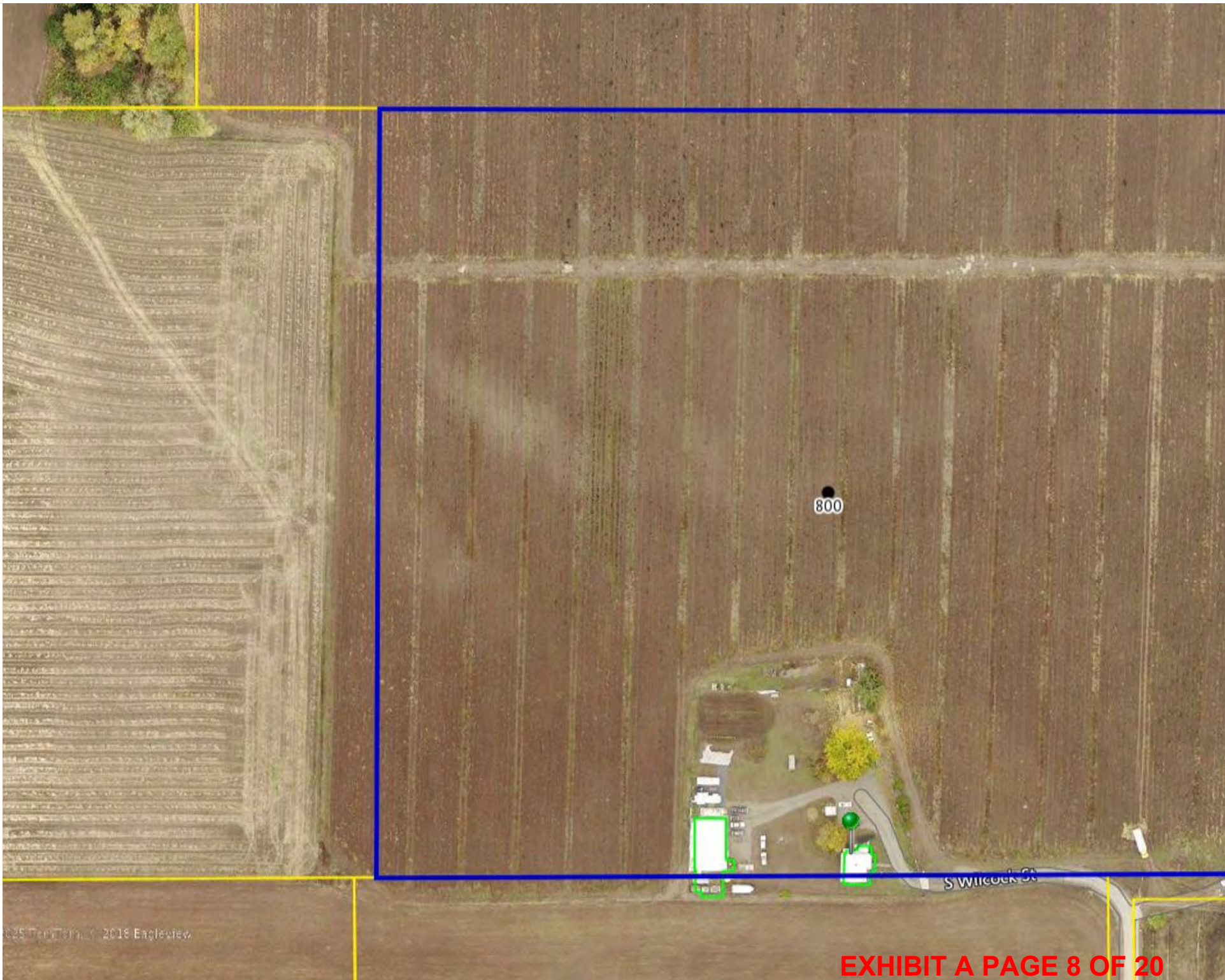
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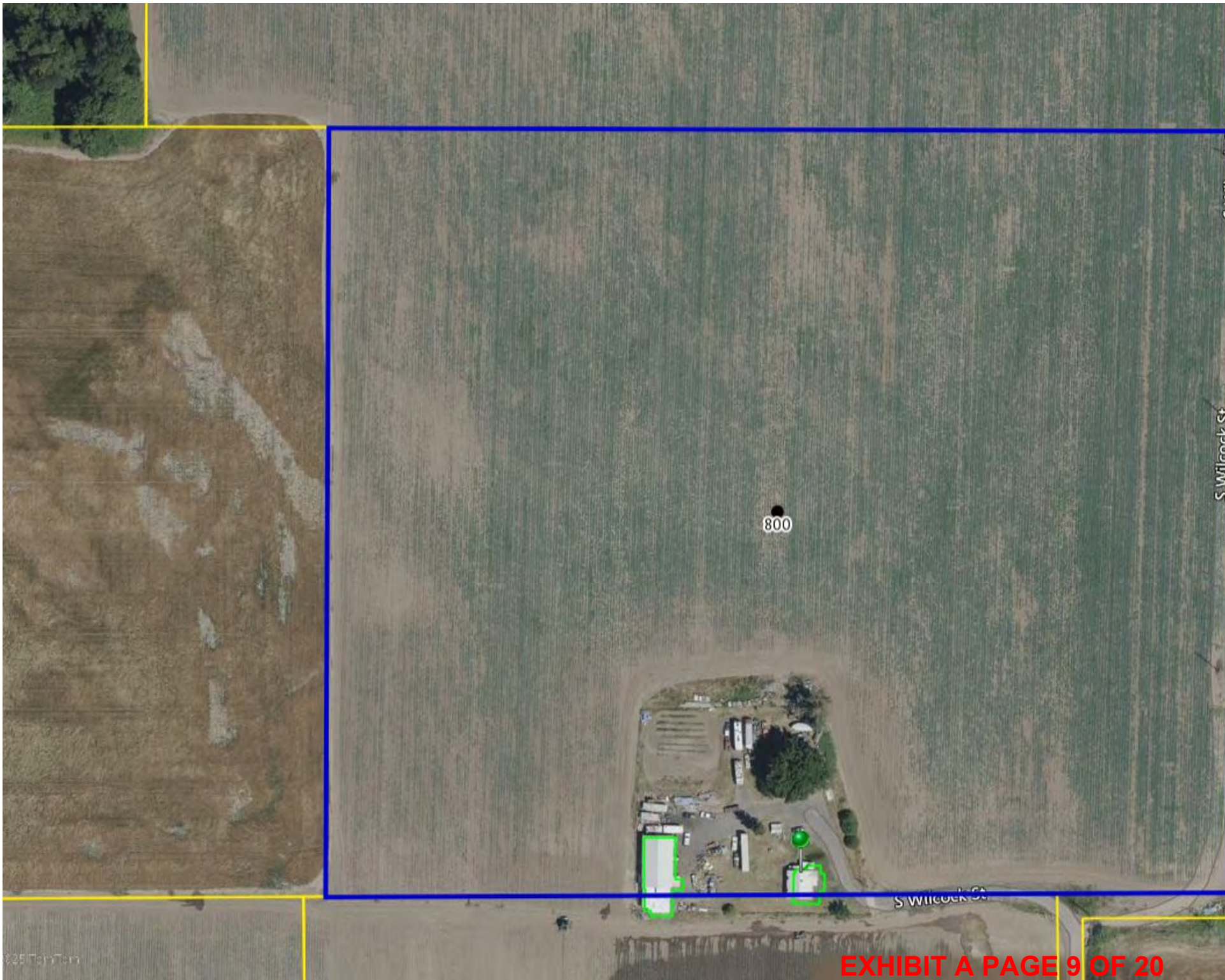


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00778974

Property Account Summary

Account Number 00778974 **Property Address** NO SITUS , ADDRESS, OR

General Information

Alternate Property #	31E29D 00500
Property Description	Section 29 Township 3S Range 1E Quarter D TAX LOT 00500
Property Category	Land &/or Buildings
Status	Active, Locally Assessed, Use Assessed
Tax Code Area	086-049
Remarks	

Tax Rate

Description	Rate
Total Rate	14.3305

Property Characteristics

Property Tax Deferral	Potential Additional Tax Liability
Neighborhood	13184: Canby/Wilsonville rural all other
Land Class Category	550: EFU farmland vacant
Acreage	10.11
Change property ratio	5XX

Related Properties

No Related Properties Found

Parties

Role	Percent	Name	Address
Taxpayer	100	FAWVER DAVID BERTRAM	22929 S WILCOCK RD, CANBY, OR 97013
Owner	100	FAWVER ESTHER M J	7335 S FAWVER RD, CANBY, OR 97013
Owner	100	FAWVER DAVID BERTRAM	22929 S WILCOCK RD, CANBY, OR 97013

Property Values

Value Type	Tax Year 2024	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020
AVR Total	\$16,427	\$15,949	\$15,488	\$15,045	\$14,609



00778750

Property Account Summary

Account Number 00778750 **Property Address** 22929 S WILCOCK RD , CANBY, OR 97013

General Information

Alternate Property #	31E29 00800
Property Description	Section 29 Township 3S Range 1E TAX LOT 00800
Property Category	Land &/or Buildings
Status	Active, Locally Assessed, Use Assessed
Tax Code Area	086-049
Remarks	

Tax Rate

Description	Rate
Total Rate	14.3305

Property Characteristics

Property Tax Deferral	Potential Additional Tax Liability
Neighborhood	13184: Canby/Wilsonville rural all other
Land Class Category	551: EFU farmland improved
Building Class Category	13: Single family res, class 3
Year Built	1920
Acreage	22.55
Change property ratio	5XX

Related Properties

No Related Properties Found

Parties

Role	Percent	Name	Address
Taxpayer	100	FAWVER DAVID BERTRAM	22929 S WILCOCK RD, CANBY, OR 97013
Owner	100	FAWVER ESTHER M J	7335 S FAWVER RD, CANBY, OR 97013
Owner	100	FAWVER DAVID BERTRAM	22929 S WILCOCK RD, CANBY, OR 97013

Property Values

41

Until a change is requested send tax statements to:
Same as of record

After recording return to:

Esther M.J. Fawver
7335 Fawver Road
Canby, OR 97013

Grantor

Esther M. J. Fawver

Grantees

Esther M. J. Fawver and David Bertram Fawver

Clackamas County Official Records
Sherry Hall, County Clerk

2006-110661



01047317200601106610040049

\$41.00

11/30/2006 03:12:36 PM

D-D Crt=1 Str=2 TINAJAR
\$20.00 \$11.00 \$10.00

00778983
00779848
00778741
00779866

STATUTORY WARRANTY DEED

ESTHER M. J. FAWVER, Grantor, conveys and warrants, to Esther M. J. Fawver and David Bertram Fawver, joint tenants with right of survivorship, Grantees, all of the right, title and interest that the Grantor, by operation of law or otherwise, may have to the following described real property situated in Clackamas County, Oregon:

See Exhibit "A" attached.

Subject to exceptions, liens and encumbrances of record.

The true consideration for this conveyance is - \$0.00. WD

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

DATED: Nov. 30, 2006.

GRANTOR:

Esther M. J. Fawver
ESTHER M. J. FAWVER

STATE OF OREGON)
County of Clackamas) ss.

This instrument was acknowledged before me this 30th day of Nov, 2006, by Esther M. J. Fawver.

Wicki Y. Admon
NOTARY PUBLIC FOR OREGON
My Commission Expires: 9/13/09

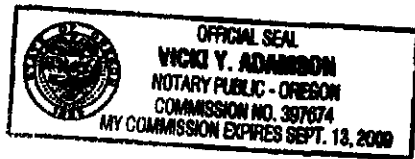


Exhibit "A"

Parcel 1:

Tax Lot 200, Section 32, T3S, R1E

A tract of land in Section 32, Township 3 South, Range 1 East of the Willamette Meridian, in the county of Clackamas and State of Oregon, described as follows:

^{1538.46'} **31 E 32 00 200**
 Beginning at a point 23.31 chains Easterly from the Northwest corner of the Champing Pendleton D.L.C. in Section 29, Township 3 South, Range 1 East of the Willamette Meridian and the same being on the North line of said claim; running thence Southerly and parallel with the West line of said claim 13.81 chains from the place of beginning; thence Easterly and parallel with the North line of said claim 13.69 chains; thence Southerly and parallel with the West line of said claim 20.24 feet to a point 30 feet North of the South line of said claim; thence westerly and parallel with the South line of said claim 13.69 chains; thence Northerly and parallel with the West line of said claim 20.24 chains to the place of beginning.

20.24 CHAINS

Parcel 2:

Tax Lot 700, Section 29, T3S, R1E

Being a part of the southwest quarter of Section 29, in Township 3 South, Range 1 East of the Willamette Meridian, in the county of Clackamas and State of Oregon, described as follows, to wit:

^{1320'} ^{660'} **31 E 29 00 700**
 Beginning at a point 20 chains East and 10 chains South of the quarter section corner on line between Section 29 and 30; running thence East 20 chains to the half section line; thence South 10 chains tracing said half section line; thence West 20 chains; thence North 10 chains to the place of beginning.

Parcel 3:



Tax Lot 400, Section 32, T1S, R1E

A part of the Champing Pendleton Donation Land Claim in Township 3 South of Range 1 East of the Willamette Meridian, in the county of Clackamas and State of Oregon, more particularly described as follows:

^{258.72'} **31 E 32 00 400**
 Beginning 3.92 chains South and 20 feet East of the Southwest corner of Section 29 in Township 3 South, Range 1 East of the Willamette Meridian; running thence East 10.04 chains; thence South 1.12 chains; thence West 10.04 chains; thence North 1.12 chains to the place of beginning.

^{73.92'} ^{409.20'} ^{747.78'} ^{pt. 400}
 ALSO beginning at a stake 6.20 chains North and 11.33 chains East of the corner of section 29, 30, 31 and 32, Township 3 South of Range 1 East of the Willamette Meridian; running thence East 1.39 chains; thence South 11.26 chains; thence West 1.55 chains to the Southeast corner of

^{11.74'} ^{743.16'} ^{102.3'}

the tract of land deeded to the Grantor's predecessors in the title and interest by J.H. Gripp and Eva B. Gripp, husband and wife, dated September 6, 1921 recorded in Book 165 on Page 224, Record of Deeds of the said county and State; thence North to the place of beginning; and being the North portion of the 3.06 acre tract conveyed by J.H. Gripp and Eva B. Gripp; husband and wife, on September 6, 1921, recorded in Book 165, page 224, Record of Deeds of said County and State.

pt. 400

727.98' ALSO beginning at a stake 6.20 chains North and 20 feet East of the corner to Section 29, 30, 31 and 32, Township 3 South of Range 1 East of the Willamette Meridian; running thence East 11.03 chains to a stake; thence South 10.14 chains to a stake; thence West 10.89 chains to a stake; thence North 10.12 chains to the place of beginning.

409.2'

667.92'

669.24'

718.74'

+ remainder 400

Parcel 4:

Tax Lot 600, Section 29, T3S, R1E

31E 29D 00600

A tract of land in Section 29, Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point, which is 33.81 chains South and 50 chains West of the Northeast corner of Champing Pendleton Donation Land Claim No. 58, in Township 3 South, Range 1 East of the Willamette Meridian, on the West bank of the Molalla River; thence following the meanderings of said river Northerly 8.35 chains; thence West 10.90 chains; thence South 8.53 chains; thence East 10.90 chains to the place of beginning.

2231.46'

3300'

719.4'

719.4'

562.98'

Tax Account Numbers: 779848 (Tax Lot 200); 778741 (Tax Lot 700); 779866 (Tax Lot 400); and 778983 (Tax Lot 600).

4

Until a change is requested send tax statements to:

Same as of Record

Clackamas County Official Records
Sherry Hall, County Clerk

2010-033415

After recording return to:

Esther M.J. Fawver
7335 S. Fawver Road
Canby, OR 97013



\$52.00

01406936201000334150020023

06/03/2010 03:18:12 PM

D-D Cnt=1 Stn=2 TINAJAR
\$10.00 \$10.00 \$16.00 \$16.00

Grantor

Esther M.J. Fawver

Grantees

Esther M.J. Fawver and David Bertram Fawver

STATUTORY WARRANTY DEED

* WHO TOOK TITLE AS
"E MARLYS J FAWVER"

* ESTHER M.J. FAWVER, Grantor, conveys and warrants to Esther M.J. Fawver, and David Bertram

Fawver, joint tenants with right of survivorship, Grantees, all of the right, title, and interest that the

Grantor, by operation of law or otherwise, may have to the following described real property situated

in CLACKAMAS COUNTY, OREGON:

31E29 00800

00778750

~~See Exhibit "A" attached~~

See Legal Deed Book 478, Page 133

Subject to exceptions, liens, and encumbrances of record.

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 ORS197.352. 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 APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING

OR FOREST PRACTICES AS DEFINED IN ORS 30.930 TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352

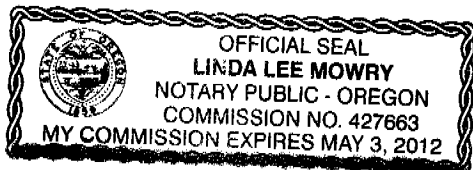
DATED: June 3, 2010

GRANTOR:

Esther M.J. Fawver
ESTHER M.J. FAWVER

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me this 3 day of June, 2010, by Esther M.J. Fawver.



Linda Lee Mowry
NOTARY PUBLIC FOR OREGON
My Commission Expires: 5/3/2012

2



December 26, 2017

David Bertram & Esther M J Fawver
22929 S Wilcock Rd.
Canby, OR 97013

**SUBJECT: ALLEGED VIOLATION FO THE ZONING AND DEVELOPMENT
ORDINANCE, TITLE 12, SECTION 315.030 OF THE CLACKAMAS COUNTY
CODE**

SITE ADDRESS: No Situs
LEGAL DESCRIPTION: T3S, R1E, Section 29D, Tax Lot 00500

It has come to the attention of Clackamas County Code Enforcement that an unauthorized recreational vehicle may exist on the above referenced property. The complaint states that individuals are occupying the recreational vehicle.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 315.030 of the Clackamas County Code.

Please contact me within ten (10) days of the date of this letter in order to discuss this matter. My e-mail address is spotter@co.clackamas.or.us and my telephone number is 503-742-4465.

SHANE POTTER
Code Enforcement Specialist
Clackamas County Code Enforcement

**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 in its discretion may waive all or part of the \$75 per month administrative fee.*















September 20, 2018

David Bertram & Esther M J Fawver
22929 S Wilcock Rd.
Canby, OR 97013

**SUBJECT: VIOLATION OF THE CLACKAMAS COUNTY ZONING AND DEVELOPMENT
ORDINANCE SECTION 316.030**

SITE ADDRESS: No Situs

LEGAL DESCRIPTION: T3S, R1E, Section 29D, Tax Lot 00500

This letter serves as notice of a violation of the Clackamas County Code. The violation includes occupation of a recreational vehicles.

ACTIONS

The following is a few activities associated with this file and is not intended to illustrate all actions that have been taken on this file.

On December 4, 2017 a complaint(s) was received regarding occupying a recreational vehicle. On December 22, 2017 a letter of allegation was mailed to the respondent(s) by a member of the Clackamas County Code Enforcement staff.

During our last site visit there appeared to be up to three recreational vehicles that were being occupied.

NEXT STEPS

Occupying a Recreational Vehicle

This constitutes a violation of Clackamas County Code Title 12, Section 316.030 as it pertains to allowed uses.

You must remove the Recreational Vehicles from your property **no later than October 19, 2018** until such time you obtain proper land use approval and permits, this use will not be allowed.

If the Recreational Vehicle is operable, currently licensed and registered to the person residing in the primary structure on the subject property, it may remain in a stored condition. If you wish to store it on site please provide evidence it meets these conditions and schedule a site inspection to confirm **no later than October 19, 2018**.

WHO TO CONTACT

Code Enforcement – If you have questions concerning the solid waste complaint please feel free to contact me at 503-742-4465.

Or you may 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. and 4:00 p.m. Monday through Thursday and 8:00 a.m. to 3:00 p.m. on Fridays.

In order to provide the highest level of customer service, please bring a copy of this correspondence when visiting the County.

If you have any questions my direct telephone number is 503-742-4465 and email spotter@co.clackamas.or.us.

Items Included in this Packet

1. Violation Letter
2. Required Notice of Fines and Penalties

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

Shane Potter
Code Enforcement Specialist
Clackamas County code enforcement

REQUIRED NOTICE OF FINES AND PENALTIES

It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. Failure to resolve those violations may result in one or more of the following: (1) a citation and fine, (2) assessment of a \$75 per month administrative compliance fee, and (3) referral of this matter to the County Code Enforcement Hearings Officer.

Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties 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 Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

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.

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 Road.

Also, be advised that non-compliance with a Hearing 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.

Finally, recurrence of abated violations may result in the issuance of a citation without prior notice.















August 19, 2020

David Bertram Fawver
22929 S Wilcock Rd.
Canby, OR 97013

SUBJECT VIOLATION(S) OF:

1. **CLACKAMAS COUNTY SOLID WASTE AND WASTES MANAGEMENT ORDINANCE TITLE 10.03.060 – SOLID WASTE OR WASTES ACCUMULATION PROHIBITED**
2. **CLACKAMAS COUNTY ZONING AND DEVELOPMENT CODE ORDINANCE TITLE 12.401.04 – USES PERMITTED**
3. **CLACKAMAS COUNTY BUILDING CODE AND ENFORCEMENT OF THE COUNTY BUILDING CODE ORDINANCE TITLE 9.02.040**

SITE ADDRESS: No Situs and 22929 S Whilcock Rd., Canby, OR 97013

LEGAL DESCRIPTION: T3S, R1E, SECTION 29D, TAX LOT 00500
T3S, R1E, SECTION 29, TAX LOT 00800

ZONING: EFU (Exclusive Farm Use)

THIS LETTER SERVES AS NOTICE OF A VIOLATION OF THE CLACKAMAS COUNTY ORDINANCES. THE VIOLATIONS INCLUDE:

1. Solid waste, and
2. Occupied recreational vehicles, and
3. Greenhouses constructed without permits, and
4. Electrical permits #E0326516 no final inspection for pole building electrical, and #E0259504 no final inspection for pump replacement.

On September 6, 2017 Clackamas County received a code enforcement complaint. Recent site inspections confirm the violations outlined in this letter.

The following section provides details of the violation. This section also provides options on how to address the violation. Department contact information can be found towards the end of this letter under "CONTACT INFORMATION". You may contact that department to discuss the options outlined or ask questions for other possible solutions, if they may exist. This letter may not address all violations that exist on the site and instead is intended to address those violations identified during the review and/or inspections that have occurred.

SOLID WASTE

There is solid waste on site most notably around the commercial vehicles and greenhouses. This constitutes a violation of Clackamas County Ordinance Title 10.03.060 as it provides a condition of unsightliness and is considered a public

nuisance. In order to abate this violation(s), you must complete the following **no later than September 19, 2020**:

1. Remove all solid waste, including but not limited to appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material, or other similar non-putrescible solid waste or wastes, that is visible from the road or surrounding properties. Contact the Code Enforcement Specialist assigned to your file and obtain a site inspection to confirm the violation has been abated.

The accumulation of solid waste causes a condition of unsightliness and is a safety and health hazard. Your cooperation is solicited to store out of sight all articles and solid waste that you wish to keep and remove the remainder to an authorized disposal facility. Additionally all putrescible waste must be stored in a rodent proof container with a tight-fitting lid and removed to an authorized disposal facility a minimum of **once every seven (7) days**. Covering solid waste with a tarp or tarp like structures does not remove the items from this violation.

OCCUPIED RECREATIONAL VEHICLE

There are occupied recreational vehicles on site. Occupying a recreational vehicle for more than 30 days in a calendar year constitutes a violation of Clackamas County Ordinance Title 12.401.04. In order to abate this violation(s), you must complete the following **no later than September, 19, 2020**:

1. You must remove the recreational vehicle from your property, or;
2. Obtain Land Use Approval to maintain the occupied trailer on the property as identified in this code section. If land use is granted you must obtain proper permits for septic and water connections, or;
3. If the recreational vehicle is operable, currently licensed and registered to the person residing in the primary structure on the subject property, it may remain in a stored condition.
4. You will need to obtain a site inspection to confirm the violation has been abated regardless of the selection made.

UNPERMITTED CONSTRUCTION

There are a few items that have not been permitted. There are greenhouses that have not been permitted and there are two electrical permits #E0326516 (no final inspection for a pole building) and #E0259504 (no final inspection for a pump replacement). Performing work requiring a permit and/or inspections without obtaining said permit and completing all inspections constitutes a violation of the Clackamas County Code Title 9.02.040. To abate these violations you must complete the following **no later than September 19, 2019**:

1. If permits were obtained and inspections have not been completed you must complete all inspections by the deadline listed above.
 - a. If it is not possible to complete by this deadline please contact me to discuss further. However due to this violation letter being issued inspections will need to be completed in a quick manner and an extension may not be granted to this deadline.

2. If permits were not obtained, submit the building, plumbing, mechanical and electrical permit applications, and technically complete plans and pay the appropriate fee(s).
 - a. The permit must be picked up within ten (10) days of being notified that the permit is ready.
 - b. Schedule all inspection so that final inspections may be obtained no later than 45 days from the date of the permit being issued. If it is proven that you cannot meet that time the additional time for completion may be allowed.

CONTACT INFORMATION

Code Enforcement Specialist – Shane Potter – If you have any other questions please feel free to contact me at 503-742-4465 or email at spotter@clackamas.us

Building Department (Permits) – If you have questions regarding the permit process and other permitting questions please call the Building Department (Permitting) at 503-742-4240

Planning Department – If you have questions regarding the planning approval process or other planning related questions please call the Planning Department at 503-742-4500

During the COVID event our offices are closed, however staff is working to assist you and may be reached online and by telephone. Inspections are also occurring during this time.

Once this event is over and our offices open you may also stop by the Planning, Permitting, and Code Enforcement Offices at the Development Services Building located at 150 Beavercreek Road, Oregon City. The lobby is open between the hours of 8 a.m. and 4 p.m. Monday through Thursday and 8 a.m. to 3 p.m. on Fridays.

In order to provide the highest level of customer service, please bring a copy of this correspondence when visiting the County. You can also review the entire code by going to:

<https://www.clackamas.us/code>

ITEMS INCLUDED IN THIS PACKET

- Solid Waste and Waste Accumulation Code Section
- Violation Letter
- Required Notice of Fines and Penalties



Shane Potter
Code Enforcement Specialist
Clackamas County Code Enforcement

REQUIRED NOTICE OF FINES AND PENALTIES

It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. Failure to resolve those violations may result in one or more of the following: (1) a citation and fine, (2) assessment of a \$75 per month administrative compliance fee, and (3) referral of this matter to the County Code Enforcement Hearings Officer.

Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties 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 Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

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.

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 Road.

Also, be advised that non-compliance with a Hearing 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.

Finally, recurrence of abated violations may result in the issuance of a citation without prior notice.

**CLACKAMAS COUNTY CODE ORDINANCE TITLE 10.03 SOLID WASTE AND
WASTE MANAGEMENT CODE (This is a portion of the code the remainder of the
code can be found on the Clackamas County Website)**

10.03.030 Definitions

(48). PUTRESCIBLE MATERIAL means solid waste or wastes, including: bones; meat and meat scraps; fat; grease; fish and fish scraps; food containers or products contaminated with food wastes, particles or residues; prepared vegetable and fruit food wastes or scraps; manure; feces; sewer sludge; dead animals or similar wastes which cause offensive odor to create a health hazard, or which are capable of attracting or providing food for potential disease carriers, such as birds, rodents, flies and other vectors.

(58). SOLID WASTE OR WASTES shall include all putrescible and non-putrescible waste, including but not limited to, garbage; compost; organic waste; yard debris; brush and branches; land-clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicles or vehicle parts and vehicle tires; special vehicles and equipment that are immobile and/or inoperable, mobile homes or trailer houses which are dilapidated, partially dismantled or fire damaged; manure; feces; vegetable or animal solid and semi-solid waste and dead animals; and infectious waste. Waste shall mean useless, unwanted or discarded materials. The fact that materials which would otherwise come within the definition of solid waste, may from time to time, have value and thus be utilized shall not remove them from the definition. There is a series of items identified in this section that are not included in this definition such as fertilizer for agricultural purposes. Please see the code for additional items.

10.03.060 Solid Waste or Wastes Accumulation Prohibited

A. Except as provided in subsection D of this Section, no person shall store, collect, maintain, or display on private property, solid waste or wastes or recyclable material that is offensive or hazardous to the health and safety of the public, or which creates offensive odors, or a condition of unsightliness. Storage, collection, maintenance, or display of solid waste or wastes in violation of this section shall be considered to be a public nuisance, which may be abated as provided in 10.03.070 of this chapter.

B. In addition to the provisions of subsection A, the following conditions or actions are also specifically identified as creating a public nuisance under this chapter.

(1) Placing a tarp, plastic, cloth, or similar screening apparatus over or around solid waste or wastes for purposes of keeping it out of sight from the road or surrounding properties.

(2) Placing a tarp, plastic, cloth, or similar screening apparatus over or around solid waste or wastes that is stored in a utility trailer, pickup truck, semitrailer or similar device for purposes of keeping it out of sight from the road or surrounding properties.

(3) Constructing a tire fence for any purpose.

(4) Storing waste tires except as permitted pursuant to OAR Chapter 340.

(5) Storing putrescible waste, whether it is visible or not visible from the road or adjacent properties, that is not kept in a rodent proof container with a tight-fitting lid, and not removed from the property to an authorized disposal facilities within seven (7) days.

(6) Composting which causes offensive odors, or creates a health hazard, or which is capable of attracting or providing food for potential disease carriers such as birds, rodents, flies and other vectors.

(8) Storing, collecting, maintaining, or displaying a mobile home or trailer house, which is dilapidated or partially dismantled, or fire damaged, and is visible from the road or surrounding properties.

(9) Storing, collecting, maintaining or displaying: residential, commercial and industrial appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material, or other similar non-putrescible solid waste or wastes, that is visible from the road or surrounding properties.

(12) When commercial, industrial, multi-family or residential developments that use a compactor or compactors for on-site waste management, do not keep the areas around the compactor free of solid waste and debris, and washed down on a regular basis.

C. Any sign obscuring screen used to abate a solid waste nuisance shall consist of one of the following options:

(1) Construct a wood fence unpainted or painted with neutral or earth tone colors of which the upright posts shall consist of a decay resistive material a minimum of four (4) inches in diameter and anchored a minimum of eight (8) feet. The railings shall be a minimum of 2 inch by 4 inch lumber with the 4 inch side

attached vertically to the posts. The attached vertical or horizontal fence boards shall be set with a maximum separation $\frac{1}{4}$ inch.

(2) Construct a metal fence consisting of chain link or woven fabric with metal upright posts anchored a minimum of two (2) feet below ground level with metal railings and connectors. Water and insect resistive wood or plastic slats shall be inserted in the chain link or woven fabric, with a maximum separation of $\frac{3}{8}$ inch between slats.

(3) Construct a combination fence consisting of a metal sheeting attached to wood framing as defined in Section C-1 above, or durable metal framing, which is painted a neutral or earth tone color.

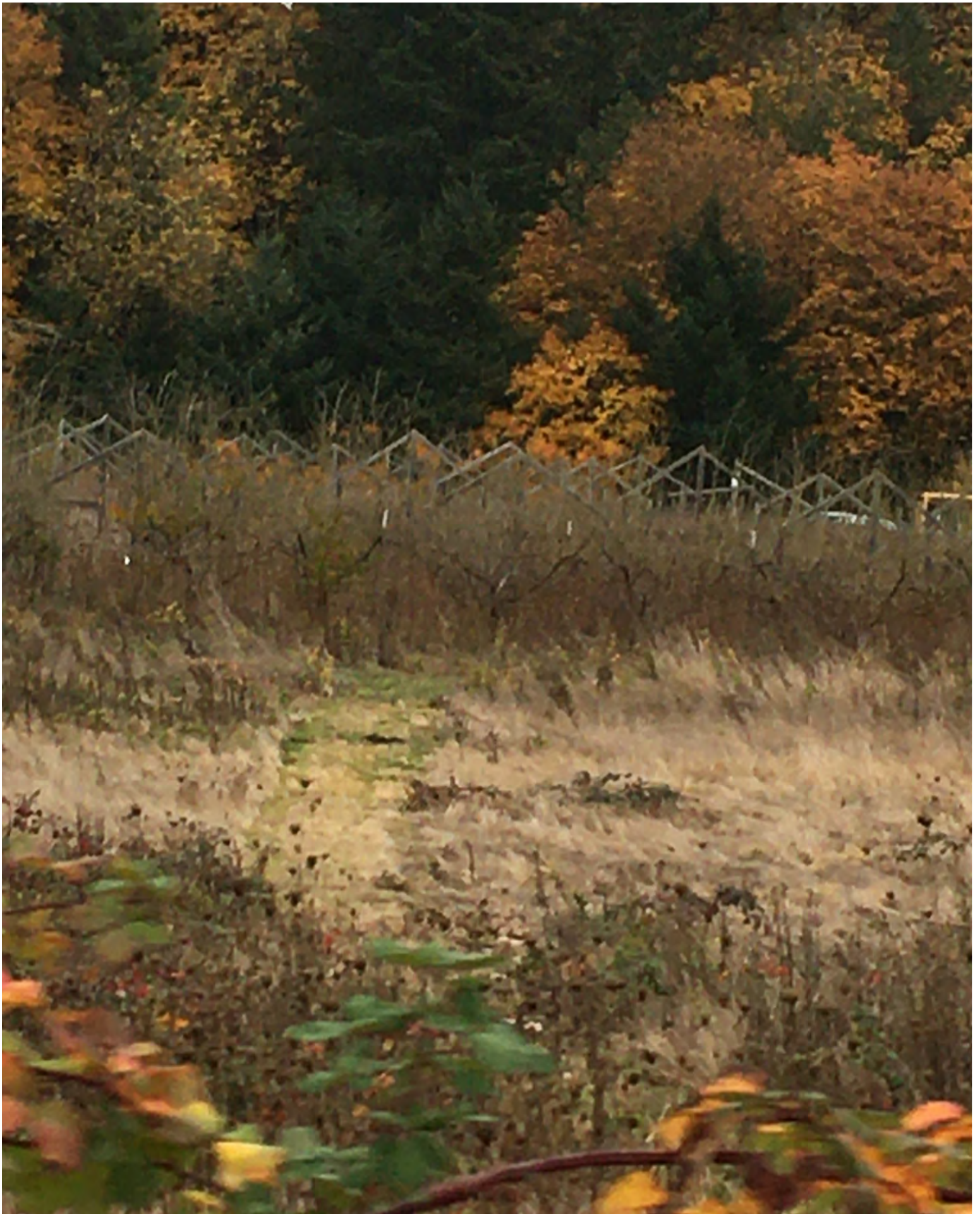
(4) Construct a wall consisting of solid material, built of concrete, masonry, brick, stone, or other similar materials or combination thereof.

(5) Construct an earthen berm consisting of dirt, soil, sand, clay or any combination thereof and shall be planted with grass and/or ornamental plantings and shall be maintained at all times.

(6) Plant a hedge consisting of evergreen plantings or other ornamental plantings a minimum of six (6) feet in height, planted not more than two (2) feet on center and which is maintained at all times.

In addition to the minimum fencing requirements, wood, metal, masonry fences or combination thereof greater than six (6) feet in height are subject to County review pursuant to the Oregon State Uniform Building Code, and all earthen berms are subject to County review pursuant to the County's Grading and Excavation Chapter.

For the purposes of this chapter, no sight obscuring screen shall be located, placed, constructed or installed contrary to the Clackamas County Zoning Development Ordinance.







Citation No. 1500757 – 1

Case No. V0075717

ADMINISTRATIVE CITATION

Date Issued: December 2, 2020

Name and Address of Person(s) Cited:

Name: David Bertram & Esther M J Fawver
Mailing Address: 22929 S Wilcock Rd.
City, State, Zip: Canby, OR 97013

Date Violation(s) Confirmed: On the 4th day of December, 2017, 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): 22929 S Wilcock Rd, Canby, OR 97013 &
No Situs

Legal Description: T3S, R1E Section 29D, Tax Lot(s) 00500 & 00600
T3S, R1E Section 29, Tax Lot(s) 00700 & 00800

Law(s) Violated:

- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A, D, N, O, & P)
- Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.030 (A, B1, B2, & B9)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 12.401.04

Description of the violation(s):

- 1) Multiple large scale greenhouses erected without permits and two electrical permits that have expired and the work has been completed.

Maximum Civil Penalty \$1,000.00 Fine \$100.00

- 2) There is solid waste around the greenhouses and down the lane. There has been plastic bags throughout the site

Maximum Civil Penalty \$1,000.00 Fine \$25.00

- 3) There are occupied recreational vehicles throughout the site

Maximum Civil Penalty \$2,500.00 Fine \$75.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$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: Shane Potter
Telephone No.: 503-742-4465

Date: December 2, 2020
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.

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

- a. Your name and address
- b. A copy of the citation
- 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: _____





















Citation No. 1500757 - 2

Case No. V0075717

ADMINISTRATIVE CITATION

Date Issued: October 11, 2021

Name and Address of Person(s) Cited:

Name:	David Fawver Bertram	Esther M J Fawver
Mailing Address:	22929 S Wilcock Rd.	7335 S Fawver Rd.
City, State, Zip:	Canby, OR 97013	Canby, OR 97013

Date Violation(s) Confirmed: On the 4th day of December, 2017 and continues to exist on the 7th day of October 2021, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 22929 S. Wilcock Rd., Canby OR 97013 and three no situs tax lots

Legal Description: T3S, R1E Section 29D, Tax Lots 00500 & 00600
T3S, R1E Section 29, Tax Lots 00700 & 00800

Law(s) Violated

- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (D)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 12.401.04

Description of the violation(s):

- 1) Two electrical permits remain incomplete with no final inspections #E0326516 (Pole Building) and #E0259504 (Pump replacement)

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

- 2) There is an occupied recreational vehicle on site.

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

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$900.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

Citation issued by:	Shane Potter	Date: October 11, 2021
Telephone No.:	503-742-4465	Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____



Citation No. 1500757 - 2

Case No. V0075717

ADMINISTRATIVE CITATION

Date Issued: October 11, 2021

Name and Address of Person(s) Cited:

Name: David Fawver Bertram
Mailing Address: 22929 S Wilcock Rd.
City, State, Zip: Canby, OR 97013

Esther M J Fawver
7335 S Fawver Rd.
Canby, OR 97013

Date Violation(s) Confirmed: On the 4th day of December, 2017 and continues to exist on the 7th day of October 2021, 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): 22929 S. Wilcock Rd., Canby OR 97013 and three no situs tax lots

Legal Description: T3S, R1E Section 29D, Tax Lots 00500 & 00600
T3S, R1E Section 29, Tax Lots 00700 & 00800

Law(s) Violated

- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (D)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 12.401.04

Description of the violation(s):

- 1) Two electrical permits remain incomplete with no final inspections #E0326516 (Pole Building) and #E0259504 (Pump replacement)

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

- 2) There is an occupied recreational vehicle on site.

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

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$900.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

Citation issued by: Shane Potter
Telephone No.: 503-742-4465

Date: October 11, 2021
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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Options:

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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:

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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: [Handwritten Signature] Date: 10/28/2021
Address: 22929 S. Wilcox St Canby OR 97013
City, State, Zip
Contact Number: (503) 592-6244 Email: David.Fawver@gmail.com

RECEIPT

Clackamas County
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK RD.
OREGON CITY, OR 97045

Application: V0075717
Application Type: CodeEnforcement/Violation/NA/NA
Address: NO SITUS - S WILCOCK RD
CANBY, OR 97013

Receipt No. 1344079

Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments	Payor
Check	1000	\$900.00	10/28/2021	KIMB	Citation # 1500757-2	David B. Fawver
		\$900.00				

Owner Info.: FAWVER DAVID BERTRAM & ESTHER M J
22929 S WILCOCK RD
CANBY, OR 97013

Work Description: OCCUPIED RV

















From: [Matt English](#)
To: [Potter, Shane](#)
Subject: 22929 S Wilcox Rd.
Date: Friday, May 6, 2022 2:40:32 PM
Attachments: [image0.jpeg](#)

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



The motorhome with the windshield facing toward the tree is the unit the gentleman put out the fire told me that he is living in.

Matt English
DC / Paramedic
Canby Fire District

503 878 0187
Station number 503 266 5851
Fax 503 266 1320





AMENDED VIOLATION LETTER

January 4, 2023

Violation No.:V0075717

David Bertram
22929 S Wilcock Rd
Canby, OR 97013

Esther M J Fawver
7335 S Fawver Rd
Canby, OR 97013

RE: VIOLATIONS OF CLACKAMAS COUNTY CODES: No.: V0075717

1. CLACKAMAS COUNTY ZONING AND DEVELOPMENT NATURAL RESOURCE DISTRICTS ORDINANCE 12.401.04. – USES PERMITTED – **Multiple dwellings on one lot without land use approval**
2. CLACKAMAS COUNTY BUILDING CODE APPLICATION AND ENFORCEMENT OF THE BUILDING CODE TITLE 9.02.040(B, C, D, E, & K) – **Living in a pole barn that has not received approval for a residence**

SITE ADDRESS: 22929 S Wilcock Rd., Canby, OR 97013
LEGAL DESCRIPTION T3S, R1E, SECTION 29, TAX LOT(S) 00800

Dear David Bertram & Esther M J Fawver

This violation is in addition to several other violations that have already been addressed in previous letters. After discussion with you regarding the housing situation you informed me that your daughter resides in the primary house while you are living in the pole building. Living in a structure other than the primary residence without land use approval and building permits is a violation of the code. To abate these violation(s) you must complete the following **no later than: February 4, 2023**

1. First you will want to work with the Clackamas County Planning and Zoning Division to determine if a secondary structure is allowed on site. You can reach the Planning and Zoning Division at 503-742-4500 or by email at zoninginfo@clackamas.us. If you are allowed and choose to obtain land use approval for such secondary structure you must:
 - a. Make application by the deadline listed above. Once application has been made a review of your file will take place. If the review shows incomplete Planning and Zoning will send you an incomplete letter stating what additional information is required. You will have 30 days to complete that application and provide the requested materials to them to obtain a complete application. If you go through a pre-application conference you must make application of the land use application within 30 days following the letter provided for the pre-application conference.
2. Once you have obtained an approval and the appeal period has ended you will be required to obtain the appropriate Building Codes Division permits. You can reach

the Building Codes Division at 503-742-4240 or by email at bldservice@clackamas.us. You must:


- a. Submit permit applications and any technically complete plans and pay the appropriate fees as requested by the Building Codes Division. If it is determined that the permit application is incomplete for review by the Building Codes Division you must submit the required/missing materials within 30 days of being notified of the incomplete application.
- b. The permits must be paid in full within 10 days of being notified by the Building Codes Division that the permits are ready for issuance. Schedule all inspections so that final inspections may be obtained no later than 45 days of the date of receipt of the permits.

Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>

If you have questions concerning permit requirements, online submittal process, or land use process, please contact the department listed above at the phone number or email listed, or stop by the offices located at 150 Beaver Creek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. The offices are closed on Fridays

ITEMS INCLUDED IN THIS PACKET

- Violation Letter
- Required Notice of Fines and Penalties



Shane Potter
Code Enforcement Specialist
Clackamas County Code Enforcement
Phone: 503-742-4465
spotter@clackamas.us

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.















Citation No.: 1700757 - 3

Case No.: V0075717

ADMINISTRATIVE CITATION

Date Issued: May 3, 2023

Name and Address of Person(s) Cited:

Name:	David Bertram	Esther M J Fawver
Mailing Address:	22929 S Wilcock Rd.	7335 S Fawver Rd
City, State, Zip:	Canby, OR 97013	Canby, OR 97013

Date Violation(s) Confirmed: May 3, 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): 22929 S Wilcock Rd., Canby, OR 97013

Legal Description: T3S, R1E SECTION 29, Tax Lot 00800

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, & K)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 12.401.04

Description of the violation(s):

- 1) Living in an accessory building without obtaining land use approval

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

- 2) Living in an accessory building and adding plumbing, mechanical, electrical, and building work without obtaining building permits.

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

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

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

Citation Issued by:	Shane Potter	Date: May 3, 2023
Telephone No.:	503-742-4465	Department Initiating Enforcement Action: Code Enforcement

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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: _____

RECEIPT

Clackamas County
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK RD.
OREGON CITY, OR 97045

Application: V0075717
Application Type: CodeEnforcement/Violation/NA/NA
Address: NO SITUS - S WILCOCK RD
CANBY, OR 97013

Receipt No. 1384366

Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments	Payor
Check	30020001 85	\$900.00	5/18/2023	ANDREAH	Payment for citation	David Fawver
		<u>\$900.00</u>				

Owner Info.: FAWVER DAVID BERTRAM & ESTHER M J
22929 S WILCOCK RD
CANBY, OR 97013

Work Description: OCCUPIED RV

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3. Additional citations may be issued to me if I fail to correct the violation or violate other applicable laws.

Signature: _____

Date: _____

Address: _____

Contact Number: _____

Email: _____

City, State, Zip

[Handwritten Signature] Date: 5/7/23
Address: 22929 S. Wilcock St. Canby OR 97013
Contact Number: (cell) 503-592-6344 Email: peachboydave@yahoo.com
(Home) 503-266-9464

From: [David Fawver](#)
To: [Potter, Shane](#); [David B](#)
Subject: Re: V0075717
Date: Tuesday, May 23, 2023 3:05:38 PM
Attachments: [image002.jpg](#)

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

Sounds good.thank you . i'm sick at the moment so please give me alittle time to get this done.
again thank you Shane for being so patient with me and my ignorance of proper code rules.
Thank you for your time and i hope you have a pleasant day
sincerely ,
David B. Fawver

[Sent from Yahoo Mail for iPhone](#)

On Friday, May 19, 2023, 12:23 PM, Potter, Shane <SPotter@clackamas.us> wrote:

Hi David I spoke with Andrea and she asked me to send an email out to you about how to resolve the violation. I sent a violation letter out a couple months ago spelling out the details. However as a quick explanation below is the process you need to take.

1st you need to obtain approval through a land use review to maintain the accessory dwelling use. You can reach planning by calling 503-742-4500 or email zoninginfo@clackamas.us

If you obtain land use approval you will need to obtain all necessary building, plumbing, electrical and mechanical permits from the permits department.

If you do not obtain approval you will need to either obtain approval for the removal of electrical and plumbing or permitting of electrical and permitting depending on what is allowed to remain.

Permitting phone number is 503-742-4240 or by email at bldservice@clackamas.us

Sincerely,

Shane Potter
Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development



01/22/2025 13:26



01/22/2025 13:26



01/22/2025 13:26



01/22/2025 13:26