

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

NOTICE OF HEARING

April 22, 2025

Kendra Garinger-Archie 6408 SE Aldercrest Ct Milwaukie, OR 97267

RE:: County of Clackamas v. Kendra Garinger-Archie

File: V0022920

Hearing Date: May 27, 2025

Time: This item will not begin before 11:00 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 Kimberly Benthin, Code Compliance Specialist for Clackamas County at (503) 742-4457, 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. <u>Right to Recess</u>. 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. <u>Right to Appeal</u>. 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.



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You must have access to the internet or to a telephone line to use the Zoom platform. A Zoom invite has been sent to kendraonkellogg@gmail.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. Closed captioning is available for the zoom platform upon request.

If you would like to present evidence at the Hearing please email or mail your evidence to Code Enforcement at 150 Beavercreek 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 Kimberly Benthin at 503-742-4457 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 <u>before</u> 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/85123690830?pwd=rb2NTn7ey12oGTargfcYjYoybb Ad4F.1

Passcode:515340

Phone one-tap:

- +16694449171,,85123690830#,,,,*515340# US
- +16699006833,,85123690830#,,,,*515340# US (San Jose)

Join via audio:

- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)



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- +1 346 248 7799 US (Houston)
- +1 408 638 0968 US (San Jose)
- +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)
- +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)

Webinar ID: 851 2369 0830

Passcode: 515340

International numbers available: https://clackamascounty.zoom.us/u/keA2AcnYyw

Join from an H.323/SIP room system:

H.323:

144.195.19.161 (US West)

206.247.11.121 (US East)

115.114.131.7 (India Mumbai)

115.114.115.7 (India Hyderabad)

159.124.15.191 (Amsterdam Netherlands)

159.124.47.249 (Germany)

159.124.104.213 (Australia Sydney)

159.124.74.212 (Australia Melbourne)

170.114.180.219 (Singapore)

64.211.144.160 (Brazil)

159.124.132.243 (Mexico)

159.124.168.213 (Canada Toronto)

159.124.196.25 (Canada Vancouver)

170.114.194.163 (Japan Tokyo)

147.124.100.25 (Japan Osaka)

Meeting ID: 851 2369 0830

Passcode: 515340

SIP: 85123690830@zoomcrc.com

Passcode: 515340

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.

ILE 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 (Manderin)

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 MỬNG! 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 <u>www.clackamas.us/transportation/nondiscrimination</u>을 참조하거나 이메일 <u>JKauppi@clackamas.us</u>, 또는 전화 503-742-4452번으로 연락 주십시오.

BEFORE THE COMPLIANCE HEARINGS OFFICER For COUNTY OF CLACKAMAS

CLACKAMAS COUNTY, File No: V0022920

Petitioner,

٧.

KENDRA K. GARINGER-ARCHIE

COMPLAINT AND REQUEST FOR HEARING

Respondent.

I, Kimberly Benthin, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondents' mailing address is: 6408 SE Aldercrest Ct., Milwaukie, OR 97267.

2.

The Respondent owns and occupies the address or location of the violations of law alleged in this Complaint; 6408 SE Aldercrest Ct., Milwaukie, OR 97267, also known as T2S, R2E, Section 08BC, Tax Lot 03600, and is located in Clackamas County, Oregon. The property is zoned Urban Low Density Residential R-10 Section 315 and is the location of violations asserted by the County.

Page 1 of 4 – COMPLAINT AND REQUEST FOR HEARING File No. V0022920

3.

On or about the 22nd day of July, 2020, and on or about the 3rd day of November, 2020, the Respondent violated the following laws, in the following ways:

Respondent violated Chapter 9.02. Application and Enforcement of the Clackamas County Building Code by placing the shipping (cargo) container on the subject property without permits and inspections.

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: Violation notice dated July 22, 2020 and Administrative Citations #20229-1, and #20229-2 dated November 3, 2020 and December 14, 2020 respectively. A copy of the notice documents are attached to this Complaint as Exhibits E, H and J 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 violations 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 the Building Code Chapter 9.02

Priority 4 violation being \$100.00 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; and

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:

Page 3 of 4 - COMPLAINT AND REQUEST FOR HEARING

File No. V0022920

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

DATED THIS 16th day of April, 2025.

Kimberly Benthin

Code Enforcement Specialist

For Clackamas County

COUNTY OF CLACKAMAS.

Petitioner. File No.: V0022920

٧.

2020

Exhibit: E

Exhibit: H

KENDRA K GARINGER-ARCHIE.

STATEMENT OF PROOF Respondent.

History of Events and Exhibits:

July 6, 2020 Clackamas County received a complaint alleging a shipping Exhibit: A, B

container was placed without permits in the front yard and within

the right of way.

Correspondence was mailed to the Respondent regarding a July 8, 2020

Exhibit: C shipping container placed on site without permits.

July 15-July 22, The Respondent, CES Benthin and Building Department staff

communicated by email and phone regarding the paths to

Exhibit: D compliance for the unpermitted shipping container.

July 22, 2020 Facts of the alleged violation were reviewed, the violation verified,

and Notice of Violation mailed addressing the violation of the shipping container placed in the front yard without permits. The

Notice of Violation was mailed via first class mail.

October 13-15, Respondent and CES Benthin exchanged emails regarding the

2020 violation and path to compliance. Exhibit: F

November 3, 2020 Site inspection performed by CES Benthin revealed the shipping

Exhibit: G container remained on site.

November 9, 2020 Citation #20229-1 issued for the Building Code violation for \$25.00

> and the zoning violation \$25.00. The citation was sent via first class mail. This citation was amended and re-mailed on December 11. 2020. The first class mail was not returned. This citation has not

been paid.

December 8, 2020 CES Benthin performed a site inspection. The shipping container

Exhibit: I remained on site.

Page 1 of 3 – Statement of Proof File No.: V0022920 December 14, Citation #20229- 2 issued for the Building Code violation for \$100.00 and the Zoning violation for \$100.00 was sent via first 2020 Exhibit: J class mail to the Respondent. The first class mail was not returned. This citation has not been paid. December 28-29, Respondent and CES Benthin exchanged phone calls and emails regarding next steps to bring the shipping container into 2020 Exhibit: K compliance. The placement permit for the shipping container # B0387621, and March 18, 2022 the electrical permit for the container were issued. July 21-24, 2023 Respondent and CES Benthin exchanged emails regarding the administrative compliance fee accrual and a question about an Exhibit: L electrical inspector. August 2, 2023 Email to Respondent regarding next steps to complete permit. Exhibit: M September 4, 2024 CES Benthin performed an inspection and identified the shipping Exhibit: N container located on the site. March 29, 2025 A review of the permit revealed the shipping container still has not Exhibit: O received all inspections including an approved final inspection. April 16, 2025 The County referred this matter to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of the building code exists on the subject property, the County may request a Continuing Order be issued, ordering the Respondent to renew Permit # B0387621 and successfully obtain all required inspections within 30 days of the date of the Continuing Order.

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

- Payment of Citation # 20229-1 for \$25.00 for the Building Code violation and \$25.00 for the Zoning and Development Ordinance violation.
- Payment of Citation # 20229-2 for \$100.00 for the Building Code violation and \$100.00 for the Zoning and Development Ordinance violation.
- The imposition of civil penalties of \$1,000.00 for each Building Code violation cited a total of \$2,000.00.
- The administrative compliance fee to be imposed from July 2020. The total as of the date of this report and adjusting for inactive months for a total of \$2,100.00.
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.

2008-044231

01224622200900442240040042

\$31.00

06/18/2008 10:54:23 AM

D-D Cnt=1 Stn=5 LESLIE \$5.00 \$10.00 \$16.00

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon GRANTOR'S NAME:
Kendra K. Archie
GRANTEE'S NAME:
Kendra K. Garinger-Archie
SEND TAX STATEMENTS TO:
Kendra K. Garinger-Archie
6408 SE Aldercrest Court
Portland, OR 97267
AFTER RECORDING RETURN TO:
Kendra K. Garinger-Archie
6408 SE Aldercrest Court
Portland, OR 97267

Escrow No: 20080007916-FTPOR08

SPACE ABOVE THIS LINE FOR RECORDER'S USE

BARGAIN AND SALE DEED - STATUTORY FORM

(INDIVIDUAL or CORPORATION)

Kendra K. Archie, Grantor, conveys to

Kendra K. Garinger-Archie, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon,

Part of the Cyrus Wadsworth Donation Land Claim, in Section 8, Township 2 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point in the West boundary of the said Cyrus Wadsworth Donation Land Claim, which is South 0°36' East, a distance of 799.58 feet from the Northwest corner of said claim, said point being also the Southwest corner of a tract of land conveyed to Fred Southworth and Eleanor Southworth, his wife, by Contract; thence East tracing the South boundary of the Southworth Tract, 374.63 feet to the true point of beginning; thence continuing East along said South line 182.2 feet to the Westerly side line of a 60 foot strip of land conveyed for public traffic on roadways, as recorded in Book 139, Page 13, Deed Records; thence along the Westerly side line of said roadway, South 30°08' East, a distance of 89.10 feet to a point; thence West, 138.69 feet to an iron pipe; thence North 49°04' West, a distance of 117.62 feet to the true point of beginning.

Excepting therefrom that portion lying within Aldercrest Court.

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. 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.

. The true consideration for this conveyance is 0.00. (See ORS 93.030). Dated June 13, 2008

Kendra K. Archie, now known as Kendra Gariner-Archie

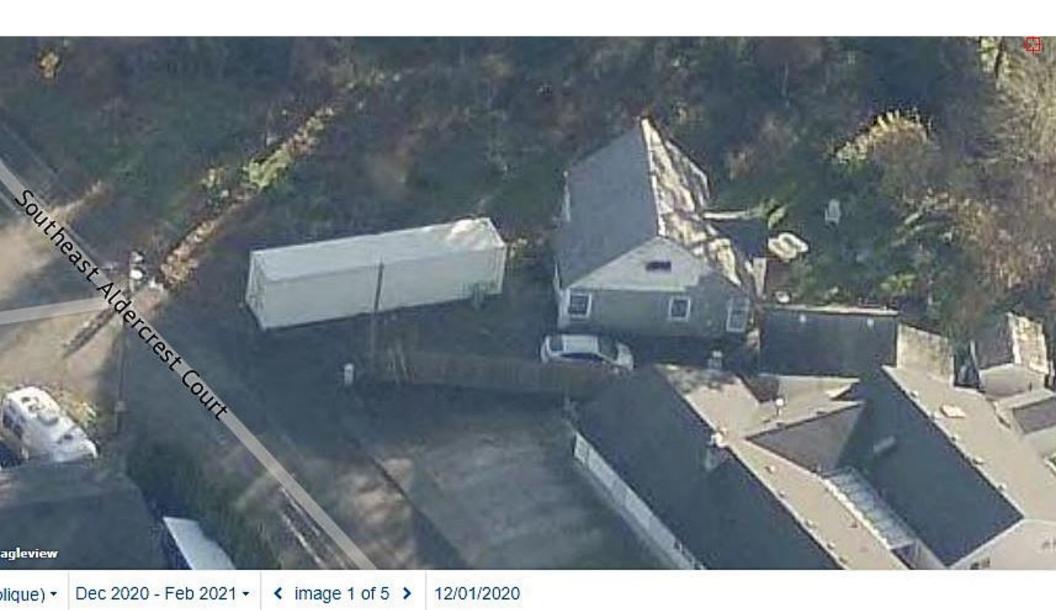
State of OREGON COUNTY of Multnomah

This instrument was acknowledged before me on 6/13/08, 20______, 20______,

by Kendra K. Archie, now known as Kendra K. Garinger-Archie.

, Notary Public - State of Oregon My commission expires: [[END_IF]]







DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

July 8, 2020

Kendra Archie-Garinger 6408 SE Aldercrest Ct Milwaukie, OR 97267

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

Clackamas County Code

Site Address: 6408 SE Aldercrest Ct. Milwaukie OR 97267 Legal Description: T2S, R2E, Section 08BC, Tax Lot 03600

It has come to the attention of Clackamas County Code Enforcement that a shipping container may have been placed without the benefit of permits.

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

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

E-mail address is kimben@clackamas.us

Telephone number is 503-742-4457

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

Department of Transportation and Development

Nondiscrimination Policy:

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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 (Manderin)

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 MỬNG! 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

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오.

Benthin, Kim

From: Crutchfield, Kathi

Sent: Wednesday, July 22, 2020 10:05 AM **To:** kendraonkellogg@gmail.com

Cc: Benthin, Kim

Subject: Shipping Container placement violation

Attachments: 07-01 Cargo Shipping Containers.pdf; building instructions.pdf

Greetings,

As discussed regarding the shipping container placement I have attached a handout that will assist you through the permit process. I have also attached the instructions for how to submit electronically.

If you want the setbacks for your property please email

zoninginfo@clackamas.us

If you have any questions along the way please feel free to email or call.

Thank you,

Kathi Crutchfield

Clackamas County Building Codes Permit Technician kcrutchfield@clackamas.us 503-742-4269

Have I helped? Please click link below to give feedback:

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your <u>feedback</u>. We appreciate your comments and will use them to evaluate and improve the quality of our public service.

Benthin, Kim

From: Benthin, Kim

Sent: Monday, July 20, 2020 1:33 PM

To: 'Kendra Garinger'

Subject: RE: 6408 SE Aldercrest Court, Milwaukie

Kendra,

The cargo container will need to be permitted and will need to meet the zoning restrictions. The zoning applied to your property is Urban Low Density Residential R-10 It can be found here: https://dochub.clackamas.us/documents/drupal/a7c6fa2c-d411-4418-91e0-3a73ef1e71ab

You might be able to estimate the permit fees here: https://web3.clackamas.us/up/forms/estimator.jsp I don't know how well the estimator works for cargo containers.

For your permit you will need an application, site plan, floor plan and details of installation.

You may also contact the Building Codes Division at 503-742-4240 or bldservice@clackamas.us for information.

Let me know if you have any questions.

Kimberly Benthin

Code Enforcement Specialist
Clackamas County Code Enforcement Section

From: Kendra Garinger <kendraonkellogg@gmail.com>

Sent: Monday, July 20, 2020 12:22 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: 6408 SE Aldercrest Court, Milwaukie

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

Hi Kim

The measurement for the container is 40 x 8; over the 200 sq ft,

My intention is to move it further back into the driveway, likely under a pole barn type structure but I'm not there yet as I am just in the beginning phase of having the exterior of my home resided with window replacement. The driveway is the best and closest location to place a temporary dumpster for waste disposal. The current placement is definitely not impeding the street sightline or traffic, but I'm sure someone will come out and make a professional decision.

Where do I locate the building permit fees?

Thank you, Kendra

On Wed, Jul 15, 2020 at 2:27 PM Kendra Garinger < <u>kendraonkellogg@gmail.com</u>> wrote:

Good Afternoon Kimberly

Please give me a call at 503-989-2392 regarding the alleged violation on my property.

Thank you, Kendra

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

Spam Email
Phishing Email



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

July 22, 2020

Kendra K Garinger-Archie 6408 SE Aldercrest Ct Milwaukie OR 97267

Subject: Violations of the Clackamas County Building Code Chapter 9.02.040(A,

E) and the Zoning and Development Ordinance Section 315

Site Address: 6408 SE Aldercrest Ct., Milwaukie OR 97267 Legal Description: T2S, R2E, Section 08BC, Tax Lot 03600

The County received a complaint of an unpermitted cargo container that is on the above referenced property. This is a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code. The siting of the container may also be in violation of the Zoning and Development Ordinance Section 315 Urban Low Density Residential R-10.

This letter is in follow up to our phone conversation and exchange of emails held on July 20, 2020.

In order to abate the violations, please complete one of the following options not later than September 4, 2020:

- Please submit the building permit application, technically complete plans and appropriate fee(s).
 - The permit must be picked up within ten days of being notified.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued.

<u>Or:</u>

 Remove the unpermitted construction (the cargo container) on the subject property.

At this time, due to COVID-19, the Clackamas County Building hours are limited to: 9 a.m. to 2 p.m., Monday – Thursday. Building Code staff is available by phone 503-742-4240 or by email bldservice@clackamas.us: 8 a.m. – 4:00 p.m., Monday – Thursday

and 8 a.m. -3 p.m., on Friday. The public is encouraged to take advantage of the services available online, by phone or by email.

If you have questions regarding the permits, you may utilize these contact methods:

Planning and Zoning Division at 503-742-4500 or zoninginfo@clackamas.us Building Codes Division at 503-742-4240 or bldservice@clackamas.us Or by mail at: Development Services Building, 150 Beavercreek Rd, Oregon City, OR 97045.

If you have any questions for me, you may leave a voice mail message at 503-742-4457 or my email is kimben@co.clackamas.or.us.

Kimberly Benthin

Code Enforcement Specialist Code Enforcement Section

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 an administrative fee, and (3) referral of this matter to the County Code Enforcement Hearings Officer.

The Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties of up to \$1,000 for each day the county verifies the noncompliance. Fine amounts and civil penalties are 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 waive all or part of the \$75 per month administrative fee.

Unpaid fines, administrative fees, civil penalties and abatement costs may be recorded as a lien against property owned by any of the parties either jointly or separately.

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.

Finally, recurrences of abated violations will result in the issuance of a citation without prior notice.

Benthin, Kim

From: Benthin, Kim

Sent: Thursday, October 15, 2020 10:43 AM

To: 'Kendra Garinger'
Cc: 'Mark Gamba'

Subject: RE: Site Address 6408 SE Aldercrest Court Violation File # V0022920

Good morning Kendra,

I am confused as to why the location of the front property line on the soil is preventing you from submitting a permit for the cargo container? The cargo container placement must be **behind** the front of the building line. The dwelling already exists. In the Zoning and Development Ordinance. Section 315 in Table 315-2: Dimensional and Building Design Standards in the Urban Low Density Residential Zoning Districts; it states that 'Freight shipping containers shall be located behind the building line of the dwelling, and the exterior shall be painted similar in color to that of the dwelling.'

In July you stated that you were delayed in responding to the cargo container permitting needs because you were refinancing, and residing and replacing windows on the residence and a 19 year old cat resides in the garage. I sent you a violation notice on July 22, 2020 with a generous deadline of September 7, 2020 to submit a building permit application. As of today's date, this has still not occurred.

You have not requested an extension to the deadline. However, I will extend the deadline for permit submittal to October, 29 2020.

Kimberly Benthin

Code Enforcement Specialist
Clackamas County Code Enforcement Section

From: Kendra Garinger <kendraonkellogg@gmail.com>

Sent: Tuesday, October 13, 2020 2:45 PM **To:** Benthin, Kim <KimBen@clackamas.us> **Subject:** Site Address 6408 SE Aldercrest Court

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

Hi Kim

I realize that I have now received two monthly compliance fee accrual letters, a copy of the latest is attached.

I'm sorry for the delay in getting this issue processed. As you may know, my partner Mark is helping me out with this issue as he is much more knowledgeable with these matters. As you may also be aware, we are disputing the property boundaries as we have a couple, if not a few documents that show the property line differences and are trying to square that away before we can submit the drawing for the plan. Reading through all the codes to see which one fits my situation makes my head hurt. I am so sorry, but with the COVID, wildfires and various evacuation orders, the election and now I have filed a protective stalking order against my new neighbor, so I have to prepare for and attend hearings against him who is being a bully and his landlord is not doing anything about it...it's very overwhelming.

for the fees.	e
Thank you, Kendra	

Spam Email
Phishing Email









Citation No. 20229-1

Case No. V0022920

ADMINISTRATIVE CITATION

Date Issued: November 9, 2020

Name and Address of Person(s) Cited:

Name: Kendra K. Garinger-Archie
Mailing Address: 6408 SE Aldercrest Ct
City, State, Zip: Milwaukie, OR 97267

Date Violation(s) Confirmed: On the 3rd day of November, 2020, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Location: 6408 SE Aldercrest Ct., Milwaukie OR 97267 Legal Description: T2S, R2E Section 08BC, Tax Lot 03600

Law(s) Violated

Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040 (A,E) and OSSC Section 301.1 and ORSC Section R101.2

Title 12 and 13 of CCC Zoning and Development Ordinance, Section 315.

Description of the violation(s):

1) The placement of a cargo (shipping) container on site without building permit(s) and inspections.

Maximum Civil Penalty \$ 1000.00 Fine \$25.00

2) The placement of the cargo (shipping) container in front of the building line of the dwelling is in violation of the Building Design Standards of Section 315.

Maximum Civil Penalty \$ 750.00 Fine \$ 25.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$ 50.00. 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: Kimberly Benthin Date: November 9, 2020
Telephone No.: 503-742-4457 Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

You have been cited for the violations(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 Beavercreek 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 of violate other applicable laws.

Signature:	Date:		
Address:			
	City, State, Zip		
Contact Number:	Email:		



Citation No. 20229-1 Amended in yellow

Case No. V0022920

ADMINISTRATIVE CITATION AMENDED

Date Issued: November 9, 2020 Date Amended: December 11, 2020

Name and Address of Person(s) Cited:

Name: Kendra K. Garinger-Archie
Mailing Address: 6408 SE Aldercrest Ct
City, State, Zip: Milwaukie, OR 97267

Date Violation(s) Confirmed: On the 3rd day of November, 2020, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Location: 6408 SE Aldercrest Ct., Milwaukie OR 97267 Legal Description: T2S, R2E Section 08BC, Tax Lot 03600

Law(s) Violated

Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040 (A,E) and OSSC Section 301.1 and ORSC Section R101.2

☐ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 315.

Description of the violation(s):

1) The placement of a cargo (shipping) container on site without building permit(s) and inspections.

Maximum Civil Penalty \$ 1000.00 Fine \$25.00

2) The placement of the cargo (shipping) container in front of the building line of the dwelling is in violation of the Building Design Standards of Section 315.

Maximum Civil Penalty \$ 750.00 \$1000.00 Fine \$ 25.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$ 50.00. 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: Kimberly Benthin Date: November 9, 2020
Telephone No.: 503-742-4457 Department Initiating Enforcement Action: Code Enforcement

Exhibit H page 3 of 4

PLEASE READ CAREFULLY!

You have been cited for the violations(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 Beavercreek 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 of violate other applicable laws.

Signature:	Date:	
Address:		
	City, State, Zip	
Contact Number:	Email:	

Case No. V0022920







Citation No. 20229-2

Case No. V0022920

ADMINISTRATIVE CITATION

Date Issued: December 14, 2020

Name and Address of Person(s) Cited:

Name: Kendra K. Garinger-Archie
Mailing Address: 6408 SE Aldercrest Ct
City, State, Zip: Milwaukie, OR 97267

Date Violation(s) Confirmed: On the 3rd day of November, 2020, and continues to exist on the 8th day of December 2020, 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): 6408 SE Aldercrest Ct., Milwaukie, OR 97267 Legal Description: T2S, R2E, Section 08BC, Tax Lots 03600

Law(s) Violated:

Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040(A, E) and Section 301.1 and ORSC Section R101.2

☑Title 12 and 13 of CCC Zoning and Development Ordinance, Section 315

Description of the violation(s):

1) The placement of a cargo (shipping) container on site without building permit(s) and inspections.

Maximum Civil Penalty \$ 1000.00 Fine \$ 100.00

2) The placement of the cargo (shipping) container in front of the building line of the dwelling is in violation of the Building Design Standards of Section 315.

Maximum Civil Penalty \$ 1000.00 Fine \$ 100.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$ 250.00. 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: Kimberly Benthin Date: December 14, 2020
Telephone No.: 503-742-4457 Department Initiating Enforcement Action: Code Enforcement

Exhibit J Page 1 of 2

PLEASE READ CAREFULLY!

You have been cited for the violations(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 Beavercreek 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:		

Case No. V0022920

Benthin, Kim

From: Kendra Garinger <kendraonkellogg@gmail.com>

Sent: Monday, December 28, 2020 8:53 AM

To: Benthin, Kim

Subject:Code enforcement on Aldercrest CourtAttachments:GaringerResponseToCodeEnforcement.docx

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

Good Morning Kimberly

Citation No. 20229-2 Case No. V0022920

Please review the attached statement and I'll call you in a bit to discuss as I'm completely confused as to which option to select for the citation.

Thank you and so sorry for my delay in moving this process along, it's been a tough road lately.

Thank you, Kendra

Spam Email
Phishing Email

Clackamas County Code Enforcement

December 22, 2020

Regarding:

Citation No. 20229-2 / Case No. V0022920 Address – 6408 SE Aldercrest Court, Clackamas, OR 97267

Dear Kimberly,

Pardon my delay in getting back to you; it's been a hectic several months.

I assure you that Mark and I are working with your staff to resolve the placement of the container, thus informing your team that we are working on it and I hoped that our obvious efforts would reassure your department that we are making our best efforts towards abating our infraction.

The container was placed ahead of schedule and I was unaware prior for the need to obtain a permit as I see containers randomly around the county...I just didn't know it was necessary and have done no previous projects to bring to mind to inquire about the need for a permit. We are on top of that process now that I am aware.

The timing of all of this has made it very difficult. I have been trying for several years to replace my siding and make some other much needed repairs and our intention was to deconstruct the garage and replace it with the container when that project was finished. Financial difficulties this past year due to pandemic related restrictions, wild fires, and medical issues have obviously slowed those efforts.

A diagram of the planned placement was submitted a few weeks back with questions to be sure we are submitting the correct data. Also, there was some confusion as to the correct property lines. Because of COVID restrictions we are unable to have an in person meeting to go over all the details and requirements...I'm sorry but it is quite confusing. I'm guilty of this as well but the communication via phone calls, letters and emails have unfortunately slowed down this process. As an example, we just learned this week that we have to have a permit to deconstruct the garage.

Please forgive me with the delay in finishing this process.

Fines at this point will only slow the process. Please tell me what I need to do in order to resolve this without incurring further expenses that we cannot afford.

Thank you,

Kendra Garinger

Benthin, Kim

From: Benthin, Kim

Sent: Monday, July 24, 2023 3:29 PM

To: 'Kendra Garinger'

Subject: RE: 6408 SE Aldercrest Court, Milwaukie

Good morning Kendra,

I do not know who was out a week or so ago. You can contact the Building Dept at 503-742-4240 Or by email: bldservice@clackamas.us

The monthly Administrative Compliance Fee letter is automatically sent out by the computer. It is a reminder that \$75 per month is accruing until the violation is resolved. It is not resolved until the permit for the cargo container successfully receives all required inspections. According to the last inspection for the container, you have some additional work to do. You received a citation in December 2020. Therefore it is unlikely that the administrative fee will be waived.

Kimberly Benthin 503-742-4457 Clackamas County

From: Kendra Garinger < kendra onkellogg@gmail.com >

Sent: Friday, July 21, 2023 11:42 AM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: 6408 SE Aldercrest Court, Milwaukie

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

Hi Kim

I keep getting the monthly administrative compliance fee accrual notices.

We are working on this project and have even passed a few inspections.

I think we are getting close to being finished.

Would you please put me in touch with the electrical inspector that came out to my house a week or so ago?

Thank you, Kendra

On Tue, Oct 25, 2022 at 3:09 PM Benthin, Kim < KimBen@clackamas.us > wrote:

Good afternoon Kendra,

Benthin, Kim

From: Benthin, Kim

Sent: Wednesday, August 2, 2023 10:07 AM

To: 'Kendra Garinger'

Subject: RE: 6408 SE Aldercrest Court, Milwaukie B0387621

Kendra,

I see that your electrical permit has been finalled. I see that the inspector did an inspection on August 10, 2022 and he asked that you follow up with the Plans Examiner. The inspection was not successful and the permit was not finalled. I followed up on that for you for the permit # B0387621 and I got it ironed out.

Please call for another inspection for the cargo container permit in order to complete that permit and get a final approved inspection.

In order to call for an inspection you may use the phone number on you permit card or call or email the numbers below for assistance.

Thank you

Kimberly Benthin 503-742-4457 Clackamas County

From: Benthin, Kim

Sent: Monday, July 24, 2023 3:29 PM

To: 'Kendra Garinger' <kendraonkellogg@gmail.com> **Subject:** RE: 6408 SE Aldercrest Court, Milwaukie

Good morning Kendra,

I do not know who was out a week or so ago. You can contact the Building Dept at 503-742-4240 Or by email: bldservice@clackamas.us

The monthly Administrative Compliance Fee letter is automatically sent out by the computer. It is a reminder that \$75 per month is accruing until the violation is resolved. It is not resolved until the permit for the cargo container successfully receives all required inspections. According to the last inspection for the container, you have some additional work to do. You received a citation in December 2020. Therefore it is unlikely that the administrative fee will be waived.

Kimberly Benthin 503-742-4457 Clackamas County



Clackamas County Inspection History for Record #B0387621

Applicant Name:

Work Description: EPR V0022920 40' SHIPPING CONTAINER FOR STORAGE

Address: 6408 SE ALDERCREST CT, MILWAUKIE, OR 97267

Inspection Date	Inspection Type	Inspector	Status	Comments
8/10/2022 9:56:40 AM	200 Footings	James Wilson	Approved w/Conditions	Verify w plans examiner the asbuilts are correct, the plan scale do not work.