



## NOTICE OF HEARING

August 22, 2024

Emmert Family I LLC  
11811 SE Hwy 212  
Clackamas, OR 97015

**RE::** County of Clackamas v. Emmert Family I LLC  
**File:** V0030821

**Hearing Date:** October 10, 2024

**Time:** This item will not begin before 10:30am 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 Andrea Hall, Senior Code Compliance Specialist for Clackamas County at (503) 742-4467, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

## STATEMENT OF RIGHTS

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

**Carl Cox**  
**Attorney at Law**  
**14725 NE 20<sup>th</sup> 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 copy of the link is provided below.

If you would like to present evidence at the Hearing please email or mail your evidence to Andrea Hall 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 Andrea Hall at 503-742-4467 **within 3 calendar days of receipt of the Notice of Hearing**.

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

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

#### Zoom invite

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

Please click this URL to join.

<https://clackamascounty.zoom.us/j/81174931835?pwd=0YyN3mpMfOSxjhB0VHImSGb0MxqwnX.1>

Passcode: 935601

Or One tap mobile:

+14086380968,,81174931835# US (San Jose)

+16694449171,,81174931835# US

Or join by phone:

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

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

Webinar ID: 811 7493 1835

## 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](http://www.clackamas.us/transportation/nondiscrimination), email [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), envíe un correo electrónico a [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), отправьте письмо на адрес эл. почты [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination)，发送电子邮件至 [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), gửi email đến [JKauppi@clackamas.us](mailto: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/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination)을 참조하거나 이메일 [JKauppi@clackamas.us](mailto:JKauppi@clackamas.us), 또는 전화 503-742-4452번으로 연락 주십시오.

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

COUNTY OF CLACKAMAS,

Petitioner,

v.

EMMERT FAMILY I LLC,

Respondent.

File No: V0030821

COMPLAINT AND REQUEST FOR HEARING

I, Andrea Hall, Senior Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondent Emmert Family I LLC mailing address is: 11811 SE Hwy 212,  
Clackamas, OR 97015.

2.

The address or location of the violation(s) of law alleged in this Complaint is:  
6418 SE Aldercrest Ct., Milwaukie, OR 97267, also known as T2S, R2E, Section 8BC , Tax Lot  
3800, and is located in Clackamas County, Oregon.

3.

On or about the 29<sup>th</sup> day of September, 2021 and the 12<sup>th</sup> day of May, 2022 the Respondent  
violated the following laws, in the following ways:

- a. Chapter 9.02.040(E) of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code. This violation is a Priority 4 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violation was given to Respondent in the following manner: Violation notice and Citation and Complaint number 2100308-1. A copy of the notice documents are attached to this Complaint as Exhibits E & F, 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 Priority 4 violation being \$100.00 to \$1000.00 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:

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

DATED THIS 26<sup>th</sup> day of August, 2024.



---

Andrea Hall  
Senior Code Enforcement Specialist  
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

EMMERT FAMILY I LLC,

Respondent.

File No.: V0030821

STATEMENT OF PROOF

History of Events and Exhibits:

- |                                 |  |
|---------------------------------|--|
| July 28, 2021<br>Exhibit A      | In response to a complaint, a letter was mailed to the Respondent alleging that tree removal may have taken place on the property in violation of the Clackamas County Zoning and Development Ordinance for excavating in a protected area.  |
| August 16, 2024                 | An additional complaint was submitted to the County regarding other potential violation on the property including an unpermitted accessory building.   |
| August 19, 2021<br>Exhibit B    | A review of County records revealed that a County Tax & Assessment Appraiser inspected the property on January 1, 2018 and found that the accessory building had a new roof and siding and that a new deck with cover had been constructed. A review of the County's permit system revealed that no permits were issued for this work. Aerial photos show the work being done between 2016 and 2017. |
| August 20, 2021<br>Exhibit C    | A site inspection was performed which revealed that a large water slide had been constructed by digging out some of a hillside and putting down a blue tarp. The inspection also confirmed that a deck and cover had been constructed onto the accessory building on the property. The County spoke with Tommy from the Respondent's office to let him know what the issues were on the property.    |
| September 24, 2021<br>Exhibit D | A site inspection was performed which revealed that the water slide had been taken down and the area restored, the deck and cover remained.  |
| September 29, 2021<br>Exhibit E | A violation notice was mailed to the Respondent with a deadline of November 1, 2021 to submit a building permit application and 45 days from the date the permit was issued to obtain an approved final inspection.  |



December 6, 2021

The County met with Terry Emmert at the County's office regarding the building code violation. Mr. Emmert indicated that he would reach out the Building Official to see what he would need to provide the County in order to permit the deck and cover.

May 12, 2022  
Exhibit F

After a review of County records revealed that a permit application for the deck and cover had not been received by the Building Department, citation number 2100308-1 was issued to the Respondent in the amount of \$100.00 for the Building Code violation. The citation was sent first class mail and not returned to the County, the citation remains unpaid.

August 22, 2024

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 Clackamas County Building Code exists on the subject property, the County would request a Continuing Order be issued requiring the Respondent to obtain a building permit for the deck and cover within 30 days of the date of the Order and obtain an approved final inspection within 45 days of the date the permit is issued.

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:

- Waive amount for citation number 2100308-1 dated May 12, 2022.
- The imposition of civil penalties of up to \$1000.00 for date cited May 12, 2022.
- The administrative compliance fee to be imposed from September 29, 2021 of \$250.00.\*

*\*The Administrative Compliance Fee calculated at \$75 per month from September 2021 totals \$2550.00. However, the County is requesting a reduced Administrative Compliance Fee of \$250.00 as a reasonable estimate of the cost of this enforcement matter.*

- 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.





July 28, 2021

Emmert Family I LLC  
11811 SE Hwy 212  
Clackamas, OR 97015

Shawn Dougherty-Registered Agent  
11811 SE Hwy 212  
Clackamas, OR 97015

**Subject: Violation of the Habitat Conservation Area District Ordinance Section 706 of the Clackamas County Code**

Site Address: 6418 SE Aldercrest Ct, Milwaukie OR 97267  
Legal Description: T2S, R2E, Section 08BC, Tax Lot 03800

It has come to the attention of Clackamas County Code Enforcement that vegetation and tree removal may have occurred in the protected area of the Habitat Conservation Area on the above referenced property.

This may constitute a violation of the Clackamas County Zoning and Development Ordinance, specifically pertaining to the Habitat Conservation Area Ordinance Section 706.

Section 706 of the Clackamas County Zoning and Development Ordinance regulate the Habitat Conservation areas within Clackamas County.

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

E-mail address is [Andreahal@clackamas.us](mailto:Andreahal@clackamas.us)

Telephone number is 503-742-4467

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

## Department of Transportation and Development

### **Nondiscrimination Policy:**

The Department of Transportation and Development is committed to non-discrimination. For more information go to: [www.clackamas.us/transportation/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination), email [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), envíe un correo electrónico a [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), отправьте письмо на адрес эл. почты [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination)，发送电子邮件至 [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), gửi email đến [JKauppi@clackamas.us](mailto: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/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination)을 참조하거나 이메일 [JKauppi@clackamas.us](mailto:JKauppi@clackamas.us), 또는 전화 503-742-4452번으로 연락 주십시오.

오.



2016



2017

















September 29, 2021

Emmert Family LLC  
11811 SE Hwy 212  
Clackamas, OR 97015

**Subject: Violation of the Clackamas County Code V0030821**

Site Address: 6418 SE Aldercrest Ct., Milwaukie, OR 97267  
Legal Description: T2S, R2E, Section 8BC, Tax Lot 3800

It has come to the attention of the Clackamas County Code Enforcement Section that a large deck and cover have been constructed on an accessory building without the benefit it permits or inspections. This constitutes a violation of Chapter 9.02.040(E) of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate the violation, please submit a building permit application, technically complete plans and appropriate fees to the Clackamas County Building Codes Division no later than **November 1, 2021**. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>. The permit must have the fees paid in full within ten (10) days of being notified the permit is ready. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued.

If you have any questions concerning these permit requirements or the online submittal process, please contact the Building Codes Division at 503-742-4240, via email at [bldservice@clackamas.us](mailto:bldservice@clackamas.us) or, you may stop by our offices 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. and Friday 8:00 a.m. to 3:00 p.m.

Please feel free to contact me if you have any questions. My direct telephone number is 503-742-4467 or email [andreaahal@clackamas.us](mailto:andreaahal@clackamas.us).

Thank you for your prompt attention to this matter.

A handwritten signature in blue ink, appearing to read "Andrea Hall".

Andrea Hall  
Clackamas County  
Code Enforcement Section

## 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](mailto: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. 2100308-1

Case No. V0030821

# ADMINISTRATIVE CITATION

Date Issued: May 12, 2022

**Name and Address of Person(s) Cited:**

Name: Emmert Family I LLC  
Name:  
Mailing Address: 11811 SE Hwy 212  
City, State, Zip: Clackamas, OR 97015

Date Violation(s) Confirmed: On the 12th day of May, 2022, 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): 6418 SE Aldercrest Ct., Milwaukie, OR 97267

Legal Description: T2S, R2E Section 8BC, Tax Lot(s) 3800

**Law(s) Violated:**

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

**Description of the violation(s):**

- 1) Property owner has failed to obtain a permit and final inspection for a deck and deck cover on an accessory building on the property.

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 \$100.00. 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: Andrea Hall  
Telephone No.: 503-742-4467

Date: May 12, 2022  
Department Initiating Enforcement Action: Code Enforcement

