



NOTICE OF HEARING

December 30, 2024

Paul Gagner
22724 SE Eagle Creek Rd.
Eagle Creek, OR 97022

RE:: County of Clackamas v. Paul Gagner
File: V0054214

Hearing Date: January 28, 2025

Time: This item will not begin before 12:30pm 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 Officer's Order is the final decision of the County, and may be appealed pursuant to Oregon law. The Hearings Officer for Clackamas County is:

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



You must have access to the internet or to a telephone line to use the Zoom platform, a 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/84839194074?pwd=cAXnocL9B3CjdDxyXgPdaAbdAnOxWa.1>

Passcode:994224

Phone one-tap:

+13462487799,,84839194074# US (Houston)

+14086380968,,84839194074# US (San Jose)

Join via audio:

+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)

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+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

Webinar ID: 848 3919 4074

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.

PAUL GAGNER,

Respondent.

FILE NO: V0054214

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents' mailing address is: 22724 SE Eagle Creek Rd., Eagle Creek, OR 97022.

2.

The address or location of the violation(s) of law alleged in this complaint is: 22724 SE Eagle Creek Rd., Eagle Creek, OR 97022, also known as T2S, R4E, Section 31A, Tax Lot 02802, and is located in Clackamas County, Oregon. The property is zoned RFFF-5 (Rural Residential Farm Forest 5 Acre) and is the location of violation(s) asserted by the County.

3.

On or about the 16th day of July, 2019, and on or about the 7th day of July, 2021, the Respondent violated the following laws, in the following ways:

Title 9 of the Clackamas County Building Code Section 9.02.030 for failure to obtain inspections for permits. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

Title 9 of the Clackamas County Excavation and Grading Code Section 9.03.030 for failure to obtain a grading permit. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violation was given to Respondents in the following manner: Violation notice dated July 16, 2019 and Citation and Complaint #1400542-1 on July 7, 2021. A copy of the notice documents are attached to this Complaint as Exhibits D and G, 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 Commissions. Said range for a Priority 1 Building Code violation being \$750.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code; and said range for a Priority 1 Excavation and Grading Code 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 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 27th day of December, 2024

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

Shane Potter
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

File No.: V0054214

v.

PAUL GAGNER,

Respondent.

STATEMENT OF PROOF

History of Events and Exhibits:

- | | |
|---|--|
| Exhibit A | Respondents' mailing address is 22724 SE Eagle Creek Rd., Eagle Creek, OR, 97022, also known as T2S, R4E, Section 31A Tax Lot 02802, located within Clackamas County. The parcel is mostly zoned RC (Rural Commercial) with a small section along the border of the property zoned RRFF-5 (Rural Residential Farm Forest 5 Acre. Exhibit A page 1 is a 2023 aerial, and page 2 is the RSCA (River and Stream Conservation Area) map. |
| August 5, 2014 | Clackamas County receives a complaint regarding large amounts of excavation and fill. |
| April 12, 2016 Exhibit B | A building inspector performed a site visit and took photos. The inspection noted: "appears to be more than 50 cubic yards cut from the hill side and dumped over the end on the same property". |
| October 22, 2018 Exhibit C | Code Enforcement Specialist (CES) Shane Potter sent a letter introducing himself as the code specialist assigned to this file and briefly explaining the violation. The letter was mailed first class mail, and the mail was not returned. |
| July 16, 2019 Exhibit D | CES Potter prepared a Notice of Violation with a deadline to respond of August 15, 2019. The notice was mailed first class mail, and the mail was not returned. |
| August 16, 2019 and September 17, 2019 | On August 16, 2019, Respondent Paul Wagner called CES Potter and stated he has taken care of everything on the list other than the grading issue. On September 17, 2019, Respondent Paul Wagner called CES Potter and asked for another month to address the grading issue. CES Potter granted the one-month extension. |

| | |
|--|---|
| December 16, 2019 & December 20, 2019 Exhibit E | Emails between Plans Examiner Robert Morris and the Respondent Paul Wagner discussing what needs to be done to submit a complete application. |
| April 14, 2020 | Due to COVID event CES Potter extended the deadline for additional materials to be submitted to June 1, 2020. |
| November 12, 2020 Exhibit F | CES Potter prepared a new Notice of Violation addressing the remaining grading issues and other permits that have not been addressed. The notice was mailed first class mail, and the mail was not returned. |
| November 18, 2020 | CES Potter spoke with Respondent Paul Wagner by phone. Respondent felt he had submitted everything that was asked of him. I explained he will need to work with the permits department to submit what they are requesting as it still shows incomplete. |
| July 7, 2021 Exhibit G | CES Diane Bautista issued citation #1400542-1 for failure to obtain building, plumbing and electrical permits as well as a grading permit violation. The citation was mailed first class mail, the mail was not returned, and the citation has not been paid. |
| March 1, 2023 Exhibit H | Series of emails between Respondent Paul Wagner, CES Potter and Plans Examiner Robert Morris regarding what is remaining and what needs to be done to complete the application. |
| December 17, 2024 Exhibit I | CES Potter reviewed the file and found the grading permit is still expired, no inspections have been completed, and the permit still has not been completed and is awaiting additional information to be finished. |
| December 27, 2024 | This file has been referred to the Code Enforcement Hearings Officer. |

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

- Payment of Citation #1400542-1 for \$200.00.
- The imposition of civil penalties of up to \$1,000.00 for a Building Code Violation and civil penalties of up to \$3,500.00 for a Excavation and Grading Code violation for a total of up to \$4,500.00.
- The administrative compliance fee beginning July 2019 for a total of \$4,800.00, however due to inactivity the County is requesting an administrative compliance fee 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.
- The County would also ask that reimbursement be ordered for any expense the County incurs in collection of these monies.





Property Search (/default.aspx) / Search Results (/results.aspx) / Property Summary

Property Account Summary



| | | | | |
|---------------------------------|--------------------------------------|-------------------------|---|--|
| Account Number | 01853104 | Property Address | 22724 SE EAGLE CREEK RD , EAGLE CREEK, OR 97022 | |
| General Information | | | | |
| Alternate Property # | 24E31A 02802 | | | |
| Property Description | Subdivision EAGLES NEST #2 LT 6 3492 | | | |
| Property Category | Land &/or Buildings | | | |
| Status | Active, Locally Assessed | | | |
| Tax Code Area | 108-003 | | | |
| Remarks | | | | |
| Tax Rate | | | | |
| Description | Rate | | | |
| Total Rate | 13.4811 | | | |
| Property Characteristics | | | | |
| Neighborhood | 12054: Estacada rural all other | | | |
| Land Class Category | 401: Tract Land Improved | | | |
| Building Class Category | 14: Single family res, class 4 | | | |
| Year Built | 2014 | | | |
| Change property ratio | 4XX | | | |
| Related Properties | | | | |
| No Related Properties Found | | | | |
| Parties | | | | |
| Role | Percent | Name | Address | |
| Taxpayer | 100 | GAGNER PAUL V | 22724 SE EAGLE CREEK RD, EAGLE CREEK, OR 97022 | |
| Owner | 100 | GAGNER PAUL V | 22724 SE EAGLE CREEK RD, EAGLE CREEK, OR 97022 | |
| Property Values | | | | |







October 22, 2018

Paul V Gagner
PO Box 212
Eagle Creek, OR 97022

**SUBJECT: INTRODUCTORY LETTER OF NEW CODE SPECIALIST ASSIGNED TO
V0054214**

SITE ADDRESS: 22724 SE Eagle Creek, OR 97022
LEGAL DESCRIPTION: T2S, R4E, Section 31A, Tax Lot 02802

I wanted to take a moment and introduce myself my name is Shane Potter I am a code enforcement specialist with Clackamas County. I have been reassigned your file regarding a violation of: grading work done without a grading permit. Grading permit has been applied for but not issued and is awaiting additional information.

The purpose of this letter is to first introduce myself and then provide a quick review of possible next steps for your file. I have researched the file and found that this violation has existed since August 5, 2014. Please contact me so we might have an opportunity to discuss steps to resolve this issue. Failure to contact me may result in further action by the County. Again we are hoping to resolve this issue before any further actions occur.

Please note that administration fees will begin accruing as of the date of this letter.

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.*



July 16, 2019

Paul V Gagner
PO Box 212
Eagle Creek, OR 97022

**SUBJECT: VIOLATION OF THE CLACKAMAS COUNTY EXCAVATION & GRADING
CODE TITLE 9.03.030 & 9.03.060 (A)**

SITE ADDRESS: 22724 SE Eagle Creek Rd., Eagle Creek, OR 97022

LEGAL DESCRIPTION: T2S, R4E, Section 31A, Tax Lot 02802

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

- Excavating in excess of 500 cubic yards

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 1, 2017 Tom Ginsbach (Engineer) made contact with our plans examiner stating that he was in the process of preparing the report needed to complete the review of the file.

On July 12, 2019 staff reviewed the file and the grading permit still has not been processed.

NEXT STEPS

Grading

This constitutes a violation of the Grading and Excavation Code, Title 9.03.030 & 9.03.060(A) of the Clackamas County Code. In order to abate the violations, please submit the building permit application(s), technically complete plans and appropriate fee(s) **no later than August 15, 2019**. The permit must be picked up within ten days of being notified. Please schedule all inspections so that final inspections may be obtained no later than 45 days of the date of the permit being issued.

- To obtain a permit application and view the requirements for a Grading permit application, you can go to this link:
<https://www.clackamas.us/building/building.html>

WHO TO CONTACT

Building – If you have questions concerning the grading permit please feel free to contact me at 503-742-4240.

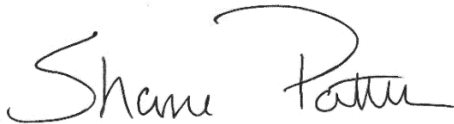
Code Enforcement – If you have any other questions please feel free to contact me at 503-742-4465 or email at spotter@co.clackamas.us

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.

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.

From: Morris, Robert
To: woodland5@rconnects.com
Cc: roadengr@comcast.net; tginsbach@nwgeotech.com; wolsen@nwgeotech.com; Potter, Shane
Subject: RE: Grading permit #G0002916, Violation Case #V0054214
Date: Friday, December 20, 2019 10:59:31 AM

Hello Paul,

The items submitted yesterday includes copies of plans and reports which we had already received previously, along with original copies of a septic system inspection report... all of which we in Building Codes have no use for, so I am sending them back to you via USPA mail.

Please:

- Contact Aaron Dennis with the county's Septic Program regarding his approval for this permit, which has not yet been given according to our system. Note: Septic approval is separate from and unrelated to Building Codes approval... but is required in order to issue the permit.
- Submit plans, specifications, and a material quantity calculation to address the fill slopes located downslope from the newer residence structure, addressed within the section titled: "Fill Slope Below Home and Upper Driveway" on page 5 of the geotechnical evaluation report by Northwest Geotech, Inc. (dated 2/7/18), which states in part: "As discussed above, NGI recommends that the fill slope below the home and upper portion of the driveway be graded to a more stable configuration unless you decide to accept the performance risk and realize that periodic maintenance and repairs may be needed. The fill slope below the home and upper portion of the driveway could be graded to a more stable configuration using an earthwork solution or by construction a retaining wall near the top of the slope and removing the current over-steepened slope".

Per Section 9.03.140(E) of the Clackamas County Code:

"Engineered Grading Requirements. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. He also shall be responsible for the professional inspection and approval of the grading within his area of technical specialty. This responsibility shall include, but need not be limited to, inspection and approval as to the establishment of line, grade and drainage of the developed area. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between other professionals, the contractor and the Building Codes Division Manager. The civil engineer also shall be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of work. The grading contractor shall submit in a form prescribed by the Building Codes Division Manager a statement of compliance to said as-built plan."

If there are questions, or if I can help in any way, please let me know.

Thank you,

Robert Morris, Plans Examiner
Clackamas County Building Codes Division
150 Beaver Creek Road
Oregon City, OR 97045
503-742-4779
www.clackamas.us

Our Permit Lobby is open from:

- 8a.m. to 4p.m., Monday through Thursday

- 8a.m. to 3p.m. on Fridays

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From: Morris, Robert

Sent: Monday, December 16, 2019 9:08 AM

To: 'woodland5@rconnects.com' <woodland5@rconnects.com>

Cc: 'roadengr@comcast.net' <roadengr@comcast.net>; 'tginsbach@nwgeotech.com' <tginsbach@nwgeotech.com>; 'wolsen@nwgeotech.com' <wolsen@nwgeotech.com>; Potter, Shane <SPotter@clackamas.us>

Subject: Grading permit #G0002916, Violation CAse #V0054214

Hello Paul,

Responding to your voice message, please let me know your questions and I will do my best to provide answers. We left off about 13 months ago, needing the following:

- Plans, specifications, and a material quantity calculation to address the fill slopes located downslope from the newer residence structure, addressed within the section titled: "Fill Slope Below Home and Upper Driveway" on page 5 of the geotechnical evaluation report by Northwest Geotech, Inc. (dated 2/7/18)
- Septic approval for the grading permit

If anything has changed, please let me know.

Thank you,

Robert Morris, Plans Examiner



November 12, 2020

Paul V Gagner
PO Box 212
Eagle Creek, OR 97022

SUBJECT VIOLATION(S) OF:

1. CLACKAMAS COUNTY BUILDIGN CODE AND ENFORCEMENT OF THE COUNTY BUILDING CODE ORDINANCE TITLE 9.02.040
2. CLACKAMAS COUNTY GRADING AND EXCAVATION ORDINANCE TITLE 9.03.030 – PERMITS REQUIRED; EXCEPTIONS

SITE ADDRESS: 22724 SE Eagle Creek, OR 97022

LEGAL DESCRIPTION: T2S, R4E, SECTION 31A, TAX LOT 02802

ZONING: RRFF-5 (Rural Residential Farm Forest 5 Acre)

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

1. Electrical permits:
 - a. #E0348302 – Expired
 - b. #E0418812 – Lobby
 - c. #E0083918 – last inspection 12/24/19
2. Plumbing permits:
 - a. #P0149412 – Expired
 - b. #P0104517 – last inspection 6/1/20
3. Building permits:
 - a. #B0316312 – Expired
 - b. #B0182113 – Expired
 - c. #B0232817 – last inspection 6/12/17
4. Grading permit #G0002916 – Plan Check

On August 5, 2014 Clackamas County Code Enforcement received a complaint. On October 17, 2018 I sent a letter introducing myself and briefly explaining the violation. On March 3, 2020 permitting worked an agreement with you to complete the work. To date very little work (inspection wise) has been completed.

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.

UNPERMITTED CONSTRUCTION

There are numerous permits that either have not been completed or have expired without a final inspection. 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 December 12, 2020**:

1. You are to submit all required documentation on those permits that remain in a status that they have requested additional information. There is also numerous other permits listed in this report that must be reissued by the date above and inspections completed as stated below:
 - a. Submit all documentation by the date listed above for those permits requiring additional information.
 - b. Permits must be picked up within ten days of being notified that the permit is ready.
 - c. Permits that need to be re-issued must be done so by the deadline of this letter.
 - d. Schedule all inspections so that final inspections may be obtained no later than 45 days from the date of the permit being issued.

GRADING & EXCAVATION

There is a grading permit that requires additional information to be provided. Grading work was done without a permit. Failure to obtain or comply with a Clackamas County Grading and Excavation Permit constitutes a violation of the Clackamas County Grading and Excavation Code Title 9.03.030 which addresses permits required and exceptions. In order to abate this violation you must complete the following **no later than December 12, 2020**:

1. Submit the required additional information including the application(s) and technically complete plans to the Clackamas County Building (permitting) Department and pay the appropriate fee(s).
 - a. Once approved and ready for pick up the permit must be picked up within ten (10) days of being notified, and
 - b. Schedule all inspections so that final inspections may be obtained no later than 45 days of the date of the permit being issued.

To obtain a permit and see requirements for a grading permit application go to:

<https://www.clackamas.us/building/building.html>

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 (Permitting) – If you have questions relating to permitting or would like to obtain a permit please contact 503-742-4240

Due to the COVID event we encourage you to handle all 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 Beaver Creek 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

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



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.



Citation No. 1400542-1

Case No. V0054214

ADMINISTRATIVE CITATION

Date Issued: July 7, 2021

Name and Address of Person(s) Cited:

Name: Paul Gagner
Mailing Address: P.O. Box 2121
City, State, Zip: Eagle Creek, OR 97022

Date Violation(s) Confirmed: On the 7th day of July, 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): 22724 SE Eagle Creek Rd., Eagle Creek, OR 97022

Legal Description: T2S, R4E Section 31A, Tax Lot(s) 02802

Law(s) Violated:

- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (C), (D), and (E)
- Chapter 9.03 of CCC Excavation and Grading, Section 9.03.030

Description of the violation(s):

- 1) Failure to obtain final approved building, electrical and plumbing inspections

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

- 2) Failure to obtain grading permit and final approved inspections

Maximum Civil Penalty \$3,500.00 Fine \$100.00

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: Diane Bautista
Telephone No.: 503-742-4459

Date: July 7, 2021
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: _____

From: woodland5@rconnects.com
To: [Morris, Robert](#)
Cc: [Potter, Shane](#)
Subject: Re: Grading project @ 22724 SE Eagle Creek Rd. (Permit application #G0002916)
Date: Wednesday, March 1, 2023 9:15:51 AM
Attachments: [image001.jpg](#)
[image003.jpg](#)

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

Robert

I'm not dealing with n.w. geotech, he's a liar (twice) and Tom tried to pull a fast one on me....40 grand and this is what i got....and you referred me to this guy.....

On 2023-03-01 8:59 am, Morris, Robert wrote:

Hello Mr. Gagner,

According to our most recent correspondence (copies attached), the remaining review comment which needs to be addressed is as follows:

5. The proposed scope of work, and related construction plans and specifications, does not address the fill slopes located downslope from the newer residence structure. Please provide additional plans and specifications, along with revised quantity calculations as necessary, to address the recommendations titled: "Fill Slope Below Home and Upper Driveway" on page 5 of the provided geotechnical evaluation report by Northwest Geotech, Inc., dated 2/7/2018.

Please:

1. Renew this permit application, either in our lobby or by contacting our Permits staff at bldservice@clackamas.us or 503-742-4240.
2. Have Roadway Engineering (copied in this message) address the remaining review comment and send the requested, additional items directly to me by email.

Best Regards,

Robert Morris, Commercial Plans Examiner

Building Codes Division
Clackamas County Department of Transportation and Development
150 Beaver Creek Rd., Suite 225, Oregon City, OR 97045
Primary: 503-742-4240
Secondary: 971-378-9764
Hours of Operation: Mon - Fri, 7:30 AM to 4:00 PM
www.clackamas.us

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



From: woodland5@rconnects.com <woodland5@rconnects.com>

Sent: Wednesday, March 1, 2023 8:35 AM

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

Cc: Morris, Robert <RMorris@clackamas.us>

Subject: Re: #5

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

On 2023-03-01 8:33 am, woodland5@rconnects.com wrote:

Sorry 22724 se eagle creek road eagle creek ore 97022

THANK YOU WOODLAND MACHINE

On 2023-03-01 8:28 am, Potter, Shane wrote:

Just to clarify I believe he is referring to the outstanding grading permit. If you could provide us the address to ensure both Robert and I are able to look up the same file.

Sincerely,

Shane Potter

Code Enforcement Specialist

Code Enforcement

Department of Transportation and Development

150 Beaver Creek Rd., Oregon City, OR 97045

Primary Phone: 503-742-4465

spotter@clackamas.us

www.clackamas.us

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



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

From: woodland5@rconnects.com <woodland5@rconnects.com>

Sent: Wednesday, March 1, 2023 8:00 AM

To: Morris, Robert <RMorris@clackamas.us>

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

Subject: #5

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

Good Morning Robert

Hey Shane has been on me about this violation, i just felt i was screwed and lied to, end of that, i would like to get this taking care of, were down to #5 on the list, can we come to a happy medium on this, or better yet if you can send someone out here to talk to me on this and we will get this going and finish up..... thank you Robert and Shane.....



Permit #: G0002916 Applied: 06/21/2016
 Type: Grading / Grading Approved:
 Status: Expired Final:
 Valuation: \$0.00 Expiration:
 Address: 22724 SE EAGLE CREEK RD EAGLE CREEK, OR 97022

Applicant:
 Owner: GAGNER PAUL V
 Contractor: DIRTBAG EXCAVATION INC (503) 630-3001

Certificate of Occupancy Required:

Taxlot: 24E31A 02802 Class:
 Entered By: CHRISTINEC Occupancy:
 Insp Area: Units: Bldgs:
 Printed: 12/17/2024 Violation:
 Description: V0054214 - GRADING IS ABOVE AND BEYOND HOUSE GRADING - FILL IS BEING RELOCATED OVER A CLIFF
 Conditions: REVISIONS RECEIVED - GIVEN TO RM - REVISIONS RECEIVED - GIVEN TO RM

NOTICE: The County in its review and approval of this application is not authorizing any activity that may result in a violation of the federal Endangered Species Act (EAS). You are specifically put on notice that it is your responsibility to determine whether activities undertaken pursuant to an approval result in conflict with the provisions of the ESA. It is further your responsibility to ensure that all activities taken pursuant to an approval are designed, constructed and maintained in a manner that does not violate the ESA or any other applicable federal, state or local law.

| SFR/Dup 1st Unit(sqft): | Additional Unit(sqft): | |
|---------------------------|------------------------|------------|
| Grading Permit | 7952 | \$901.00 |
| Grading Plan Check | 1 | \$121.55 |
| State Surcharge | 1 | \$0.00 |
| Grading Plan Check | 0 | \$464.10 |
| Investigation Fee (Hours) | 1 | \$85.00 |
| Total Fees: | | \$1,571.65 |
| Total Payments: | | \$121.55 |



BUILDING CODES DIVISION

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Balance Due:

\$1,450.10

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