



NOTICE OF HEARING

March 24, 2025

Wilbur Atkins
8560 SE 172nd Ave
Happy Valley, OR 97086

RE:: County of Clackamas v. Wilbur Atkins
File: V0029824

Hearing Date: April 22, 2025

Time: This item will not begin before 10:30 am however it may begin later depending on the length of preceding items.

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

Enclosed you will find the following:

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

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

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

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

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

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

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



You must have access to the internet or to a telephone line to use the Zoom platform. A Zoom invite has been sent to mrtreeinc@frontier.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 Jennifer Kauppi at 150 Beaver Creek Rd, Oregon City, Oregon 97045, **no later than 4 working days prior to the hearing**. Staff will number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

If you are unable to participate in a hearing through the Zoom platform please contact Jennifer Kauppi at 503-742-4759 **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

Topic: Code Enforcement Hearing - Wilbur Atkins - V0029824 - April 22 - 10:30 am

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/81240715714?pwd=cPNfbbX2oEJf90HJbfwWC9ykpAdDct.1>

Passcode:910668

Phone one-tap:

+14086380968,,81240715714#,,,,*910668# US (San Jose)

+16694449171,,81240715714#,,,,*910668# US

Join via audio:

+1 408 638 0968 US (San Jose)

+1 669 444 9171 US

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DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

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International numbers available: <https://clackamascounty.zoom.us/j/81240715714>

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)

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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
COUNTY OF CLACKAMAS

COUNTY OF CLACKAMAS,

Petitioner,

v.

WILBUR ATKINS,

Respondent.

File No: V0029824

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: 8560 SE 172nd Ave., Happy Valley, OR 97086.

2.

The Respondent(s) own/owns or occupies the address or location of the violation(s) of law alleged in this Complaint is 17726 SE Foster Rd., Damascus, OR 97089 also known as T1S, R3E, Section 30A, Tax Lot 01100, and is located in Clackamas County, Oregon. The property is zoned FF10 and is the location of violation(s) asserted by the County.

3.

On or about the 27th day of November, 2024 and on the 19th day of February, 2025 the Respondent violated the following laws, in the following ways:

- a. Respondent violated the Clackamas County Building Code, Chapter 9.02.040 by failing to obtain approved permits and approved final inspections for accessory structures built without permits. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.
- b. Respondent violated the Clackamas County Excavation and Grading Code, Chapter 9.03 by failing to obtain approved grading permits for fill being placed on the subject property. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.
- c. Respondent violated the Clackamas County Zoning and Development Ordinance, Title 12, Section 706.01 and 709.01 for failing to obtain land use approval for grading in the Habitat Conservation Area District and the Water Quality Resource Area District on the subject property. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violations was given to Respondent in the following manner: Violation Notice dated November 27, 2024 and Citation and Complaint 2400298 in the amount of \$1,000.00 was mailed via first class mail on February 19, 2025. A copy of the notice document is attached to this Complaint as Exhibits C and E, 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 a Building Code Priority 1 violation being \$750.00 to \$1,000.00 per occurrence, said range for an Excavation and Grading Code Priority 1 violation being \$750.00 to \$3,500.00 per occurrence and said range for a Zoning and Development Priority 1 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;

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

and

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

DATED THIS 24th day of March, 2025.



Jennifer Kauppi
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

WILBUR ATKINS,

Respondent.

File No.: V0029824

STATEMENT OF PROOF

History of Events and Exhibits:

July 17, 2025	Clackamas County Code Enforcement was notified that the subject property had recently been sold to the Respondent. At the time of the sale the violations on the property from the previous owner had not been abated. The violations included Building, Grading, Solid Waste, and Zoning and Development Ordinance violations.
July 17, 2025 Exhibit A	I emailed the Respondent regarding the violations on the subject property. I provided the Respondent a copy of the Continuing Order issued in 2012, copies of the violation letters sent to the previous owner and a map of the property indicating which structures were built without permits. The Respondent responded stating that he would be in contact with Shane Potter who was assigned to the violation file.
November 12, 2024	This file was reassigned to myself.
November 17, 2024 Exhibit B	I conducted a site inspection of the subject property. I observed that the vehicles had been removed from the property and there were no signs of any businesses operating onsite.
November 27, 2024 Exhibit C	A Notice of Violation was mailed to the Respondent providing a deadline of January 31, 2025 to abate the violations. The notice was not returned to the County.
February 5, 2025 Exhibit D	I reviewed County records and found no permits or land use applications had been submitted to the County. I emailed the Respondent requesting an update.
February 19, 2025 Exhibit E	I reviewed County records and found no permits or land use applications had been submitted to the County. Citation 2400298 in the amount of \$1,000.00 for the Priority 1 Zoning violation, Priority 1 Grading violation and Priority 1 Building Code violation. The citation was sent by first class mail and was not returned to the County. The citation remains unpaid.
March 24 th , 2025	This matter was referred to the Hearings Officer.

If the Compliance Hearings Officer affirms the County's position that a violation of the Building Code, Title 9.02.040, Excavation and Grading Code, Section 9.03, and Zoning and Development Ordinance Title 12, Section 706.01 and 709.01 exists, the County is requesting a Final Order in this matter recommending the following:

- The imposition of civil penalties for the Building Code violation of up to \$3,000.00 for date cited February 19, 2025.
- The imposition of civil penalties for the Excavation and Grading Code violation of up to \$3,500.00 for date cited February 19, 2025.
- The imposition of civil penalties for the Zoning and Development Code violation of up to \$3,500.00 for date cited February 19, 2025.
- Payment for Citation No. 2400298 issued on February 19, 2025 for \$1,000.00.
- The administrative compliance fee to be imposed from November, 2024 totals \$225.00. The County is requesting a reduction of the administrative fees of \$150.00 for a new total of \$75.00 due to inactivity on the file.
- The County requests the Hearings Officer to permanently prohibit the Respondent from violating this law in the future.
- If the Respondent fails to comply with the Hearings Officer's Continuing Order the County will request the Hearings Officer to issue a Final Order and will also request the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.

From: [Mr. Tree, Inc](#)
To: [Kauppi, Jennifer](#)
Subject: Re: 17726 SE Foster Rd - Unresolved Violations
Date: Wednesday, July 17, 2024 5:18:53 PM

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

Thank you for the information. I am looking forward to working with you guys at getting all the issues taken care of.
I will be in contact with Shane soon to discuss how we can resolve any violation there may be.
Thank you

Wilbur Akins
Mr Tree, Inc.
8560 SE 172nd Avenue
Happy Valley, OR 97086
Phone: 503-665-3917
Fax: 503-665-2189
www.mrtreeservices.com

No trees were killed in the process of sending this message. However a large number of electrons were terribly inconvenienced... :)

On Wednesday, July 17, 2024 at 09:49:00 AM PDT, Kauppi, Jennifer <jkauppi@clackamas.us> wrote:

Good Morning,

I was notified on a lien payoff that you have recently purchased the property located at 17726 SE Foster Rd.

As you may or may not be aware of, this property has several violations on the property that were not abated with the previous property owner. Grading within a Habitat Conversation Area, grading without permits, several buildings have been built without permits, solid waste and businesses operating on site without land use approval.

When ownership changes on a property and there are unresolved violations the new owner is notified and the enforcement process starts with the new owner. We almost always don't have any information on the new owner but because of my experience on the 172nd property, I wanted to give you as much information up front regarding

the violations. When the new case is opened, you will be working with Shane Potter moving forward.

1. I have attached a copy of the Continuing Order regarding the grading and grading within a protected area. We do have more information regarding this, however, the files are too big to send over email.
2. I have attached the violation letters regarding the Building violations, Zoning violations (operating a business in an FF10 zone without land use approval) and solid waste.

The grading permit will require a Geotech engineer.

Please let me know if you have any questions regarding this email. As stated, the person assigned to the new case will be Shane Potter once the ownership changes and a new file is opened. I have copied Shane on this email so that is aware of my correspondence with you.

Thank you

Jennifer Kauppi – Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beaver Creek Rd.
Primary Phone: [503-742-4759](tel:503-742-4759)
www.clackamas.us

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

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

Were you happy with the service you received today?



CLICK A SMILEY

BEFORE THE COMPLIANCE HEARINGS OFFICER
CLACKAMAS COUNTY, OREGON

COUNTY OF CLACKAMAS,

Petitioner,

v.

STEFAN TIGANESCU,

Respondent.

File No(s): V0844-12-G; V1001-12-Z;
V1002-12-Z; V1003-12-Z; V0316-13-Z

CONTINUING ORDER

I. STATEMENT OF THE CASE

As Compliance Hearings Officer for Clackamas County, I held a hearing on September 22, 2015 at approximately 10:30 a.m. in the matter of Stefan Tiganescu (Respondent) at the County's Development Services Building located at 150 Beavercreek Road in Oregon City. The Compliance Hearing Officer has jurisdiction to hear the matter pursuant to Clackamas County Code, § 2.07.020. Dean Brown, Code Enforcement Specialist, appeared and provided witness testimony on behalf of the County. Respondent did not appear. The witness declared by oath or affirmation the truthfulness of his testimony. The Compliance Hearings Officer did not receive any written or oral ex parte communication on a fact in issue during the pendency of the proceedings.

The County presented evidence in support of its Complaint, including a Statement of Proof, Exhibits marked A through S, and witness testimony by Mr. Brown. The Compliance Hearings Officer made an audio record of the hearing. There were no objections and I received the evidence offered, a record of which I incorporate in the decision in this matter. The record is on file with the County.

II. ISSUES

1. Whether Respondent violated Chapter 9.03 of the Clackamas County Code by grading and filling the subject property without a required grading permit and inspections.
2. Whether Respondent violated Title 12 of the Clackamas County Code by operating a commercial construction company from the subject property without land use approval.
3. Whether Respondent violated Title 12 of the Clackamas County Code by grading and filling an area of the subject property within the Title 13 Habitat Conservation Area District without land use approval.
4. Whether Respondent violated Title 12 of the Clackamas County Code by grading and filling an area of the subject property within the Title 3 Water Quality Resource Area District without land use approval.
5. Whether Respondent violated Title 12 of the Clackamas County Code by maintaining multiple occupied recreational vehicles on the subject property without land use approval.

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III. FINDINGS OF FACT

1. Respondent Stefan Tiganescu resides at and/or owns property located at 17726 SE Foster Rd. Damascus, OR 97089, also known as T1S, R3E, Section 30A, Tax Lot 1100, within Clackamas County (the "Property"). The Property is zoned Farm Forest 10-Acre District (FF-10), and is the location of the alleged violations asserted by the County.
2. On October 1, 2012, the County received a complaint that grading and filling activities were occurring on the Property. County Building Inspector Scot East went to the Property and confirmed that grading and filling activities requiring a grading permit for which no permit had been issued were occurring on the Property, and took several photographs showing the grading and filling on the Property. [Exhibit A]
3. The County assigned the matter to Mr. Dean Brown, County Code Enforcement Specialist. On October 11, 2012, Mr. Brown sent correspondence to Respondent requesting that he obtain a grading permit within thirty days or no later than November 12, 2012. Respondent came into the County's offices on October 16, 2012 and told staff that he had only imported 20 cubic yards of fill materials. County structural Engineer Ravi Mahajan spoke with Respondent about the matter and told Respondent that if he could provide evidence that the fill material does not exceed one foot in depth then no grading permit would be required. Respondent said he would gather the evidence. [Exhibit B]
4. Respondent returned to the County's offices on November 26, 2012 to submit photographs demonstrating that no grading permit was required. County staff reviewing the photographs determined, however, that the photographs supported the need for a grading permit. Staff contacted Respondent again on December 5, 2012 and found that a construction company, "Vio-T Construction", operated by Respondent, was operating from the Property and had been dumping dirt on the Property and filling wetlands on the Property. Staff conducted additional research and determined that Respondent was operating "Vio-T Construction" from the Property without land use approval. A staff review of aerial photographs of the Property from 2002 – 2012 also showed a progressive expansion of grading and filling activities in the protected Habitat Conservation and Water Quality Resource Areas located on the Property, as identified on maps adopted by the County. These photographs show development within the buffers for these designated areas, including grading and fill work, removal of vegetation, and storing of building materials and waste in these areas. The County then opened new violations to address these three new zoning violations. [Exhibits C, D, E]
5. Mr. Brown sent correspondence to Respondent on December 27, 2012 concerning the violations that County staff had identified on the Property, and requesting that Respondent contact the County concerning abating the violations. Among other things, Mr. Brown's letter noted the grading and filling on the Property, the filling activities within the protected wetlands areas on the Property, and the commercial construction business activity without land use approval. [Exhibit F]

6. On January 28, 2013, Adrian Obrien came into the county's offices on behalf of Respondent, and sought staff assistance with the preparation of a grading permit application. On February 19, 2013, Adrian Obrien submitted a grading permit application on behalf of Respondent.
7. County staff conducted an inspection of the Property on April 1, 2013, reporting observing several truckloads of construction debris, two flatbed trailers loaded with concrete construction forms, three commercial dump trucks bearing the "Vio-T Construction" and "Frederick Pre-Cast Concrete" logos, two excavators, and an enclosed construction trailer. Staff also reported observing two pickup camper-tops and a travel trailer that appeared to be occupied. County staff took several photographs during the inspection showing the reported items. Staff also checked records and found no authorization for the occupied recreational vehicles upon the subject Property, and opened a new zoning code violation for the occupied recreational vehicles. Mr. Brown sent correspondence to Respondent explaining that the County requires abatement of the occupied recreational vehicle violations, and also the other violations on the Property. [Exhibits G, H]
8. On July 24, 2013, County staff checked records and found that no permit applications had been submitted. On September 25, 2013, County staff conducted a site inspection of the Property and found that Respondent had recently posted "No Trespassing" signs at the entrance. Staff then inspected the Property from the public right-of-way and observed that the occupied travel trailer remained on-site unabated. Staff also observed a dump truck bearing the "Vio-T Construction" logo parked on the subject Property, and further reported that no action had been taken to abate the other zoning violations including the occupied recreational vehicles violations, and took several photographs showing the reported violations. Staff also checked records and found that no permit application had been submitted. [Exhibit I]
9. On September 30, 2013, and as a result of the September 25, 2013 site inspection, the County issued citation no. 130844-01 A, B, and C for the grading violation in the amount of \$100.00, for the unpermitted construction business zoning violation in the amount of \$75.00, for the unpermitted development within the Title 13 Habitat Conservation Area zoning violation in the amount of \$100.00, for the unpermitted development within the Water Quality Resource Conservation District zoning violation in the amount of \$100.00, and for the occupied recreational vehicles without land use approval zoning violation in the amount of \$50.00. (Total fine amount of \$425.00). The citations were sent certified mail and copies sent regular mail. The County received the citations sent regular and certified mail back undelivered. This citation remains unpaid. [Exhibit J]
10. County staff returned to the Property on October 30, 2013 to inspect the Property, and again found posted "No Trespassing" signs at the entrance. Staff parked at the entrance to the Property, and Respondent came out and spoke with staff, stating that he was losing the Property to foreclosure and didn't care about abating the violations on the Property. Staff then inspected the Property from the public right-of-way, reporting observing that the occupied travel trailer remained on-site unabated. Staff also reported observing a dump truck bearing the "Vio-T Construction" logo parked on

the subject Property, reported observing that no action had been taken to abate the other violations, and took several photographs. [Exhibit K]

11. On November 13, staff checked records and found that no permit application had been submitted and, as a result of the October 30, 2013 site inspection, the County issued citation no. 130844-02 A, B, and C for the grading violation in the amount of \$500.00, for the unpermitted construction business zoning violation in the amount of \$400.00, for the unpermitted development within the Title 13 Habitat Conservation Area zoning violation in the amount of \$500.00, for the unpermitted development within the Water Quality Resource Conservation District zoning violation in the amount of \$500.00, and for the occupied recreational vehicles without land use approval zoning violation in the amount of \$300.00. (Total fine amount of \$2,200.00). The citations were sent certified mail and copies sent regular mail. The County received the citations sent regular and certified mail back undelivered. This citation remains unpaid. [Exhibit L]
12. On December 18, 2013, County staff went to the subject Property, finding the "No Trespassing" signs posted at the Property entrance. Staff then inspected the Property from the public right-of-way and observed that the occupied travel trailer remained on-site unabated. Staff also reported observing an excavator parked on the subject Property, reported that no action had been taken to abate the other zoning violations, and took several photographs showing the reported violations. [Exhibit M]
13. County staff checked records on June 4, 2014, finding no permit application activity for the Property. Staff then went to the subject Property for an inspection, finding that the "No Trespassing" signs remained posted, and inspected the Property from the public right-of-way. Staff reported observing that the occupied travel trailer had been moved out of view from the public right-of-way, but continued to remain on site. Staff observed an excavator parked on the subject Property. Staff also reported seeing that no action had been taken to abate the other zoning violations, except one previously noted occupied travel trailer appeared to have been removed. However, staff was unable to confirm that the occupied travel trailer had been removed or was placed out of view on another portion of the subject Property. Staff also took several photographs of the Property. [Exhibit N]
14. Aerial photographs of the Property dated July 17, 2014, April 17, 2015, and September 22, 2015 show significant changes to the Property, including debris, numerous vehicles, and new buildings built on the Property without permits, and show significant encroachment of grading and fill activity within the designated Title 13 Habitat Conservation Area and Water Quality Resource Conservation District. [Exhibits O, P, Q, R, S]
15. September 8, 2015, the County referred this matter to the County's Code Enforcement Hearings Officer. Mr. Brown testified at the hearing that the violations on the Property have continued unabated. The County requested a Continuing Order requiring abatement of the violations.

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IV. DISCUSSION

The Compliance Hearings Officer has jurisdiction and authority to enforce the Clackamas County Zoning and Development Ordinance, Clackamas County Building Code Ordinance, and various other matters.¹ The County has the burden of proving each alleged violation by a preponderance of the substantial evidence in the record.² I reviewed and considered the evidence in this matter, including the witness testimony by Mr. Brown, and Exhibits A-M submitted by the County. I find that the evidence presented is reliable, probative and substantial evidence upon which to base a determination in this matter. I reviewed the issue concerning whether Respondent's mailing address is correct, and whether he received notice of these proceedings. I note that Respondent initially responded to notices sent by the County to this address, and also note that Respondent has sent a representative to the County's office in response, and has spoken with County staff concerning the matters referenced herein. I conclude that Respondent has received mail at the address where the County is sending notices, and is receiving the notices but refusing mail from the County. I conclude that the County has met its requirement to provide Respondent with notice of these proceedings.

A. Clackamas County Excavation and Grading

The County alleges that Respondent violated Chapter 9.03 of the Clackamas County Code by grading and filling the subject property without a required grading permit and inspections.

Clackamas County Code Chapter § 9.03.030. states in relevant part: "No person shall do any grading without first having obtained a grading permit from the Building Codes Division Manager or his/her designee." The County provided witness testimony by Mr. Brown, and supporting County records and reports, including Exhibits A-S with numerous photographs, concerning this issue. The testimony and photographs show substantial excavation, grading work, and fill material brought onto Respondents' Property in various areas, with no permits or exceptions authorizing this work. I am persuaded that on September 30, 2013 (the date the County issued citation no. 130844-01 A, B, and C) Respondent was engaged in excavation and grading without a permit. Respondent still had no permit for the excavation and grading on their Property on November 13, 2013 (the date the County issued citation no. 130844-02 A, B, and C), and the violation has continued unabated.

B. Clackamas County Zoning and Development Ordinance

The County alleges that Respondents violated Title 12 of the Clackamas County Code by operating a commercial construction business from the subject property without land use approval.

Clackamas County Zoning and Development Ordinance Section 401 sets forth the allowed uses for the FF-10 zone, which includes Respondent's Property. In that zone,

¹ See Clackamas County Code § 2.07.020.

² See Clackamas County Compliance Hearings Officer Rules of Procedure § 11.2 (November 3, 2005)

generally commercial uses are not allowed unless in conjunction with a home occupation permit. ZDO 401.06 prohibits uses unless they are specifically identified as permitted primary, accessory or conditional uses in the zone, as shown in Table 401-1, including home occupations subject to Section 822. I conclude that the preponderance of the substantial evidence presented at the hearing shows that Respondent violated the County's ordinance by permitting his Property to be a public nuisance through violation of the County's Zoning and Development Ordinance. Specifically, Respondent is operating a commercial construction business from the subject property without land use authorization and/or without an approved Home Occupation Permit. This violation existed on September 25, 2013 when the County conducted a site inspection, continued to exist on September 30, 2013 and November 13, 2013 when the County issued citations, and has continued unabated.

C. Habitat Conservation Area District and Water Quality Resource Area District

The County alleges that Respondent violated Title 12 of the Clackamas County Code by grading and filling an area of the subject property within the Title 13 Habitat Conservation Area District without land use approval. The County also alleges that Respondent violated Title 12 of the Clackamas County Code by grading and filling an area of the subject property within the Title 3 Water Quality Resource Area District without land use approval.

Section 706 of Title 12 of the Clackamas County Code (Zoning and Development Ordinance) applies to all property containing a designated Habitat Conservation Area District within Clackamas County as identified on maps adopted by reference in Chapter 3 of the County's Comprehensive Plan. Section 709 of Title 12 of the Clackamas County Code (Zoning and Development Ordinance) applies to all property containing a designated Water Quality Resource Area District within Clackamas County as identified on maps adopted by reference in Chapter 3 of the County's Comprehensive Plan.

All development within these designated areas requires meeting certain additional standards specifically requiring observing established buffers and meeting additional application requirements. Respondent engaged in development on his Property within the areas identified on the County's maps as part of the designated Habitat Conservation Area District and Water Quality Resource Area District. I conclude that the preponderance of the substantial evidence presented at the hearing shows that Respondent violated the County's ordinance by permitting his Property to be a public nuisance through violation of the County's Zoning and Development Ordinance. Among other things, Respondent ignored County regulations requiring buffers for these designated Habitat Conservation Area District and Water Quality Resource Area District areas, performing grading and fill work, removing vegetation, and storing building materials and waste in these areas. This violation existed on September 25, 2013 when the County conducted a site inspection, continued to exist on September 30, 2013 and November 13, 2013 when the County issued citations, and has continued unabated.

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D. Clackamas

The County alleges that Respondent violated Title 12 of the Clackamas County Code by maintaining multiple occupied recreational vehicles on the subject property without land use approval.

Clackamas County Zoning and Development Ordinance Section 316 sets forth the allowed uses for the FF-10 zone. In that zone, development of a single-family residential structure is allowed, as shown in Table 316-1, but only one dwelling is permitted on the Property.

Respondent did not obtain any permits or approval for the creation of additional dwelling space on their Property. I find that the County has demonstrated by a preponderance of the substantial evidence in the record that Respondent violated the Clackamas County Zoning and Development Ordinance by creating additional dwelling structure(s) on their Property by allowing two pickup camper tops and a travel trailer on his Property to be occupied without land use approval. I note that Mr. Brown testified that the travel trailer was moved to a different location on the Property and he could not inspect it to determine whether the travel trailer continued to be occupied, but I find no evidence in the record that would lead me to conclude that the violation is abated and, therefore, conclude this is a continuing violation. This violation existed on September 25, 2013 when the County conducted a site inspection, continued to exist on September 30, 2013 and November 13, 2013 when the County issued citations, and has continued unabated.

E. Clackamas County Building Code

Clackamas County Code Chapter 9.02.330 states in relevant part:

"All persons shall comply with this chapter in the location, construction, maintenance, repair, alteration, or use of buildings, installations or sewage disposal systems or facilities within Clackamas County.

A violation of this chapter exists whenever a building, structure, installation, sewage disposal system or sewage disposal facility is, or is proposed to be, located, constructed, maintained, repaired, altered, or used contrary to the requirements of this chapter. Each day that a violation exists is considered to be a separate offense.

A violation of this chapter is a public nuisance, and continues to be a public nuisance until the offending building, structure, installation, system, facility or use is brought into compliance with this chapter.

The County may, in addition to the other remedies provided by law, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove violations of this chapter. The County may also enforce this chapter through the provisions of the Clackamas County Compliance Hearing Officer Ordinance."

The County provided witness testimony and photographs showing that Respondent has engaged in constructing, using, and altering buildings and structures on his Property in a manner inconsistent with the requirements of the Clackamas County Code. Although not

cited by the County in its complaint, these violations also require abatement by obtaining building permits and final approved inspections.

V. CONCLUSION

The County met its burden of proving the violations by a preponderance of the substantial evidence in the whole record. Respondent violated Chapter 9.03 of the Clackamas County Code by grading and filling the subject property without a required grading permit and inspections. Respondent violated Title 12 of the Clackamas County Code by operating a commercial construction company from the subject property without land use approval. Respondent violated Title 12 of the Clackamas County Code by grading and filling an area of the subject property within the Title 13 Habitat Conservation Area District, and by grading and filling an area of the subject property within the Title 3 Water Quality Resource Area District, without land use approval. Respondent violated Title 12 of the Clackamas County Code by maintaining multiple occupied recreational vehicles on the subject property without land use approval. These are continuing violations.

VI. CONTINUING ORDER

Clackamas County Code § 10.03.400 provides for a civil penalty for these violations within the range established by Clackamas County Code § 2.07.120, which is up to \$3,500.00 per violation per respondent, for each day the violation is established. I will strongly consider the cooperation of Respondent in bringing his property into compliance as a factor when assessing a civil penalty in this matter, and will also consider any aggravating factors cited by the County in its post-hearing status report.

The following is ORDERED, consistent with the order issued orally at the conclusion of the hearing:

1. Respondent is ordered to abate the Grading ordinance violation on the Property by submitting a technically complete grading permit application and associated application fee within thirty (30) days of the date of the continuing order, obtain the grading permit within fifteen (15) days of the date the permit is ready to be issued **and** complete all grading work and required inspections up to and including receiving an approved final inspection within ninety (90) days of the date the permit is issued to retain the work completed to date, **or** to return the site to its pre-grading condition.
2. Respondent is ordered to abate the unlawful operation of a commercial construction business without land use approval by either submitting a technically complete home occupation permit application and associated application fee within fifteen (15) days of the date of this Continuing Order, **or** by relocating the business from the subject Property to a property that is compatibly zoned for such business activity within fifteen (15) days of the date of this Continuing Order, **or** by ceasing operation of the business activity upon the subject Property within fifteen (15) days of the date of this Continuing Order.
3. Respondent shall abate the unlawful grading and filling of the Title 13 Habitat conservation Area District and Title 3 Water Quality Resource Area District without

land use approval by submitting technically complete Title 13 Habitat Conservation Area District and Title 3 Water Quality Resource Area District permit applications and associated application fees within thirty (30) days of the date of this Continuing Order, obtaining the permits within fifteen (15) days of the date the permits are ready to be issued and complete all work and required inspections up to and including receiving an approved final inspections from the Clackamas County Planning and Zoning Division within ninety (90) days of the date the permit is issued, or return the site to its pre-violation condition, submit a vegetation restoration plan and associated fee, to the Clackamas County Planning and Zoning Division and receive an approved final inspection from the Clackamas County Planning and Zoning Division within ninety (90) days of the date of this Continuing Order.

4. When timely, the County shall provide a written post hearing status report to the Compliance Hearings Officer, and shall send a copy of the report to Respondents by U.S. Mail postage prepaid. The County shall submit a recommendation with the written post hearing status report for a civil penalty to be assessed in this matter with the issuance of the Final Order. The report may include the following recommendations:
- The imposition of civil penalties of up to \$3500.00 for the grading ordinance violation for each date cited on September 25, 2013 and October 30, 2014 for a total of \$7000.00.
 - The imposition of civil penalties of up to \$3500.00 for the Title 13 Habitat Conservation Area District and Title 3 Water Quality Resource Area District zoning code violations for each date cited on September 25, 2013 and October 30, 2014 for a total of \$14,000.00. (Title 13 violation $\$3500 \times 2 = \7000 + Title 3 violation $\$3500.00 \times 2 = \$7000 = \$14,000.00$)
 - The imposition of civil penalties of up to \$2500.00 for the operation of a commercial construction business without land use approval zoning code violation for each date cited on September 25, 2013 and October 30, 2014 for a total of \$5000.00.
 - The imposition of civil penalties of up to \$1500.00 for the occupied recreational vehicle without land use approval zoning code violation for each date cited on September 25, 2013 and October 30, 2014 for a total of \$3000.00.
 - The administrative compliance fee to be imposed from September 25, 2013 until the violation is abated. This fee currently totals \$1875.00.
 - If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.

Respectfully Submitted,

Dated: October 9, 2015



Carl D. Cox
Compliance Hearings Officer
14725 NE 20th St. #D-5
Bellevue, WA 98007
Tel: (503) 504-1770
Fax: (425) 615-7202

NOTICES

This CONTINUING ORDER is effective ten calendar days after the date the Compliance Hearings Officer signs it unless, within that time, the Compliance Hearings Officer receives a written objection to the order. Such an objection shall be conveyed to the Compliance Hearings Officer at the address listed above or shall be sent by facsimile transmission to the number listed above. Such an objection shall state what changes the objector requests that the Compliance Hearings Officer make to the order and why such changes should be made, based on the applicable law and substantial evidence in the records. Absent compelling circumstances described and substantiated in an objection, the Compliance Hearings Officer shall consider and decide such objections without a public hearing. The County and/or the Respondent may file a timely objection.

Fines and costs imposed herein are a debt owed 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 and 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 Records. The County may also institute appropriate suit or legal action in any court of competent jurisdiction to enforce any provisions of any order of the Compliance Hearings Officer. See Clackamas County Code § 2.07.110.

Any aggrieved party may file a writ of review as provided in ORS 34.010-34.100 to seek judicial review of the final order of a Compliance Hearings Officer, unless the Compliance Hearings Officer makes a land use decision, in which case the decision may be reviewed by the Oregon Land Use Board of Appeals pursuant to ORS Chapter 197. See Clackamas County Code § 2.07.130. However, this is NOT a final order.

CERTIFICATE OF SERVICE

I, Carl D. Cox, certify that on this day I sent a true and accurate copy of the foregoing CONTINUING ORDER by US Mail, first class postage pre-paid, in a properly addressed and sealed envelope, to the following person(s) at the address shown, the last known address in the County files:

Stefan Tiganescu
17726 SE Foster Road
Damascus, OR 97089

Dean Brown
Code Enforcement Specialist
150 Beaver Creek Rd.
Oregon City, OR 97045

Dated: October 9, 2015.



Carl D. Cox, Attorney at Law



January 26, 2023

Stefan Tiganescu
17726 SE Foster Rd
Damascus, OR 97089

SUBJECT: Violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 316.03(A) and Clackamas County Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B)

VIOLATION: V0007221

SITE ADDRESS: 17726 SE Foster Rd., Damascus, OR 97089

LEGAL DESCRIPTION: T1S, R3E, Section30A , Tax Lot 01100

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

- Accumulation of solid waste
- Inoperable and/or non-currently licensed vehicles
- Two auto dismantling/repair businesses, pallet business and firewood business operating onsite without land use approval

VIOLATIONS & HOW TO RESOLVE

On April 21, 2022 I met with you and conducted a site inspection along with staff from the DEQ on the subject property. During that site inspection, you confirmed that there were four businesses operating from that location. Sam's Auto Detail, an auto dismantler, pallet business and a firewood business. In addition, there have been multiple buildings constructed without permits which you have already been cited for and there is substantial miscellaneous solid waste and inoperable or non-currently licensed vehicles found on the property.

The businesses operating onsite without land use approval constitutes a violation of the Zoning and Development Ordinance 316.03(A) and the miscellaneous solid waste and inoperable vehicles onsite constitutes a violation of the Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B). In order to abate the violation you must complete the following **no later than March 27, 2023:**

Businesses operating onsite without land use approval

The property is zoned FF10 which is not designated for commercial use, therefore, the operator of the businesses would have to live onsite and will need to comply with the Home Occupation standards set forth in Section 822. If you believe you will have trouble complying with ZDO Sec. 822, you will need to reduce the scope of the business until it can comply with the section. A pre-application conference with the planning department is an option if you have several questions regarding land use. In order to abate the violation, please complete one of the following **no later than March 27, 2023**.

- Contact the Zoning and Development department and **apply** for the required land use to continue to operate the businesses from this location.
- If land use is approved, you must be required to meet **all of the conditions** of approval within 60 days of land use being approved.

OR

- Cease all four of the businesses operating on site.
- Remove all associate equipment and debris and product from the subject property associate with the businesses.
- County staff will conduct a site inspection to confirm the businesses are no longer operating onsite and all equipment, debris and product associated with the businesses have been removed.

Solid Waste

The accumulation of solid waste causes a condition of unsightliness and is a safety and health hazard and constitutes a violation of Clackamas County Code Title 10.03.060 (A) and (B). In order to abate the violations, you must complete the following **no later than March 27, 2023**:

1. Remove all solid waste, including but not limited to appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material, or other similar non-putrescible solid waste or wastes that is visible from the road or surrounding properties to an authorized disposal facility and store out of sight all articles and solid waste that you wish to keep.

Additionally all putrescible (household) waste must be stored in a rodent proof container with a tight-fitting lid and removed to an authorized disposal facility a minimum of **once every seven (7) days**. Covering solid waste with a tarp or tarp like structure does not remove the items from violation.

Inoperable and/or Non-Currently Licensed Vehicles

- Remove the inoperable and/or not currently licensed vehicles from the subject property, **and/or**;
- Render the inoperable and/or currently licensed vehicles, operable and licensed to **persons currently residing on the subject property, and/or**;
- Place the inoperable and/or not currently licensed vehicles that are owned by person currently residing on the subject property inside a **permitted** structure, **and/or**;
- Screen no more than two (2) vehicles from view of the road and surrounding properties, in accordance with the minimum screening requirements of the code (see Title 10.03.060 (C)). Please note: placing vehicles under tarps or tarp structures does not remedy the violation.

*****PLEASE NOTE – The additional structures that have been built on the property cannot be used as storage as they are unpermitted and remain in violation*****

CONTACT INFORMATION

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

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

Jennifer Kauppi

Code Enforcement Specialist
Clackamas County Code Enforcement

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.

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

10.03.030 Definitions

(33). **INOPERABLE VEHICLE:** For the purpose of the Nuisance Abatement provisions of this chapter, shall mean a vehicle designed for use on a public highway which has been left on public or private property thirty (30) days or more and is not currently licensed, or not in operating condition, or which has been extensively damaged, vandalized or stripped, including, but not limited to, missing wheels, tires, motor or transmission. An inoperable vehicle shall not mean an unlicensed operable vehicle or vehicles, which are used on private property for the production, propagation or harvesting of agricultural products grown or raised on such lands.

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

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

10.03.060 Solid Waste or Wastes Accumulation Prohibited

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

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

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

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

(3) Constructing a tire fence for any purpose.

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

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

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

(7) Storing, collecting, maintaining, or displaying any licensed or unlicensed special vehicle or equipment that is immobile, inoperable, partially dismantled or dismantled, dilapidated, or fire damaged and is visible from the road or surrounding properties.

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

(9) Storing, collecting, maintaining or displaying: residential, commercial and industrial appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded

material, or other similar non-putrescible solid waste or wastes, that is visible from the road or surrounding properties.

(10) Storing, collecting, maintaining or displaying any antique, classic, race care or collectible vehicle that is inoperable and is visible from the road or surrounding properties.

(11) Storing any inoperable vehicles unless said vehicle or vehicles are housed within a permitted structure or development, except up to two vehicles per premise may be stored behind a sight obscuring screen, in accordance with 10.03.060 C, and shall not be visible from the road or surrounding properties. For purposes of Subsection 11, two or more contiguous tax lots that are under common ownership shall be considered one premise.

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

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

(1) Construct a wood fence unpainted or painted with neutral or earth tone colors of which the upright posts shall consist of a decay resistive material a minimum of four (4) inches in diameter and anchored a minimum of eight (8) feet. The railings shall be a minimum of 2 inch by 4 inch lumber with the 4 inch side attached vertically to the posts. The attached vertical or horizontal fence boards shall be set with a maximum separation $\frac{1}{4}$ inch.

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

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

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

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

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

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

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



July 3, 2023

Stefan Tiganescu
17726 SE Foster Rd
Damascus, OR 97089

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

VIOLATION: V0007221

SITE ADDRESS: 17726 SE Foster Rd., Damascus, OR 97089

LEGAL DESCRIPTION: T1S, R3E, Section 30A, Tax Lot 01100

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

- Carport over 400 square feet built without permits
- Addition to accessory structure built without permits
- Accessory structure built without permits

VIOLATIONS & HOW TO RESOLVE

On March 31, 2021 Code Enforcement staff confirmed that multiple structures on site have been built without permits. Correspondence was mailed to you on March 31, 2021 requesting you submit building permits applications to abate the Building Code Violations no later than April 30, 2023. A review of County records reflect no applications have been submitted for the work that has been done without permits. The accessory structure, addition to an accessory structure and the carport built without approved permits constitutes a violation of Clackamas County Code Title 9.02.040 (C)(D)(E). In order to abate the violation(s), you must complete the following **no later than August 3, 2023**:

Carport cover over 400 square feet built without permits

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s) for the carport cover.
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

OR

You may abate the violation by removing the carport cover from the subject property

- Schedule an inspection with Code Enforcement to confirm the removal.

Addition to an accessory structure

Between 2014 and 2015 an addition to an existing accessory structure was built without permits.

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s) for the addition to the accessory structure. ****Please note – a licensed architect or engineer with the State of Oregon will be required to stamp your drawings and submit engineer calculations.****
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

OR

You may abate the violation by removing the unpermitted addition and all associated debris from the subject property.

- Please submit or have your professional submit a complete demolition permit application.
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - You will be required to submit an electrical application to disconnect the electrical from the building before demolition occurs.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

Accessory structure built without permits

Between 2018 and 2019 an accessory structure was built on the subject property without permits.

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s) for the accessory structure. ****Please note – a licensed architect or engineer with the State of Oregon will be required to stamp your drawings and submit engineer calculations.****
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

OR

You may abate the violation by removing the accessory structure and all associated debris from the subject property.

- Please submit or have your professional submit a complete demolition permit application.
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - You will be required to submit an electrical application to disconnect the electrical from the building before demolition occurs.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

CONTACT INFORMATION

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

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

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

Jennifer Kauppi

Code Enforcement Permit Specialist
Clackamas County Code Enforcement

Enclosed – Map of property and structures in violation

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.



01/31/2023

Carport – Orange

Addition to accessory structure – Green

Accessory structure - Yellow







NOTICE OF VIOLATION

November 27, 2024

Wilbur Akins
8560 SE 172nd Ave
Happy Valley, OR 97086

SUBJECT: Violation of the Clackamas County Building Code, Title 9.02.040 (C)(D)(E), Excavation and Grading Code, Chapter 9.03.030, Zoning and Development Ordinance Habitat Conservation Area District 706.01 and Zoning and Development Ordinance Water Quality Resource Area District 709.01 of the Clackamas County Code

VIOLATION: V0029824

SITE ADDRESS: 17726 SE Foster Rd., Damascus, OR 97089

LEGAL DESCRIPTION: T1S, R3E, Section 30A, Tax Lot 01100

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

- Carport over 400 square feet built without permits.
- Addition to accessory structure built without permits.
- Accessory structure with carport built without permits.
- Grading without approved permits.
- Grading in Habitat Conservation Area District and Water Quality Resource Area District without land use approval.

VIOLATIONS & HOW TO RESOLVE

On July 17, 2024 I emailed you after Code Enforcement was notified that you had purchased the above referenced property. The email that was sent listed several of the outstanding violations on the property that were not abated by the previous owner.

On November 25, 2024 I conducted a site inspection and found no evidence of any businesses still operating onsite and the solid waste had been removed from the property. I did note that Wall 2 Wall was onsite doing some remodeling to the single-family residence.

I reviewed the County permitting system but at this time there have been no permits submitted for the several accessory structures onsite that have been built without permits. In addition, I could find no land use or grading applications for the grading in the protected area on the subject property.

The accessory structures built without permits, grading without permits and grading within the Habitat Conservation Area District and Water Quality Resource Area District without approved permits constitutes violations of Clackamas County Code Title 9.02.040 (C)(D)(E), Excavation and Grading Code, Chapter 9.03.030, Zoning and Development Ordinance Habitat Conservation Area District 706.01 and Zoning and Development Ordinance Water Quality Resource Area District 709.01 of the Clackamas County Code. In order to abate the violation(s), you must complete the following **no later than January 31, 2025**:

Carport cover over 400 square feet built without permits

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s) for the carport cover.
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - The permit must be picked up within 10 days of being notified by the building department.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

OR

You may abate the violation by removing the carport cover from the subject property

- Schedule a site inspection with Code Enforcement to confirm the removal.

Addition to an accessory structure

Between 2014 and 2015 an addition to an existing accessory structure was built without permits.

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s) for the addition to the accessory structure. ****Please note – a licensed architect or engineer with the State of Oregon will be required to stamp your drawings and submit engineer calculations.**** This is required in order to have a technically complete submittal.
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - The trade permits for the electrical and rain drains for the addition can be submitted once the building permit is in plan review status, however, the trade permits will not be issued until the building permit is approved.
 - The permit(s) must be picked up within 10 days of being notified by the building department.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

OR

You may abate the violation by removing the unpermitted addition and all associated debris from the subject property.

- Please submit or have your professional submit a complete building permit application for the removal of the addition.
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - You will be required to submit an electrical application to disconnect the electrical from the addition. This application can be submitted after the building permit is in plan review status, however, it will not be issued until the building permit is approved.
 - The permit(s) must be picked up within 10 days of being notified by the building department.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

Accessory structure with carport built without permits

Between 2018 and 2019 an accessory structure with carport was built on the subject property without permits.

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s) for the accessory structure with carport. ****Please note – a licensed architect or engineer with the State of Oregon will be required to stamp your drawings and submit engineer calculations.**** This is required in order to have a technically complete submittal.
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - The trade permits for the electrical and rain drains for the accessory structure with carport can be submitted once the building permit is in plan review status, however, the trade permits will not be issued until the building permit is approved.
 - The permit(s) must be picked up within 10 days of being notified by the building department.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

OR

You may abate the violation by removing the accessory structure with carport and all associated debris from the subject property.

- Please submit or have your professional submit a complete demolition permit application.
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - You will be required to submit an electrical application to disconnect the electrical from the building before demolition occurs.

- The permit must be picked up within 10 days of being notified by the building department.
- Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

Grading without permits and Grading within a Habitat Conservation Area District Water Quality Resource Area District without approved permits or land use approval

In 2012 a hearing was held regarding grading and grading within a protected area on the subject property without approved permits or approved land use permits. The Hearings Officer found the previous owner of your property in violation and a Final Order was issued.

When I conducted my site inspection on November 25, 2024 I also found another large pile of material that had been added sometime after February of 2024 at the back of property. Based on aerial images, this pile also appears to be within the protected area on the property and will need to be addressed in your permit submittal.

At this time the violation has not been abated.

- Please submit or have your professional submit a technically complete grading permit application. Where fill materials have been placed prior to the required site preparation inspection and/or permit issuance, as-built conditions in the area of fill must first be evaluated by an Oregon registered geotechnical engineer or engineering geologist for compliance with applicable code requirements, and the evaluation report must be submitted along with the permit application.
- Please submit or have your professional submit a technically complete Title 13 Habitat Conservation Area and Water Quality Resource Area District permit applications for the grading within the protected area. These applications are to be submitted to the planning and zoning department.

I have included with this letter a site plan that shows which buildings were built without permits. In addition, I have included a copy of the Final Order for the 2012 violation. If you need additional information regarding the 2012 file that is available to you upon your request.

If you have further questions regarding any of the requirement for the building code, grading code or planning requirements, I have provided department contact information below.

CONTACT INFORMATION

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

Planning – If you have questions concerning land use requirements please contact the planning department at 503-742-4500 or on-line at zoninginfo@clackamas.us.

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

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

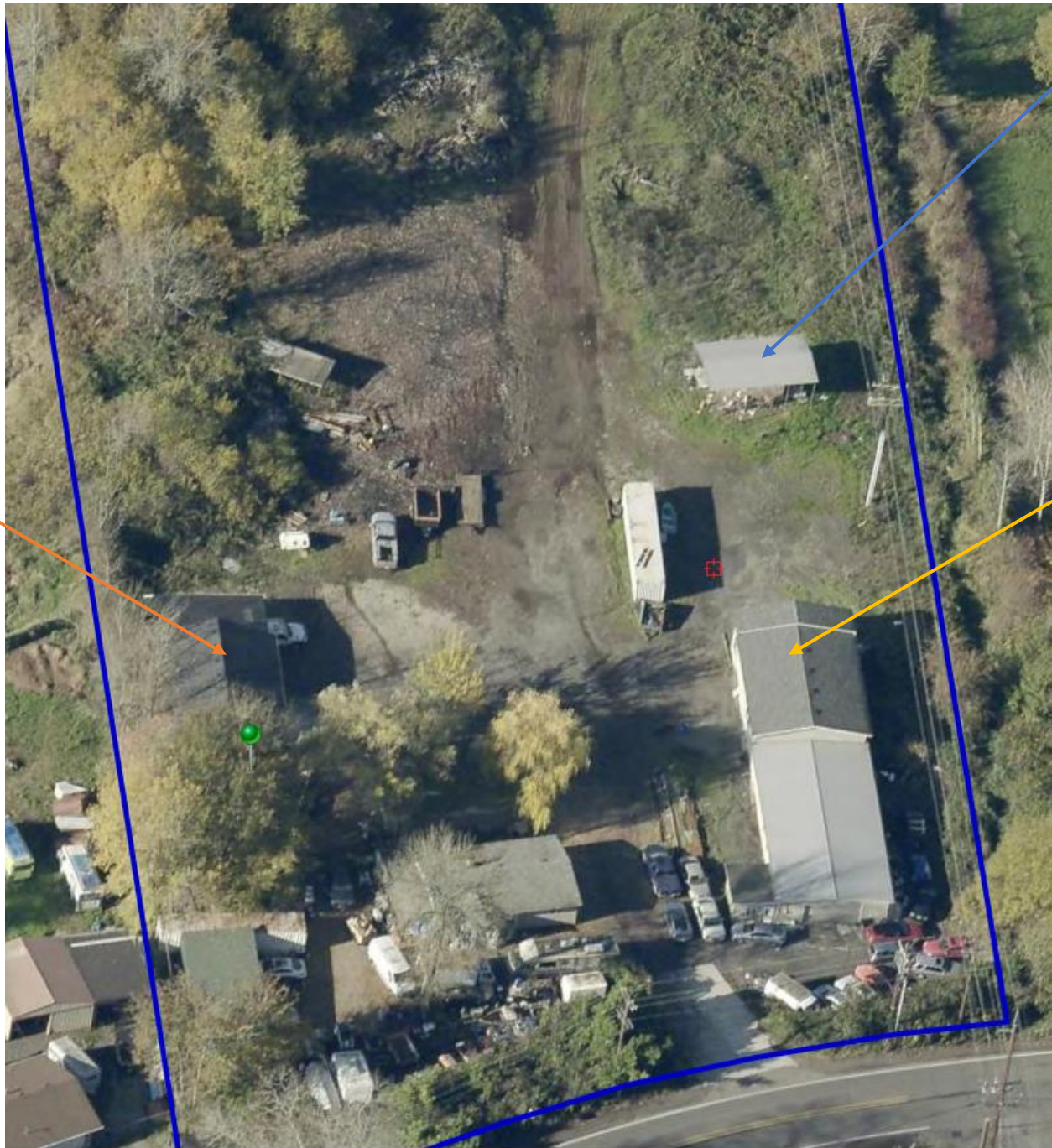
A handwritten signature in black ink that reads "Jennifer Kauppi". The signature is written in a cursive, flowing style.

Jennifer Kauppi
Code Enforcement Permit Specialist
Clackamas County Code Enforcement

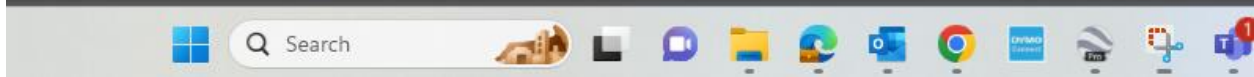
Enclosed – Map of property and structures in violation
2012 Final Order

Important Notices

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8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.



1/14/2023



Blue arrow – Carport

Yellow – Addition to accessory structure

Orange – Accessory structure with carport

BEFORE THE COMPLIANCE HEARINGS OFFICER
CLACKAMAS COUNTY, OREGON

COUNTY OF CLACKAMAS,

Petitioner,

v.

STEFAN TIGANESCU,

Respondent.

File No(s): V0844-12-G; V1001-12-Z;
V1002-12-Z; V1003-12-Z; V0316-13-Z

FINAL ORDER

I. STATEMENT OF THE CASE

As Compliance Hearings Officer for Clackamas County, I held a hearing on September 22, 2015 at approximately 10:30 a.m. in the matter of Stefan Tiganescu (Respondent) at the County's Development Services Building located at 150 Beaver Creek Road in Oregon City. The Compliance Hearing Officer has jurisdiction to hear the matter pursuant to Clackamas County Code, § 2.07.020. Dean Brown, Code Enforcement Specialist, appeared and provided witness testimony on behalf of the County. Respondent did not appear. The witness declared by oath or affirmation the truthfulness of his testimony. The Compliance Hearings Officer did not receive any written or oral ex parte communication on a fact in issue during the pendency of the proceedings.

The County presented evidence in support of its Complaint, including a Statement of Proof, Exhibits marked A through S, and witness testimony by Mr. Brown. The Compliance Hearings Officer made an audio record of the hearing. There were no objections and I received the evidence offered, a record of which I incorporate in the decision in this matter. The record is on file with the County.

II. ISSUES

1. Whether Respondent violated Chapter 9.03 of the Clackamas County Code by grading and filling the subject property without a required grading permit and inspections.
2. Whether Respondent violated Title 12 of the Clackamas County Code by operating a commercial construction company from the subject property without land use approval.
3. Whether Respondent violated Title 12 of the Clackamas County Code by grading and filling an area of the subject property within the Title 13 Habitat Conservation Area District without land use approval.
4. Whether Respondent violated Title 12 of the Clackamas County Code by grading and filling an area of the subject property within the Title 3 Water Quality Resource Area District without land use approval.
5. Whether Respondent violated Title 12 of the Clackamas County Code by maintaining multiple occupied recreational vehicles on the subject property without land use approval.

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III. FINDINGS OF FACT

1. Respondent Stefan Tiganescu resides at and/or owns property located at 17726 SE Foster Rd. Damascus, OR 97089, also known as T1S, R3E, Section 30A, Tax Lot 1100, within Clackamas County (the "Property"). The Property is zoned Farm Forest 10-Acre District (FF-10), and is the location of the alleged violations asserted by the County.
2. On October 1, 2012, the County received a complaint that grading and filling activities were occurring on the Property. County Building Inspector Scot East went to the Property and confirmed that grading and filling activities requiring a grading permit for which no permit had been issued were occurring on the Property, and took several photographs showing the grading and filling on the Property. [Exhibit A]
3. The County assigned the matter to Mr. Dean Brown, County Code Enforcement Specialist. On October 11, 2012, Mr. Brown sent correspondence to Respondent requesting that he obtain a grading permit within thirty days or no later than November 12, 2012. Respondent came into the County's offices on October 16, 2012 and told staff that he had only imported 20 cubic yards of fill materials. County structural Engineer Ravi Mahajan spoke with Respondent about the matter and told Respondent that if he could provide evidence that the fill material does not exceed one foot in depth then no grading permit would be required. Respondent said he would gather the evidence. [Exhibit B]
4. Respondent returned to the County's offices on November 26, 2012 to submit photographs demonstrating that no grading permit was required. County staff reviewing the photographs determined, however, that the photographs supported the need for a grading permit. Staff contacted Respondent again on December 5, 2012 and found that a construction company, "Vio-T Construction", operated by Respondent, was operating from the Property and had been dumping dirt on the Property and filling wetlands on the Property. Staff conducted additional research and determined that Respondent was operating "Vio-T Construction" from the Property without land use approval. A staff review of aerial photographs of the Property from 2002 – 2012 also showed a progressive expansion of grading and filling activities in the protected Habitat Conservation and Water Quality Resource Areas located on the Property, as identified on maps adopted by the County. These photographs show development within the buffers for these designated areas, including grading and fill work, removal of vegetation, and storing of building materials and waste in these areas. The County then opened new violations to address these three new zoning violations. [Exhibits C, D, E]
5. Mr. Brown sent correspondence to Respondent on December 27, 2012 concerning the violations that County staff had identified on the Property, and requesting that Respondent contact the County concerning abating the violations. Among other things, Mr. Brown's letter noted the grading and filling on the Property, the filling activities within the protected wetlands areas on the Property, and the commercial construction business activity without land use approval. [Exhibit F]

6. On January 28, 2013, Adrian Obrien came into the county's offices on behalf of Respondent, and sought staff assistance with the preparation of a grading permit application. On February 19, 2013, Adrian Obrien submitted a grading permit application on behalf of Respondent.
7. County staff conducted an inspection of the Property on April 1, 2013, reporting observing several truckloads of construction debris, two flatbed trailers loaded with concrete construction forms, three commercial dump trucks bearing the "Vio-T Construction" and "Frederick Pre-Cast Concrete" logos, two excavators, and an enclosed construction trailer. Staff also reported observing two pickup camper-tops and a travel trailer that appeared to be occupied. County staff took several photographs during the inspection showing the reported items. Staff also checked records and found no authorization for the occupied recreational vehicles upon the subject Property, and opened a new zoning code violation for the occupied recreational vehicles. Mr. Brown sent correspondence to Respondent explaining that the County requires abatement of the occupied recreational vehicle violations, and also the other violations on the Property. [Exhibits G, H]
8. On July 24, 2013, County staff checked records and found that no permit applications had been submitted. On September 25, 2013, County staff conducted a site inspection of the Property and found that Respondent had recently posted "No Trespassing" signs at the entrance. Staff then inspected the Property from the public right-of-way and observed that the occupied travel trailer remained on-site unabated. Staff also observed a dump truck bearing the "Vio-T Construction" logo parked on the subject Property, and further reported that no action had been taken to abate the other zoning violations including the occupied recreational vehicles violations, and took several photographs showing the reported violations. Staff also checked records and found that no permit application had been submitted. [Exhibit I]
9. On September 30, 2013, and as a result of the September 25, 2013 site inspection, the County issued citation no. 130844-01 A, B, and C for the grading violation in the amount of \$100.00, for the unpermitted construction business zoning violation in the amount of \$75.00, for the unpermitted development within the Title 13 Habitat Conservation Area zoning violation in the amount of \$100.00, for the unpermitted development within the Water Quality Resource Conservation District zoning violation in the amount of \$100.00, and for the occupied recreational vehicles without land use approval zoning violation in the amount of \$50.00. (Total fine amount of \$425.00). The citations were sent certified mail and copies sent regular mail. The County received the citations sent regular and certified mail back undelivered. This citation remains unpaid. [Exhibit J]
10. County staff returned to the Property on October 30, 2013 to inspect the Property, and again found posted "No Trespassing" signs at the entrance. Staff parked at the entrance to the Property, and Respondent came out and spoke with staff, stating that he was losing the Property to foreclosure and didn't care about abating the violations on the Property. Staff then inspected the Property from the public right-of-way, reporting observing that the occupied travel trailer remained on-site unabated. Staff also reported observing a dump truck bearing the "Vio-T Construction" logo parked on

the subject Property, reported observing that no action had been taken to abate the other violations, and took several photographs. [Exhibit K]

11. On November 13, staff checked records and found that no permit application had been submitted and, as a result of the October 30, 2013 site inspection, the County issued citation no. 130844-02 A, B, and C for the grading violation in the amount of \$500.00, for the unpermitted construction business zoning violation in the amount of \$400.00, for the unpermitted development within the Title 13 Habitat Conservation Area zoning violation in the amount of \$500.00, for the unpermitted development within the Water Quality Resource Conservation District zoning violation in the amount of \$500.00, and for the occupied recreational vehicles without land use approval zoning violation in the amount of \$300.00. (Total fine amount of \$2,200.00). The citations were sent certified mail and copies sent regular mail. The County received the citations sent regular and certified mail back undelivered. This citation remains unpaid. [Exhibit L]
12. On December 18, 2013, County staff went to the subject Property, finding the "No Trespassing" signs posted at the Property entrance. Staff then inspected the Property from the public right-of-way and observed that the occupied travel trailer remained on-site unabated. Staff also reported observing an excavator parked on the subject Property, reported that no action had been taken to abate the other zoning violations, and took several photographs showing the reported violations. [Exhibit M]
13. County staff checked records on June 4, 2014, finding no permit application activity for the Property. Staff then went to the subject Property for an inspection, finding that the "No Trespassing" signs remained posted, and inspected the Property from the public right-of-way. Staff reported observing that the occupied travel trailer had been moved out of view from the public right-of-way, but continued to remain on site. Staff observed an excavator parked on the subject Property. Staff also reported seeing that no action had been taken to abate the other zoning violations, except one previously noted occupied travel trailer appeared to have been removed. However, staff was unable to confirm that the occupied travel trailer had been removed or was placed out of view on another portion of the subject Property. Staff also took several photographs of the Property. [Exhibit N]
14. Aerial photographs of the Property dated July 17, 2014, April 17, 2015, and September 22, 2015 show significant changes to the Property, including debris, numerous vehicles, and new buildings built on the Property without permits, and show significant encroachment of grading and fill activity within the designated Title 13 Habitat Conservation Area and Water Quality Resource Conservation District. [Exhibits O, P, Q, R, S]
15. September 8, 2015, the County referred this matter to the County's Code Enforcement Hearings Officer. Mr. Brown testified at the hearing that the violations on the Property have continued unabated. The County requested a Continuing Order requiring abatement of the violations.

16. On October 9, 2015, I issued a Continuing Order finding that the County met its burden of proof concerning the alleged violations, and requiring abatement of the violations. Among other things, the order required the following:
- a. Respondent is ordered to abate the Grading ordinance violation on the Property by submitting a technically complete grading permit application and associated application fee within thirty (30) days of the date of the continuing order, obtain the grading permit within fifteen (15) days of the date the permit is ready to be issued **and** complete all grading work and required inspections up to and including receiving an approved final inspection within ninety (90) days of the date the permit is issued to retain the work completed to date, **or** to return the site to its pre-grading condition.
 - b. Respondent is ordered to abate the unlawful operation of a commercial construction business without land use approval by either submitting a technically complete home occupation permit application and associated application fee within fifteen (15) days of the date of this Continuing Order, **or** by relocating the business from the subject Property to a property that is compatibly zoned for such business activity within fifteen (15) days of the date of this Continuing Order, **or** by ceasing operation of the business activity upon the subject Property within fifteen (15) days of the date of this Continuing Order.
 - c. Respondent shall abate the unlawful grading and filling of the Title 13 Habitat conservation Area District and Title 3 Water Quality Resource Area District without land use approval by submitting technically complete Title 13 Habitat Conservation Area District and Title 3 Water Quality Resource Area District permit applications and associated application fees within thirty (30) days of the date of this Continuing Order, obtaining the permits within fifteen (15) days of the date the permits are ready to be issued **and** complete all work and required inspections up to and including receiving an approved final inspections from the Clackamas County Planning and Zoning Division within ninety (90) days of the date the permit is issued, **or** return the site to its pre-violation condition, submit a vegetation restoration plan and associated fee, to the Clackamas County Planning and Zoning Division **and** receive an approved final inspection from the Clackamas County Planning and Zoning Division within ninety (90) days of the date of this Continuing Order.
17. Mr. Brown provided a November 19, 2015 post-hearing status report on behalf of the County, mailing a copy to the Respondent. Mr. Brown reported that on November 10, 2015, County staff drove by the subject property and observed no visible progress towards abatement of the outstanding violations. Mr. Brown further reported that the business operations on the subject property appeared to have been expanded and structures on the property appeared to have been either expanded or newly constructed. The County requested issuance of a final order, with recommendations concerning civil penalties and an administrative compliance fee.

IV. DISCUSSION

The Compliance Hearings Officer has jurisdiction and authority to enforce the Clackamas County Zoning and Development Ordinance, Clackamas County Building Code Ordinance, and various other matters.¹ The County has the burden of proving each alleged violation by a preponderance of the substantial evidence in the record.² I reviewed and considered the evidence in this matter, including the witness testimony by Mr. Brown, and Exhibits A-M submitted by the County. I find that the evidence presented is reliable, probative and substantial evidence upon which to base a determination in this matter. I reviewed the issue concerning whether Respondent's mailing address is correct, and whether he received notice of these proceedings. I note that Respondent initially responded to notices sent by the County to this address, and also note that Respondent

¹ See Clackamas County Code § 2.07.020.

² See Clackamas County Compliance Hearings Officer Rules of Procedure § 11.2 (November 3, 2005)

has sent a representative to the County's office in response, and has spoken with County staff concerning the matters referenced herein. I conclude that Respondent has received mail at the address where the County is sending notices, and is receiving the notices but refusing mail from the County. I conclude that the County has met its requirement to provide Respondent with notice of these proceedings.

A. Clackamas County Excavation and Grading

The County alleges that Respondent violated Chapter 9.03 of the Clackamas County Code by grading and filling the subject property without a required grading permit and inspections.

Clackamas County Code Chapter § 9.03.030. states in relevant part: "No person shall do any grading without first having obtained a grading permit from the Building Codes Division Manager or his/her designee." The County provided witness testimony by Mr. Brown, and supporting County records and reports, including Exhibits A-S with numerous photographs, concerning this issue. The testimony and photographs show substantial excavation, grading work, and fill material brought onto Respondent's Property in various areas, with no permits or exceptions authorizing this work. I am persuaded that on September 30, 2013 (the date the County issued citation no. 130844-01 A, B, and C) Respondent was engaged in excavation and grading without a permit. Respondent still had no permit for the excavation and grading on the Property on November 13, 2013 (the date the County issued citation no. 130844-02 A, B, and C), and this Priority 1 violation has continued unabated.

B. Clackamas County Zoning and Development Ordinance

The County alleges that Respondent violated Title 12 of the Clackamas County Code by operating a commercial construction business from the subject property without land use approval.

Clackamas County Zoning and Development Ordinance Section 401 sets forth the allowed uses for the FF-10 zone, which includes Respondent's Property. In that zone, generally commercial uses are not allowed unless in conjunction with a home occupation permit. ZDO 401.06 prohibits uses unless they are specifically identified as permitted primary, accessory or conditional uses in the zone, as shown in Table 401-1, including home occupations subject to Section 822. I conclude that the preponderance of the substantial evidence presented at the hearing shows that Respondent violated the County's ordinance by permitting his Property to be a public nuisance through violation of the County's Zoning and Development Ordinance. Specifically, Respondent is operating a commercial construction business from the subject property without land use authorization and/or without an approved Home Occupation Permit. This violation existed on September 25, 2013 when the County conducted a site inspection, continued to exist on September 30, 2013 and November 13, 2013 when the County issued citations, and this Priority 1 violation has continued unabated.

C. Habitat Conservation Area District and Water Quality Resource Area District

The County alleges that Respondent violated Title 12 of the Clackamas County Code by grading and filling an area of the subject property within the Title 13 Habitat Conservation Area District without land use approval. The County also alleges that Respondent violated Title 12 of the Clackamas County Code by grading and filling an area of the subject property within the Title 3 Water Quality Resource Area District without land use approval.

Section 706 of Title 12 of the Clackamas County Code (Zoning and Development Ordinance) applies to all property containing a designated Habitat Conservation Area District within Clackamas County as identified on maps adopted by reference in Chapter 3 of the County's Comprehensive Plan. Section 709 of Title 12 of the Clackamas County Code (Zoning and Development Ordinance) applies to all property containing a designated Water Quality Resource Area District within Clackamas County as identified on maps adopted by reference in Chapter 3 of the County's Comprehensive Plan.

All development within these designated areas requires meeting certain additional standards specifically requiring observing established buffers and meeting additional application requirements. Respondent engaged in development on his Property within the areas identified on the County's maps as part of the designated Habitat Conservation Area District and Water Quality Resource Area District. I conclude that the preponderance of the substantial evidence presented at the hearing shows that Respondent violated the County's ordinance by permitting his Property to be a public nuisance through violation of the County's Zoning and Development Ordinance. Among other things, Respondent ignored County regulations requiring buffers for these designated Habitat Conservation Area District and Water Quality Resource Area District areas, performing grading and fill work, removing vegetation, and storing building materials and waste in these areas. These Priority 1 violations existed on September 25, 2013 when the County conducted a site inspection, continued to exist on September 30, 2013 and November 13, 2013 when the County issued citations, and have continued unabated.

D. Clackamas County Zoning and Development Ordinance

The County alleges that Respondent violated Title 12 of the Clackamas County Code by maintaining multiple occupied recreational vehicles on the subject property without land use approval.

Clackamas County Zoning and Development Ordinance Section 316 sets forth the allowed uses for the FF-10 zone. In that zone, development of a single-family residential structure is allowed, as shown in Table 316-1, but only one dwelling is permitted on the Property.

Respondent did not obtain any permits or approval for the creation of additional dwelling space on the Property. I find that the County has demonstrated by a preponderance of the substantial evidence in the record that Respondent violated the Clackamas County Zoning and Development Ordinance by creating additional dwelling structure(s) on their Property by allowing two pickup camper tops and a travel trailer on his Property to be occupied without land use approval, a Priority 3 violation. I note that Mr. Brown testified that the travel trailer was moved to a different location on the Property and he could not inspect it to determine whether the travel trailer continued to be occupied, but I find no evidence in the

record that would lead me to conclude that the violation is abated and, therefore, conclude this is a continuing violation. This violation existed on September 25, 2013 when the County conducted a site inspection, continued to exist on September 30, 2013 and November 13, 2013 when the County issued citations, and has continued unabated.

E. Clackamas County Building Code

Clackamas County Code Chapter 9.02.330 states in relevant part:

"All persons shall comply with this chapter in the location, construction, maintenance, repair, alteration, or use of buildings, installations or sewage disposal systems or facilities within Clackamas County.

A violation of this chapter exists whenever a building, structure, installation, sewage disposal system or sewage disposal facility is, or is proposed to be, located, constructed, maintained, repaired, altered, or used contrary to the requirements of this chapter. Each day that a violation exists is considered to be a separate offense.

A violation of this chapter is a public nuisance, and continues to be a public nuisance until the offending building, structure, installation, system, facility or use is brought into compliance with this chapter.

The County may, in addition to the other remedies provided by law, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove violations of this chapter. The County may also enforce this chapter through the provisions of the Clackamas County Compliance Hearing Officer Ordinance."

The County provided witness testimony and photographs showing that Respondent has engaged in constructing, using, and altering buildings and structures on his Property in a manner inconsistent with the requirements of the Clackamas County Code. Although not cited by the County in its complaint, these violations also require abatement by obtaining building permits and final approved inspections.

F. Assessment of Civil Penalties

I find several relevant aggravating factors present in this case warranting consideration in assessing an appropriate civil penalty for each violation. First, I note that the violations are entirely within Respondent's control; second, I note that abating the violations is not difficult; third, I note that the violations are an intentional act by Respondent; fourth, I find that Respondent is using these violations to achieve personal economic and financial benefits, fifth, I note that Respondent has failed to cooperate with the October 9, 2015 Continuing Order issued in this matter.

Clackamas County Code provides for a civil penalty for these violations within the range established by Clackamas County Code § 2.07.120, as specified in Appendix B. The civil penalties range from \$750 - \$3,500 per Priority 1 grading ordinance violation, from \$250 - \$1,500 for each date the County established the Priority 3 zoning ordinance violation (occupied RVs), and from \$750 - \$3,500 for each date the County established the three

separate Priority 1 zoning ordinance violations, for each separate violation. The County cited and established two specific dates that Respondent was in violation: September 25, 2013 and October 30, 2013. The County has requested assessment of maximum civil penalties for the respective violations. I noted that the County cited four separate zoning violations for the same specific dates; however, I also noted the different nature of each violation cited and agree that each should receive a civil penalty. My review of this matter and the aggravating factors present leads me to conclude that assessment of the maximum civil penalties for each violation is appropriate, together with the requested administrative compliance fee beginning April 1, 2013, at \$75 per month, of \$2,400.00.

V. CONCLUSION

The County met its burden of proving the violations by a preponderance of the substantial evidence in the whole record. Respondent violated Chapter 9.03 of the Clackamas County Code by grading and filling the subject property without a required grading permit and inspections. Respondent violated Title 12 of the Clackamas County Code by operating a commercial construction company from the subject property without land use approval. Respondent violated Title 12 of the Clackamas County Code by grading and filling an area of the subject property within the Title 13 Habitat Conservation Area District, and by grading and filling an area of the subject property within the Title 3 Water Quality Resource Area District, without land use approval. Respondent violated Title 12 of the Clackamas County Code by maintaining multiple occupied recreational vehicles on the subject property without land use approval. These violations remain unabated.

VI. FINAL ORDER

1. Within 30 days of the date of this Order, Respondent is ordered to pay a civil penalty (fine) for each violation listed on each citation together with an Administrative Compliance fee³, pursuant to Clackamas County Code § 1.01.090, as follows:

\ Citation No. 130844-01A: (Grading)	\$ 100.00 ✓
Civil Penalty for 9/25/2013 grading ordinance violation:	\$3,500.00
\ Citation No. 130844-01A: (Commercial Business)	\$ 75.00 ✓
Civil Penalty for 9/25/2013 zoning ordinance violation:	\$3,500.00
\ Citation No. 130844-01B: (Title 13 Habitat)	\$ 100.00 ✓
Civil Penalty for 9/25/2013 zoning ordinance violation:	\$3,500.00
\ Citation No. 130844-01B: (Title 3 Water Quality)	\$ 100.00 ✓
Civil Penalty for 9/25/2013 zoning ordinance violation:	\$3,500.00
\ Citation No. 130844-01C: (Occupied RVs)	\$ 50.00 ✓
Civil Penalty for 9/25/2013 zoning ordinance violation:	\$1,500.00
Citation No. 130844-02A: (Grading)	\$ 100.00
Civil Penalty for 10/30/2013 grading ordinance violation:	\$3,500.00
Citation No. 130844-02A: (Commercial Business)	\$ 75.00
Civil Penalty for 10/30/2013 zoning ordinance violation:	\$3,500.00

³ Clackamas County Code § 1.01.090 provides for assessment of an administrative fee of \$75 per month to reimburse the County for administrative fees incurred in conjunction with this enforcement action. This fee is ordered as an estimated amount of the cost of enforcement, not to exceed actual cost.

Citation No. 130844-02B: (Title 13 Habitat)	\$ 100.00
Civil Penalty for 10/30/2013 zoning ordinance violation:	\$3,500.00
Citation No. 130844-02B: (Title 3 Water Quality)	\$ 100.00
Civil Penalty for 10/30/2013 zoning ordinance violation:	\$3,500.00
Citation No. 130844-02C: (Occupied RVs)	\$ 50.00
Civil Penalty for 10/30/2013 zoning ordinance violation:	\$1,500.00
Administrative Compliance Fee:	<u>\$2,400.00</u>
TOTAL:	\$34,250.00

2. The County is authorized to take additional enforcement action including but not limited to issuing additional citations and/or commencing an action in circuit court. I will also consider ordering other relief requested by the County to abate this violation.

Respectfully Submitted,

Dated: December 8, 2015



Carl D. Cox
Compliance Hearings Officer
14725 NE 20th St. #D-5
Bellevue, WA 98007
Tel: (503) 504-1770
Fax: (425) 615-7202

RECORDING REQUESTED BY:



825 NE Multnomah St, Ste 1175
Portland, OR 97232

GRANTOR'S NAME:

Stefan Tiganescu

GRANTEE'S NAME:

Wilbur Akins

AFTER RECORDING RETURN TO:

Order No.: 262400006-PW

Wilbur Akins
8560 SE 172nd Ave
Happy Valley, OR 97086

SEND TAX STATEMENTS TO:

Wilbur Akins
8560 SE 172nd Ave
Happy Valley, OR 97086

APN:00136374

Map: 13E30A 01100

17726 SE Foster Road, Damascus, OR 97089

Clackamas County Official Records
Catherine McMullen, County Clerk

2024-025641

07/12/2024 02:04:03 PM

D-D Cnt=1 Stn=74 LILLIE
\$25.00 \$16.00 \$10.00 \$20.00 \$62.00

\$133.00

LAWYERS TITLE 262400006

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Stefan Tiganescu, Grantor, conveys and warrants to **Wilbur Akins**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

That portion of the following described property lying in the County of Clackamas and State of Oregon:

13E30A 01100 00136374

Beginning at the Northeast corner of the Stewart Richey Donation Land Claim, lying in Sections 19 and 30, Township 1 South, Range 3 East of the Willamette Meridian, in the Counties of Clackamas and Multnomah and State of Oregon; thence North 86.73 feet to a point in the East and West center line of said Section 19, thence Westerly tracing said East and West center line of said Section 19, 1556.06 feet to a point in a line parallel to and 990 feet East of the West boundary line of said Donation Land Claim; thence Southerly, tracing said line parallel to and 990 feet East of the West boundary line of said Donation Land Claim 86.27 feet to a point in the North boundary line of said Donation Land Claim; thence Southerly tracing said line parallel to and 990 feet East of the West boundary line of said Donation Land Claim 2781.21 feet to a point in the

MN

STATUTORY WARRANTY DEED
(continued)

South boundary line of said Donation Land Claim, and 990 feet East of the Southwest corner of said Donation Land Claim; thence Easterly tracing the said South boundary line of said claim; 774.22 feet to a point in the center line of the Foster County Road; thence Northerly tracing center line of said County Road 1772.4 feet to Road Angle No. 2 and the end of the center line of County Road No. 509 in Multnomah County; thence Easterly tracing the center line of said County Road No. 509, 1350 feet to a point in the East boundary line of said Donation Land Claim; thence Northerly tracing the East boundary line of said Donation Land Claim 882.79 feet to the Northwest corner of the Caleb Richey Donation Land Claim No. 69, Notification No. 7012; thence Northerly tracing the East boundary line of said Stewart Richey Donation Land Claim 264.48 feet to the Northeast corner thereof and the true point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FOUR HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (**\$450,000.00**). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 7/11/2024

STEFAN TIGANESCU BY FLORICA TIGANESCU ATTORNEY IN FACT
Stefan Tiganesco by Florica Tiganesco, Attorney in Fact

State of Oregon
County of MULTNOMAH

This instrument was acknowledged before me on 7/11/2024 by Florica Tiganesco, Attorney in Fact for Stefan Tiganesco



Notary Public - State of Oregon

My Commission Expires: 4/13/2027



EXHIBIT "A"
Exceptions

Subject to:

1. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads or highways.
2. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of an unnamed creek.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Rights of the public, riparian owners and governmental bodies as to the use of the waters of an unnamed creek and the natural flow thereof on and across that portion of the subject land lying below the high water line of said waterway.

3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Portland General Electric Company
Purpose: Electric utility purposes
Recording Date: September 12, 1934
Recording No: Book 224 Page 351
Affects: The Easterly portion - exact location not disclosed

4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Portland General Electric Company, an Oregon corporation
Purpose: Electric transmission line
Recording Date: March 4, 1970
Recording No: 70004161
Affects: The North 25 feet of even width

and Re-Recording Date: March 18, 1970
and Re-Recording No: 70005094

EXHIBIT "A"
Exceptions

5. Clackamas County Code Violations:

Amount Owing : Current as of the date of policy and subject to any
additional future charges
Account Status : Revolving
As disclosed by Case No. 16CV39341

6. Property taxes in an undetermined amount, which are a lien but not yet payable,
including any assessments collected with taxes to be levied for the fiscal year
2024-2025.

Ferber, Christiane

From: Kauppi, Jennifer
Sent: Wednesday, February 5, 2025 11:15 AM
To: 'mrtreeinc@frontier.com'
Subject: 17726 SE Foster Rd - Update Requested
Attachments: 24-07-17 Email to Wilbur Atkins and response.pdf; 24-11-27 Violation Letter.pdf

Mr. Atkins,

Hello. On July 17, 2024 I emailed you regarding the outstanding violations on the subject property. At the time of that email, the file was going to be assigned to Shane Potter. Our districts changed in November and this case was reassigned to myself. I reviewed the file and did not find notes that Shane and you had discussed the violations on the property. On November 27, 2024 the attached Notice of Violation was mailed to your mailing address on file with the County Assessor office. This letter was not returned to the County. The letter outlined the violations on the property and I provided a deadline date of January 31st, 2025 to submit the required information.

I reviewed the file today and found that no land use applications, grading application or building permits have been submitted to the County. Can you please provide an update on the status of those submittals.

Thank you

Jennifer Kauppi – Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beaver Creek Rd.

Primary Phone: [503-742-4759](tel:503-742-4759)

www.clackamas.us

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

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

Were you happy with the service you received today?



CLICK A SMILEY



Citation No. 2400298

Case No. V0029824

ADMINISTRATIVE CITATION

Date Issued: February 19, 2025

Name and Address of Person(s) Cited:

Name: Wilbur Atkins
Mailing Address: 8560 SE 172nd Ave
City, State, Zip: Happy Valley, OR 97086

Date Violation(s) Confirmed: On the 19th day of February, 2025, 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): 17726 SE Foster Rd., Damascus, OR 97089

Legal Description: T1S, R3E Section 30A, Tax Lot(s) 01100

Law(s) Violated:

- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (C)(D)(E)
- Chapter 9.03 of CCC Excavation and Grading, Section 9.03.030
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 706.01 and 709.01

Description of the violation(s):

- 1) Failure to obtain approved permits and approved final inspection for a carport built without permits. The structure was noted on the site plan that was included in the Notice of Violation dated November 27, 2024 with a blue arrow.

Maximum Civil Penalty \$1,000.00 Fine: Not subject to a fine amount

- 2) Failure to obtain approved permits and approved final inspections for an addition to an accessory structure built without permits and electrical and rain drains installed without approved permits and approved final inspections. The structure was noted on the site plan that was included in the Notice of Violation dated November 27, 2024 with a yellow arrow.

Maximum Civil Penalty \$1,000.00 Fine: Not subject to a fine amount

- 3) Failure to obtain approved permits and approved final inspections for an accessory structure with attached carport built without permits and electrical and rain drains installed without approved permits and approved final inspections. The structure was noted on the site plan that was included in the Notice of Violation dated November 27, 2024 with an orange arrow.

Maximum Civil Penalty \$1,000.00 Fine: Not subject to a fine amount

4) Failure to obtain approved permits and approved final inspections for grading on the subject property.

Maximum Civil Penalty \$3,500.00

Fine: \$500.00

5) Failure to obtain land use approval for grading that occurred in the Habitat Conservation Area District and the Water Quality Resource Area District on the subject property.

Maximum Civil Penalty \$3,500.00

Fine: \$500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$1,000.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

Citation issued by: Jennifer Kauppi

Date: February 19, 2025

Telephone No.: 503-742-4759

Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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

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

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

STATEMENT OF UNDERSTANDING

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

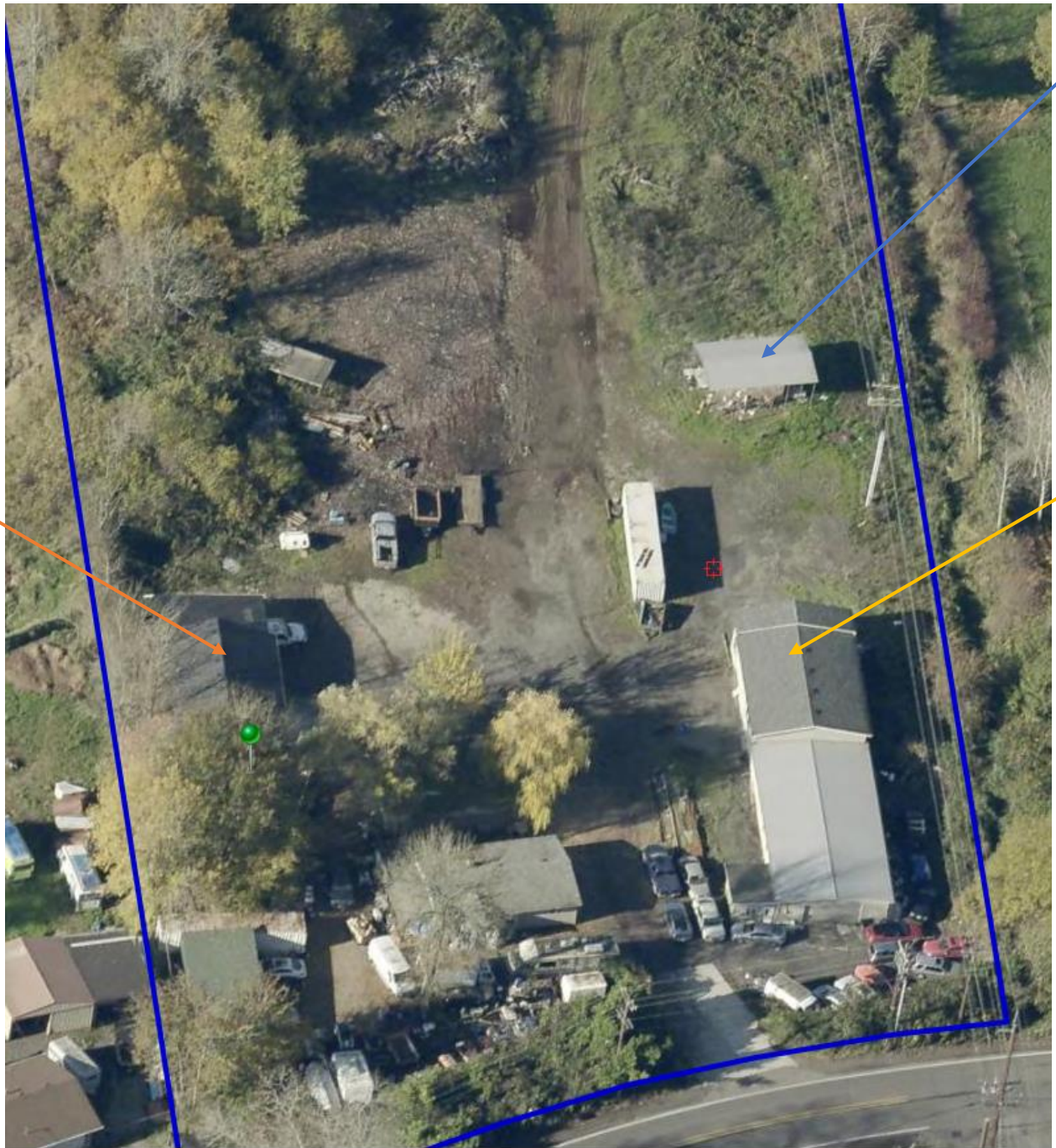
1. By paying the fine I admit the existence of the violation(s) alleged on this citation and my responsibility for it.
2. Paying the fine does not relieve me of my responsibility to correct the violation and to comply with all applicable laws.
3. Additional citations may be issued to me if I fail to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

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____



1/14/2023



Blue arrow – Carport

Yellow – Addition to accessory structure

Orange – Accessory structure with carport