



NOTICE OF HEARING

June 2, 2022

Douglas Randall
Rose Ojeda
14919 SE Woodland Way
Milwaukie, OR 97267

RE:: County of Clackamas v. Douglas Randall and Rose Ojeda
File: V0058917

Hearing Date: June 28, 2022

Time: This item will not begin before 11:00 am however it may begin later depending on the length of preceding items.

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

Enclosed you will find the following:

1. Notice of Rights;
2. Copy of Exhibits which have been submitted by the County

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

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

You may contact Kimberly Benthin, Code Compliance Specialist for Clackamas County at (503) 742-4457, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

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

Carl Cox
Attorney at Law
14725 NE 20th Street, #D-5
Bellevue, WA 98007
5. **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.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

You must have access to the internet or to a telephone line to use the Zoom platform. We have sent you the Zoom invite to rose.m.ojeda@gmail.com and smplanet1953@yahoo.com. Please contact Kimberly Benthin if you are unable to find the email.

If you would like to present evidence at the Hearing please email or mail your evidence to KimBen@clackamas.us or 150 Beaver Creek Rd, Oregon City, Oregon 97045, no later than 4 work days prior to the hearing. Staff will number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

If you are unable to participate in a hearing through the Zoom platform please contact Kimberly Benthin at 503-742-4457 **within 3 calendar days of receipt of the notice of hearing packet.**

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

If you experience difficulties connecting to the Zoom hearing before your scheduled start time, please call 503-348-4692 for assistance.

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

Department of Transportation and Development

Nondiscrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information go to: www.clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us or call (503) 742-4452.

¡LE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination, envíe un correo electrónico a JKauppi@clackamas.us o llame al 503-742-4452.

ДОБРО ПОЖАЛОВАТЬ! Russian

Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination, отправьте письмо на адрес эл. почты JKauppi@clackamas.us или позвоните по телефону 503-742-4452.

欢迎! Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息，请访问 www.clackamas.us/transportation/nondiscrimination，发送电子邮件至 JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng: www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.

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

COUNTY OF CLACKAMAS,

Petitioner,

v.

DOUGLAS A. RANDALL, and
ROSE M. OJEDA,

Respondents.

File No.: V0058917

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents' place of residence is: 14919 SE Woodland Way,
Milwaukie, OR 97267.

2.

The address or location of the violation(s) of law alleged in this Complaint is: 14919 SE Woodland Way, also known as T2S, R1E, Section 12BC, Tax Lot 00101, and is located in Clackamas County, Oregon.

3.

On or about the 22nd day of September, 2017 Respondents violated the following laws, in the following ways:

a. Respondent violated Chapter 9.02 of the Clackamas County Code

Application and Enforcement of the Clackamas County Building Code, by converting a portion of the garage/shop into living space without the benefit of permits or inspections. This is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

4.

On or about the 11th day of February, 2021 Respondents violated the following laws, in the following ways:

- a. Respondent violated Chapter 9.02 of the Clackamas County Code
Application and Enforcement of the Clackamas County Building Code, by converting a portion of the garage/shop into living space without the benefit of permits or inspections. This is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

5.

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

6.

Notice of the violation was given to Respondent(s) in the following manner: Administrative Citation # 1700589 - 1 in the amount of \$100.00 was mailed certified mail and first class mail on August 8, 2018. A copy of the notice document is attached to this Complaint as Exhibit H, and incorporated by this reference.

7.

Notice of the violation was given to Respondent(s) in the following manner: Administrative Citation # 1700589 - 2 in the amount of \$500.00 was mailed certified mail and first class mail on February 17, 2017. A copy of the notice document is attached to this Complaint as Exhibit I, and incorporated by this reference.

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 Title Priority 1 violation being \$750.00 to \$1000.00; per occurrence as provided by Appendix B to the Clackamas County Code;
3. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to pay an administrative compliance fee as provided by Appendix A to the Clackamas County Code;

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 26th day of May, 2022.

A handwritten signature in black ink, appearing to be "J. L. Smith", is written over a horizontal line. The signature is stylized and cursive.

Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

DOUGLAS A. RANDALL, and
ROSE M. OJEDA,

Respondents.

File No.: V0058917

STATEMENT OF PROOF

History of Events and Exhibits:

September 7, 2017	Clackamas County Code Enforcement received a complaint that the second story of the detached garage was converted to an accessory dwelling unit and was being used as a rental apartment. The structure was permitted as a detached garage in 2003.
September 13, 2017 Exhibit: A	Correspondence was mailed to the Respondents.
September 22, 2017	Respondent Randall telephoned Code Enforcement Specialist (CES) Shane Potter. Respondent Randall explained it was built for guests and he has rented it out. The structure has a bathroom but does not have a kitchen. Respondent Randall indicated he wishes to comply and was provided the phone number of Clackamas County Planning and Zoning.
October 11, 2017 Exhibit: B	CES Potter mailed correspondence to the Respondents by first class mail, requesting contact.
October 11-25, 2017	Respondent Ojeda and CES Potter exchanged phone calls and discussed the violation and the paths to compliance. CES Potter provided contact information with the Building Codes Division.
January 4, 2018 Exhibit: C	Facts of the alleged violations were reviewed, the violation verified and the Notice of Violation was mailed via first class mail to the Respondents.
April 18, 2018 Exhibit: D	CES Potter had no further contact from the Respondents. After additional review and verification a second Notice of Violation was mailed via first class mail to the Respondents, providing a deadline of May 18, 2018 to comply.

June 28, 2018	An application and accompanying documents were submitted to schedule a pre-application conference, ZPSC0102-18 with Planning and Zoning for a zone change and a partition. The conference was scheduled for July 18, 2018. A successful zone change and partition of the tax lot may allow the garage to be converted into a single family residence.
July 18, 2018	The preliminary analysis from the pre-application conference was issued to the Respondent.
August 8, 2018 Exhibit: E	Citation #1700589-1 issued for a Priority 1 Building Code violation for \$100 for the unpermitted conversion of the garage to living quarters. The citation was sent via first class mail and certified mail. The first class mail was not returned. This citation has not been paid.
August 21-23, 2018	Respondent Ojeda left a voice mail message for CES Potter. He returned the call and she explained they are seeking a land use authorization to split the tax lot as an option to gain compliance. CES Potter explained he would stay further enforcement until the land use decision was completed.
October 15, 2018	Respondents submitted a land use application and documents to change the zoning applied to the lot and for a partition of the lot File# Z0556-18-M and Z0557-18-ZAP
February 5, 2019	Land use application file #Z0556-18-M and Z0557-18-ZAP was approved with conditions to change the R-20 parcel into two R-7 parcels.
April 14, 2020	CES Potter spoke with Respondent Ojeda. Respondent Ojeda stated they were evaluating whether or not they could afford to do all the work associated with the zone change and partition. CES Potter and Respondent Ojeda discussed options for the garage structure. She said they would prefer it to be just a guest house. CES Potter advised that she check in with the Planning Division and Building Codes Division to insure she understands the building permitting needs and the standards required by the zoning ordinance. CES Potter asked the Respondent to provide an update on progress of abatement within 30 days. Respondent Ojeda said she would do that.

July 31, 2020 CES Michael Barnes received a voice mail message from Respondent Ojeda. She stated that she was calling because they have an improved area above their shop, which they added a full bath to and want to use as a guest space. They rented it out prior, but were informed that was a violation. CES Barnes believed she was trying to reach either the Building Codes Division or Planning and Zoning Division. He returned the call provided phone numbers for the two Divisions and a reminder that CES Potter is now assigned to this file.

February 17, 2021 Citation #1700589-2 issued for a Priority 1 Building Code violation
Exhibit: F for \$100 for the unpermitted conversion of the garage to habitable space. The citation was sent via first class mail. The first class mail was not returned. This citation has not been paid.

May 13, 2022 CES Kimberly Benthin confirmed with Planning and Zoning they have not received a rough draft of the final plat and the Surveyors office has not recorded a final plat.

A review of County records revealed that permits had been submitted to bring the shop structure into compliance.

If the Compliance Hearings Officer affirms the County's position by a preponderance of the evidence; the County may request a Continuing Order in this matter recommending the following:

Abate the Building Code violations by one of or possibly a combination of the following options:

1. Complete the required conditions of Z0556-18-M and Z0557-18-ZAP not later than 30 days from the date of the Continuing Order
 - a. Not later than 15 days of the final Plat being recorded, please submit, or have your professional submit, the building permit applications, technically complete plans and appropriate fees to convert the garage structure into a single family residence. The building permits must address the conversion of the garage into habitable space, plumbing, electrical mechanical and structural, and meet the development standards of the Zoning District applied to the subject property.
 - b. Respond to any request for additional information related to the building permit applications and plans within 10 days of receiving such request.
 - c. The permits must have the fees paid in full within ten days of being notified by Building Codes that they are ready.
 - d. 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:

2. Submit permits to code compliantly remove and/or keep allowed unpermitted construction including but not limited to: structural, electrical, plumbing and return the use to the original garage and attic, not later than 30 days from the date of the Continuing Order.
 - a. Respond to any request for additional information related to the building permit applications and plans within 10 days of receiving such request.
 - b. The permits must have the fees paid in full within ten days of your being notified by Building Codes Division that they are ready.
 - c. Schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permits.

Or:

3. Submit all building permits (structural, electrical, plumbing and mechanical) to permit the garage structure or a portion of the garage structure as an Accessory Dwelling Unit, Guest House, or habitable space, with or without the full bathroom upstairs, subject to the development standards and approvals of Zoning and Development Ordinance Sections 833, or 839 and 315.
 - a. Respond to any request for additional information related to the building permit applications and plans within 10 days of receiving such request.
 - b. The permits must have the fees paid in full within ten days of your being notified by the Building Codes Division that they are ready.
 - c. Schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permits.

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

- The imposition of civil penalties of up to \$1000.00 for each of the Building Code violations, for each date cited on August 8, 2018, and February 17, 2021, for a possible total of \$2000.00.
- The administrative compliance fee to be imposed from April 2018, until the violation is abated. As of the date of this report the total is \$2775.00.
- The payment of the citation # 1700589 - 1 for \$100.00 for the building code violation and citation # 1700589 - 2 for \$500.00, for a possible total of \$600.00
 - Grand total of fees could be as much as \$5375.00.
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- If the Compliance Hearings Officer imposes penalties, fines and fees. The County would also ask the Hearings Officer to order reimbursement for any expense the County incurs in collection of those monies, per Clackamas County Code Chapter 2.07.090(6)
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.

DATED THIS 27th day of May 2022.

A handwritten signature in black ink, appearing to read 'Kimberly Benthin', is positioned above a horizontal line.

Kimberly Benthin
Code Enforcement Specialist
FOR CLACKAMAS COUNTY



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

September 13, 2017

Douglas Randall
Rose Ojeda
14919 SE Woodland Way
Milwaukie, OR 97267

**Subject: Alleged Violations of the Zoning and Development Ordinance,
Title 12, Section 315 and the Building Code, Chapter 9.02.040
of the Clackamas County Code**

Site Address: 14919 SE Woodland Way, Milwaukie, OR 97267
Legal Description: T2S, R1E, Section 12BC, Tax Lot 00101

It has come to the attention of Clackamas County Code Enforcement that an accessory structure may have been converted to habitable space without the benefits of permits and there may be multiple dwellings on the above referenced property without land use approval.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 315 and the Building Code, Chapter 9.02.040 of the Clackamas County Code.

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

SHANE POTTER
Clackamas County Code Enforcement
3

**Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County in its discretion may waive all or part of the \$75 per month administrative fee.*



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

October 11, 2017

Douglas A & Ojeda Rose M Randall
14919 SE Woodland Way
Milwaukie, OR 97267

Dear Douglas and Ojeda Randall,

I am writing to follow up to a meeting we had at the office on September 25, 2017. At that meeting you were going to meet with planning to see what other options were available for you. This is regarding the violation sent to you on September 13, 2017 regarding converting 2nd story of shop to living quarters.

During our visit I did not obtain your phone number and therefore was not able to make a phone call to you to discuss this matter. Please contact me within ten (10) days of the date of this letter in order to discuss this matter. My e-mail address is spotter@co.clackamas.or.us and my telephone number is 503-742-4465.

SHANE POTTER
Code Enforcement Specialist
Clackamas County Code Enforcement

**Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County in its discretion may waive all or part of the \$75 per month administrative fee.*



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

January 4, 2018

Douglas A & Ojeda Rose M Randall
14919 SE Woodland Way
Milwaukie, OR 97267

SUBJECT: VIOLATION OF THE CLACKAMAS COUNTY BUILDING CODE ORDINANCE

SITE ADDRESS: 14919 SE Woodland Way, Milwaukie, OR 97267

LEGAL DESCRIPTION: T2S, R1E, Section 12BC, Tax Lot 00101

Overview

Clackamas County received a complaint on September 7, 2017 regarding: converted 2nd story of garage to accessory dwelling unit being used as a rental. A code violation was opened on the property.

Actions

Letter – On September 13, 2017 Clackamas County Code Enforcement Staff sent a letter of allegation outlining the violation as work requiring a permit. The letter requested that the respondent contact the County within 10 days of the date of the letter.

Phone Call – On three different occasions between September 25, 2017 and October 25, 2017 staff talked with the respondents by phone and discussed the violation. The respondents stated that they were trying to contact planning to discuss how to resolve the violation.

Research – On January 4, 2018 staff reviewed the file and other files to see if an application had been made to planning and no application was shown.

Next Steps

This constitutes a violation of the Zoning and Development Ordinance Title 12, Section 315 and the Building Code and a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

Unpermitted Construction: Please abate the building and zoning violations by completing the following options **no later than November 12, 2017.**

- Obtain land use approval for the additional living quarters.

- Once the land use approval is approved obtain the appropriate permits for the living structure from the building department:
 - Submit the building permit application, technically complete plans and pay the appropriate fee(s).
 - The permit must be picked up within ten (10) days of being notified that the permit is ready.
 - Please schedule all inspections so that final inspections may be obtained no later than 45 days from the date of the permit being issued.

Who to Contact

Planning – If you have questions concerning the zoning and development ordinance please call the Planning Division at 503-742-4500.

Building – If you have questions concerning building, plumbing, or electrical permits please contact the Building Codes Division at 503-742-4240.

Or you may stop by the Building and Code Enforcement offices at the Development Services Building, 150 Beavercreek Road, Oregon City. The lobby is open between the hours of 8:00 a.m. and 4:00 p.m. Monday through Thursday and 8:00 a.m. to 3:00 p.m. on Fridays.

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

Items Included in this Packet

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

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

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

Shane Potter
Code Enforcement Specialist
Clackamas County code enforcement

REQUIRED NOTICE OF FINES AND PENALTIES

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

Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.

Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered the County may file and record the order for payment in the County Clerk Lien Road.

Also, be advised that non-compliance with a Hearing Officer's Order may result in the matter being referred to County Counsel; for legal action in Circuit Court which may result in additional penalties or other sanctions.

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



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

April 18, 2018

Douglas A Randall
14919 SE Woodland Way
Milwaukie, OR 97267

Rose M Ojeda
14919 SE Woodland Way
Milwaukie, OR 97267

**SUBJECT: VIOLATION OF THE CLACKAMAS COUNTY BUILDING CODE
ORDINANCE AND A VIOLATION OF THE CLACKAMAS
COUNTY ZONING CODE ORDINANCE**

SITE ADDRESS: 14919 SE Woodland Way, Milwaukie, OR 97267

LEGAL DESCRIPTION: T2S, R1E, Section 12BC, Tax Lot 00101

Overview

Clackamas County received a complaint on September 7, 2017 regarding: converted 2nd story of garage to accessory dwelling unit being used as a rental. A code violation was opened on the property.

Actions

Letter – On September 13, 2017 Clackamas County Code Enforcement Staff sent a letter of allegation outlining the violation as work requiring a permit. The letter requested that the respondent contact the County within 10 days of the date of the letter.

Phone Call – On three different occasions between September 25, 2017 and October 25, 2017 staff talked with the respondents by phone and discussed the violation. The respondents stated that they were trying to contact planning to discuss how to resolve the violation.

Research – On April 18, 2018 staff reviewed the file and found that no action had been taken. Also staff identified that there are two permits that have not received final inspections. Those permits are Plumbing Permit (P0253015) and Electrical Permit (E0625315). Staff researched to see if any land use actions had been applied for and they have not as of the date of this letter.

Next Steps

This constitutes a violation of the Zoning and Development Ordinance Title 12, Section 315 and the Building Code violation Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

Unpermitted Construction: Please abate the building and zoning violations by completing the following options **no later than May 18, 2018.**

- Remove the uses by obtaining the appropriate permits to cap and restore the area back its original approval. Or
- Obtain land use approval for the additional living quarters. If land use approval is obtained then you must file for the appropriate permits for the living structure from the building department:
 - Submit the building permit application, technically complete plans and pay the appropriate fee(s).
 - The permit must be picked up within ten (10) days of being notified that the permit is ready.
 - Please schedule all inspections so that final inspections may be obtained no later than 45 days from the date of the permit being issued.
 - Upon completion and approval of a land use action as stated above complete the inspections for P0253015 and E0625315 by calling in all inspections and receiving a final.

Who to Contact

Planning – If you have questions concerning the zoning and development ordinance please call the Planning Division at 503-742-4500.

Building – If you have questions concerning building, plumbing, or electrical permits please contact the Building Codes Division at 503-742-4240.

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

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

Items Included in this Packet

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

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



Shane Potter
Code Enforcement Specialist
Clackamas County code enforcement

REQUIRED NOTICE OF FINES AND PENALTIES

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

Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.

Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered the County may file and record the order for payment in the County Clerk Lien Road.

Also, be advised that non-compliance with a Hearing Officer's Order may result in the matter being referred to County Counsel; for legal action in Circuit Court which may result in additional penalties or other sanctions.

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



Citation No. 1700589 - 1

Case No. V0058917

ADMINISTRATIVE CITATION

Date Issued: August 8, 2018

Name and Address of Person(s) Cited:

Name: Douglas A Randall & Rose M Ojeda
Mailing Address: 14919 SE Woodland Way
City, State, Zip: Milwaukie, OR 97267

Date Violation(s) Confirmed: On the 22nd day of September, 2017, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 14919 SE Woodland Way

Legal Description: T2S, R1E Section 12BC, Tax Lot(s) 00101

Law(s) Violated

- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040
- ☒ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 315.030

Description of the violation(s):

- 1) Building a 2nd story on a garage for living quarters without permits

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

- 2) Using an accessory structure as a primary residence

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

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$175.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: August 8, 2018
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 Beavercreek Rd.
Oregon City, OR 97045
2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above.

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

- a. Your name and address
- b. A copy of the citation
- c. The description of the relief you are requesting

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____
City, State, Zip

Contact Number: _____ Email: _____

7017 0660 0001 0599 1666

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | | |
|--|----|--|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ | |
| <input type="checkbox"/> Return Receipt (electronic) | \$ | |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ | |
| <input type="checkbox"/> Adult Signature Required | \$ | |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | |

Postage

\$

Total Postage and Fees

\$

Sent

Street

City

Douglas A & Ojeda Rose M Randall
14919 SE Woodland Way
Milwaukie, OR 97267



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



CLACKAMAS
COUNTY

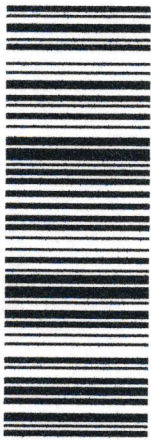
DEVELOPMENT SERVICES BUILDING
DTD - CODE ENFORCEMENT
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

✓ 9.28

RESTRICTED DELIVERY

RETURN RECEIPT
REQUESTED

CERTIFIED MAIL®



7017 0660 0001 0599 1666

RESTRICTED
DELIVERY

✓ 206.11

Douglas A & Ojeda Rose M Randall

14919 SE

Milwau

97045

300 SE 1

503/247-15



U.S. POSTAGE PITNEY BOWES
ZIP 97045 \$011.77
02 1W
0001404295 AUG 08 2018

12-11
SNOO 070600
UNC
5736 40430250
0001404295

BC: 97045430250

*0129-00764-08-42

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Douglas A & Ojeda Rose M Randall
14919 SE Woodland Way
Milwaukie, OR 97267



9590 9402 2940 7094 3043 36

2. Article Number (Transfer from service label)

7017 0660 0001 0599 1666

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

V6058917



Recycled Paper
Post-Consumer Waste

RESTRICTED
DELIVERY

RESTRICTED
DELIVERY



Citation No. 1700589 - 2

Case No. V0058917

ADMINISTRATIVE CITATION

Date Issued: February 17, 2021

Name and Address of Person(s) Cited:

Name: Douglas A Randall
Name: Rose M Ojeda
Mailing Address: 14919 SE Woodland Way
City, State, Zip: Milwaukie, OR 97267

Date Violation(s) Confirmed: On the 22nd day of September, 2017 and continues to exist on the 11th day of February, 2021, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 14919 SE Woodland Way, Milwaukie, OR 97267

Legal Description: T2S, R1E Section 12BC, Tax Lot(s) 00101

Law(s) Violated:

☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A, B, C, D, E, & K)

Description of the violation(s):

- 1) Constructed additional bedroom and bathroom without obtaining permits

Maximum Civil Penalty \$1,000.00

Fine \$500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$600.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: February 17, 2021
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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

- a. Your name and address
- b. A copy of the citation
- c. The description of the relief you are requesting

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2. Paying the fine does not relieve me of my responsibility to correct the violation and to comply with all applicable laws.
3. Additional citations may be issued to me if I fail to correct the violation or violate other applicable laws.

Signature: _____ Date: _____

Address: _____
City, State, Zip

Contact Number: _____ Email: _____