



NOTICE OF HEARING

February 14, 2023

Nicholas Weltch
65533 E Mountain Air Dr
Welches, OR 97067

RE:: County of Clackamas v. Nicholas Weltch
File: V0041121

Hearing Date: March 9, 2023

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 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 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.



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 Nicholas.weltch@yahoo.com. Please contact Jennifer Kauppi 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 JKauppi@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 Jennifer Kauppi at 503-742-4759 **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.

NICHOLAS WELTCH,

Respondent,

File No: V0041121

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: 65533 E Mountain Air Dr., Welches, OR 97067

2.

The address or location of the violation(s) of law alleged in this Complaint is:

65533 E Mountain Air Dr., Welches, OR 97067 also known as T2S, R7E, Section 31AB, Tax Lot 07800, and is located in Clackamas County, Oregon.

3.

On or about the 20th day of September, 2022 the Respondent violated the following laws, in the following ways:

- a. Respondent violated the Clackamas County Solid Waste and Waste Management Code, Chapter 10.03 by accumulating inoperable and/or non-currently licensed vehicles and non-putrescible waste. This violation is a Priority 4 violation pursuant to the Clackamas County Violation Priorities.

- b. Respondent violated the Clackamas County Zoning and Development Ordinance, Section 316.03 (A) by failing to obtain land use approval for an occupied recreational vehicle. This violation is a Priority 2 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: Administrative Citation #2100411 in the amount of \$600.00 was mailed via first class mail on September 22, 2022. A copy of the notice document is attached to this Complaint as Exhibit F, and incorporated by this reference.

6.

Based on these allegations, petitioner requests that a hearing be set in this matter.

Petitioner seeks an Order from the Hearings Officer granting the following relief:

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondent from violating these laws in the future;

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the Board of County Commissioners. Said range for a Solid Waste and Waste Management Code Priority 4 violation being \$100.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code. Said range for a Zoning and Development Ordinance Priority 2 violation being \$500.00 to \$2,500.00 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 14 day of February, 2023.

Jennifer Kauppi

Jennifer Kauppi
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

NICHOLAS WELTCH,

Respondent.

File No.: V0041121

STATEMENT OF PROOF

History of Events and Exhibits:

- September 20, 2021 Clackamas County received a complaint regarding an occupied recreational vehicle and solid waste on the subject property.
- September 22, 2021
Exhibit A Correspondence was sent to the Respondent regarding the alleged Zoning and Development Ordinance and Solid Waste and Waste Management Code violations.
- September 27, 2021
Exhibit B The alleged letter that was mailed on September 22, 2021 was returned to the County as undeliverable. I researched the County records and found a previous Temporary for Care application that had PO Box 83, Welches, OR 97056 listed as a mailing address. The alleged letter was forwarded to the PO Box and was not returned to the County.
- July 12, 2022
Exhibit C I conducted a site inspection at the subject property. I observed miscellaneous debris, inoperable or non-currently licensed vehicles and a woodstove that had been installed inside an accessory carport structure. In addition, the recreational vehicle onsite appeared to be occupied.
- July 14, 2022
Exhibit D I reviewed county records and found no land use application had been received to renew the temporary for care permit Z0313-17 nor did I find an approved mechanical permit for the woodstove. Correspondence was sent to the Respondent regarding the occupied recreational vehicle, accumulation of solid waste and the woodstove installed in the accessory carport structure. The Respondent was given a deadline of August 31, 2022 to abate the violations. The correspondence was returned to the County as undeliverable. I forwarded the letter to the PO Box listed on the land use paperwork. The correspondence sent to the PO Box was not returned.
- September 20, 2022
Exhibit E I conducted a site inspection. The woodstove had been removed from the structure. The solid waste and occupied recreational vehicle remained onsite. I reviewed county records and found no land use application had been received to renew the temporary for care permit Z0313-17.

September 22, 2022
Exhibit F

Citation #2100411 was issued for \$400.00 for the Priority 2 Zoning and Development Ordinance violation and \$200.00 for the Priority 4 Solid Waste and Waste Management Code violation. The citation was mailed to the mailing address on file and a copy was sent to PO Box 83. The copy that was sent to the mailing address was returned. The copy sent to the PO Box was not. This citation remains unpaid.

November 8, 2022 and
January 19, 2023
Exhibit G

I conducted a site inspection and found the violations still existed.

February 14, 2023

This matter was referred to the Hearings Officer.

If the Compliance Hearings Officer affirms the County's position that a violation of the Zoning and Development Ordinance, Section 316.03 (A) and Solid Waste and Waste Management Code 10.03.060 (A),(B) exists, the County may request a Continuing Order in this matter recommending the following:

- The Respondent be ordered to bring the property into compliance with the Zoning and Development Ordinance within 30 days of the date of the Order by submitting a complete application to renew the Temporary for Care permit or discontinue the use of the occupied recreational vehicle by disconnecting from water and septic and placing the recreational vehicle in a store condition. County staff to conduct a site inspection to confirm the recreational vehicle is no longer occupied.
- The Respondent be ordered to bring the property into compliance with the Solid Waste and Waste Management Code within 45 days of the date of the Order by using a County approved method to screen or remove all miscellaneous solid waste from the subject property including but not limited to appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material. Screen no more than two inoperable or non-currently licensed vehicles from the road or surrounding properties using a County approved screening method. All other vehicles and trailers must be currently licensed and operable or removed from the subject property to an authorized location. County staff to conduct a site inspection to confirm compliance.
- Code Enforcement to confirm compliance of the above items and the County will submit a Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondent.
- The report may include the following recommendations:
 - The imposition of civil penalties for the Solid Waste and Waste Management Code violation of up to \$1,000.00 for date cited September 20, 2022.
 - The imposition of civil penalties for the Zoning and Development Ordinance violation of up to \$2,500.00 for date cited September 20, 2022.
 - Payment for Citation No. 2100411 issued on September 22, 2022 for \$600.00.
 - The administrative compliance fee to be imposed from July, 2022 until the violation is abated. As of this report the total is \$450.00.
 - 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.



September 22, 2021

Nicholas James Weltch
65533 E Mountain Air Dr
Welches, OR 97067

**Subject: Alleged Violations of the Zoning and Development Ordinance,
Title 12, Section 316 and Solid Waste Code, Title 10.03.060 of
the Clackamas County Code**

Site Address: 65533 E Mountain Air Dr, Welches OR 97067
Legal Description: T2S, R7E, Section 31AB, Tax Lot 07800

It has come to the attention of Clackamas County Code Enforcement that the above mentioned property may be in violation of the Conditions of Approval as stated in Clackamas County Planning Decision Z0313-17.

In addition, there may be an accumulation of solid waste including putrescible (household) waste on the above referenced property.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 316 and Solid Waste Code, Title 10.03.060 of the Clackamas County Code.

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

E-mail address is SPotter@clackamas.us

Telephone number is 503-742-4465

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CHÀO MỪNG! Vietnamese

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www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

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After recording return to:
Nicholas James Weltch
65533 E Mountain Air Drive
Welches, OR 97067

Until a change is requested all tax
statements shall be sent to the
following address:
Nicholas James Weltch
65533 E Mountain Air Drive
Welches, OR 97067

File No.: 7012-2753073 (sb)
Date: October 05, 2016

THIS SPACE RESERVED FOR RECORDER'S USE	
Clackamas County Official Records Sherry Hall, County Clerk	2016-084754
	12/08/2016 12:09:35 PM
D-D Cnt=1 Stn=0 CINDY \$16.00 \$10.00 \$10.00 \$22.00	\$58.00

STATUTORY WARRANTY DEED

Dawn M. Cieloha, Trustee of the Dianne M. Demers Revocable Living Trust, utu September 25, 2013., Grantor, conveys and warrants to **Nicholas James Weltch** , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

LOTS 8 AND 9, BLOCK 10, MOUNTAINAIR PARK, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

27E31AB07800

00731346

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

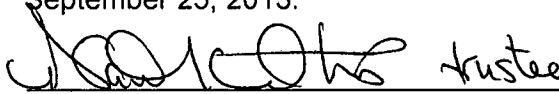
The true consideration for this conveyance is **\$259,000.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN 2753073-6R

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.


Dated this 6 day of December, 2016.

Dawn M. Cieloha, Trustee of the Dianne M. Demers Revocable Living Trust, utu September 25, 2013.

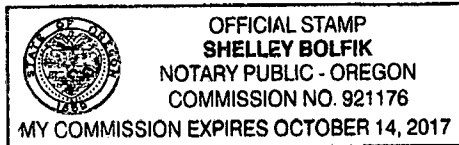

Dawn M. Cieloha, Trustee

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 6 day of December, 2016 by **Dawn M. Cieloha, Trustee of the Dianne M. Demers Revocable Living Trust, utu September 25, 2013..**



Notary Public for Oregon
My commission expires: 10/14/17





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

RETURN SERVICE
REQUESTED

PRESORTED
FIRST CLASS



U.S. POSTAGE >> PITNEY BOWES



ZIP 97045 \$ 000.42⁶
02 1W
0001404531 SEP 22 2021

Nicholas James Weltch
65533 E Mountain Air Dr
Welches, OR 97067

NIXIE 971 DE 1260 8009/26/21

RETURN TO SENDER
NO MAIL RECEPTACLE
UNABLE TO FORWARD

BC: 97045430250 *1579-01143-26-22



EXHIBIT B_1 OF 3

NMR

97045 4302
2 HRAMNSB 97067



September 22, 2021

Nicholas James Weltch
65533 E Mountain Air Dr
Welches, OR 97067

Subject: Alleged Violations of the Zoning and Development Ordinance, Title 12, Section 316 and Solid Waste Code, Title 10.03.060 of the Clackamas County Code

Site Address: 65533 E Mountain Air Dr, Welches OR 97067
Legal Description: T2S, R7E, Section 31AB, Tax Lot 07800

It has come to the attention of Clackamas County Code Enforcement that the above mentioned property may be in violation of the Conditions of Approval as stated in Clackamas County Planning Decision Z0313-17.

In addition, there may be an accumulation of solid waste including putrescible (household) waste on the above referenced property.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 316 and Solid Waste Code, Title 10.03.060 of the Clackamas County Code.

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

E-mail address is SPotter@clackamas.us

Telephone number is 503-742-4465

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Land Use Application

For Staff Use Only	
Date received:	5/6/17
Application type:	Temp permit
Zone:	RR
Violation #:	V0012317 Dear Brown (inactive)
File number:	20313-17-STC
Fee:	504
CPO/Hamlet:	MT HOOD

Applicant Information:	
What is proposed?	let my sick elderly mother live in her trailer on my property. trailer is self contained
Name of applicant:	Welch, Nicholas
Mailing address:	Po Box 83
City:	Welches
State:	OR
Zip:	97056
Applicant is (select one):	<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Contract purchaser <input type="checkbox"/> Agent of the property owner or contract purchaser
Name of contact person (if other than applicant):	
Mailing address of contact person:	

Applicant #s: Wk: Cell: 503 975 7580 Email: Nicholas.welch@yahoo.com
 Contact person #s: Wk: Cell: Email:
 Other persons (if any) to be mailed notices regarding this application:

Name	Address	Zip	Relationship
SITE ADDRESS:	65533 E. Mountain Air DR		
TAX LOT #:	T 2 R 7E	Section 31AB	Tax Lot(s) 7800
Adjacent properties under same ownership:			Total land area:
T	R	Section	Tax lot(s)
T	R	Section	Tax lot(s)
T	R	Section	Tax lot(s)

I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.

Nicholas Welch
 Property owner or contract purchaser's name (print) Date
 Nicholas Welch
 Applicant's name (print) Date
 Nicholas Welch
 Owner or contract purchaser's signature
 Nicholas Welch
 Applicant's signature

















July 14, 2022

Nicholas Weltch
65533 E Mountain Air Dr
Welches, OR 97067

SUBJECT: Violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 316.03(A), Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B) and Building Code, Title 9.02.040 (B)

SITE ADDRESS: 65533 E Mountain Air Dr., Welches, OR 97067

LEGAL DESCRIPTION: T2S, R7E, Section 31AB, Tax Lot 07800

VIOLATION: V0041121

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

- Unauthorized occupied recreational vehicle
- Accumulation of solid waste
- Wood stove and in an accessory structure without permits

VIOLATIONS & HOW TO RESOLVE

On July 12, 2022 I conducted a site inspection on the subject property. Miscellaneous debris, inoperable or non-currently licensed vehicles and an occupied recreational vehicle were confirmed on site. In addition, a wood stove in an accessory structure has been installed without the benefit of permits. In order to abate the violations, you must complete the following **no later than August 31, 2022**

Occupied Recreational Vehicle

Our records indicate that land use decision Z0313-17 approved the recreational vehicle on site as a temporary for care dwelling. This land use decision must be renewed every three years. As of May 28, 2020 Z0313-17 has expired. An unauthorized occupied recreational vehicle constitutes a violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 316.03 (A). In order to abate the violation, you must complete one of the following **no later than August 31, 2022**:

- Submit the appropriate paperwork to the Land Use and Development Department and pay the appropriate fees within ten days of being notified the permit is ready **or**;

- If the recreational vehicle is operable, currently licensed and registered to the person residing on the subject property, it may remain in stored condition. If you wish to store it on site please provide evidence it meets these conditions and schedule a site inspection to confirm **no later than August 31, 2022**.

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 August 31, 2022**:

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.

Wood Stove in an accessory structure

The wood stove and piping that has been installed in the accessory structure without permits constitutes a violation of Clackamas County Building Code, Title 9.02.040 (B). In order to abate the violation, you must completed the following **no later than August 31, 2022**

- Please submit, or have your professional submit, the mechanical application. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>
 - The permit must have the fee 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 wood stove and piping.

- Please submit, or have your professional submit, the mechanical application for the removal of the wood stove and piping. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>
 - The permit must have the fee paid in full within ten days of your being notified by Building Codes.
 - Please schedule a final inspection to confirm the removal not later than 45 days of the date of receipt of your approved permit(s).

CONTACT INFORMATION

Planning – If you have questions concerning land use requirements please contact the Land Use and Planning Department at 503-742-4500 or on-line at ZoningInfo@clackamas.us.

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



CLACKAMAS
COUNTY

DEVELOPMENT SERVICES BUILDING
DTD - BUILDING CODES

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045



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Nicholas Weltch
65533 E Mountain Air Dr.
Welches, OR 97067

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JUL 14 2022

EXHIBIT D - 7 OF 10



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

July 14, 2022

Nicholas Weltch
65533 E Mountain Air Dr
Welches, OR 97067

SUBJECT: Violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 316.03(A), Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B) and Building Code, Title 9.02.040 (B)

SITE ADDRESS: 65533 E Mountain Air Dr., Welches, OR 97067

LEGAL DESCRIPTION: T2S, R7E, Section 31AB, Tax Lot 07800

VIOLATION: V0041121

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

- Unauthorized occupied recreational vehicle
- Accumulation of solid waste
- Wood stove and in an accessory structure without permits

VIOLATIONS & HOW TO RESOLVE

On July 12, 2022 I conducted a site inspection on the subject property. Miscellaneous debris, inoperable or non-currently licensed vehicles and an occupied recreational vehicle were confirmed on site. In addition, a wood stove in an accessory structure has been installed without the benefit of permits. In order to abate the violations, you must complete the following **no later than August 31, 2022**

Occupied Recreational Vehicle

Our records indicate that land use decision Z0313-17 approved the recreational vehicle on site as a temporary for care dwelling. This land use decision must be renewed every three years. As of May 28, 2020 Z0313-17 has expired. An unauthorized occupied recreational vehicle constitutes a violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 316.03 (A). In order to abate the violation, you must complete one of the following **no later than August 31, 2022:**

- Submit the appropriate paperwork to the Land Use and Development Department and pay the appropriate fees within ten days of being notified the permit is ready **or;**



MIKE McCALLISTER
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

NOTICE OF TYPE II LAND USE ACTION

This document represents the Findings and Conditions of Approval of a Type II Land Use Permit. It contains four parts: 1) Summary; 2) Decision; 3) Conditions of Approval; and 4) Findings.

SECTION I: SUMMARY

Date: May 28, 2017

Deadline for Filing Appeal: July 10, 2017

File No. Z0313-17-STC

Staff Contact: Glen Hamburg (Tel: 503.742.4523, Email: ghamburg@clackamas.us)

Map & Tax lot(s): T2S R7E Section 31A Tax Lot 07800

Site Address: 65533 E Mountain Air Dr, Welches, OR 97067

Applicant: Nicholas Weltch, PO Box 83, Welches, OR 97056

Owner of Property: Nicholas Weltch, 65533 E Mountain Air Dr, Welches, OR 97067

Total Area Involved: Approximately 0.30 acres (with both lots of record as one tax lot)

Zoning: RR (Recreational Residential) District

Citizens Planning Organization (CPO) for Area: Mt Hood (inactive)

Proposal: The applicant is requesting a new Temporary Dwelling for Care Permit to authorize an additional, but temporary, dwelling on the subject property in the provision of care to Diana Weltch (the proposed Care Recipient) from Nicholas Weltch (the proposed Care Provider), because Diana requires care due to medical conditions.

SECTION II: DECISION

It is the decision of the Planning & Zoning Division to preliminarily **APPROVE** this application for a permit for a new Temporary Dwelling for Care, subject to the Conditions of Approval outlined herein.

SECTION III: CONDITIONS OF APPROVAL

I) General Conditions:

1. Approval of this new Temporary Dwelling for Care application is based on the application materials submitted May 24, 2017. No work shall occur under this permit beyond that specified in this decision. It shall be the responsibility of the property owner(s) to comply with this decision and the limitations of approval described herein.
2. Approval Period & Renewal: Approval of this new Temporary Dwelling for Care application is valid for three (3) years from the date of the final written decision. The permit may be renewed, subject to review as a Type II application pursuant to Section 1307, for a period not to exceed three (3) years. The permit may be renewed an unlimited number of times.
3. The approval of the application granted by this decision concerns only the applicable criteria for this decision. The decision does not include any conclusions by the county concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsibility for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

II) Specific Conditions:

1. The temporary dwelling shall only be occupied by Diana Weltch. The permanent dwelling shall be occupied by Nicholas Weltch, the care provider, along with Justin Robinson and John Woods.
2. **Setbacks: The temporary dwelling shall comply with the primary structure setback standards of the underlying RR zoning district, which requires 15-foot setbacks from both E Woodmere St and E Mountain Air Dr (front-yard setbacks).**
3. **Utilities / Services: All on-site water, electricity, natural gas, and sanitary sewer service for the temporary dwelling shall be extended from the permanent dwelling services. No separate meters for the temporary dwelling shall be allowed. An exception may be granted if the utility provider substantiates that separate service is required or if more than one legally established service exists on the subject lot, parcel, or tract.**



















Citation No. 2100411

Case No. V0041121

ADMINISTRATIVE CITATION

Date Issued: September 22, 2022

Name and Address of Person(s) Cited:

Name: Nicholas Weltch
Mailing Address: 65533 E Mountain Air Dr
City, State, Zip: Welches, OR 97067

Date Violation(s) Confirmed: On the 20th day of September, 2022, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 65533 E Mountain Air Dr., Welches, OR 97067

Legal Description: T2S, R7E Section 31AB, Tax Lot(s) 07800

Law(s) Violated:

- Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.060 (A), (B)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 316.03 (A)

Description of the violation(s):

- 1) Failure to obtain land use approval for an occupied recreational vehicle.

Maximum Civil Penalty \$2,500.00 Fine \$400.00

- 2) Accumulation of miscellaneous debris and inoperable or non-currently licensed vehicles.

Maximum Civil Penalty \$1,000.00 Fine \$200.00

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: Jennifer Kauppi
Telephone No.: 503-742-4759

Date: September 22, 2022
Department Initiating Enforcement Action: Code Enforcement



CLACKAMAS
COUNTY

DEVELOPMENT SERVICES BUILDING
CODE ENFORCEMENT DIVISION
150 BEAVERCREEK ROAD | OREGON CITY, OR 97044



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Nicholas Weltch
65533 E Mountain Air Dr.
Welches, OR 97067



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NO MAIL RECEIPT
UNABLE TO FORWARD

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EXHIBIT F_3 OF 4



Citation No. 2100411

Case No. V0041121

ADMINISTRATIVE CITATION

Date Issued: September 22, 2022

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City, State, Zip: Welches, OR 97067

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Maximum Civil Penalty \$2,500.00 Fine \$400.00

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Maximum Civil Penalty \$1,000.00 Fine \$200.00

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Date: September 22, 2022
Department Initiating Enforcement Action: Code Enforcement

















