



NOTICE OF HEARING

January 23, 2023

Chris and Tammie Cory
7925 S Zimmerman Rd
Canby, OR 97013

RE:: County of Clackamas v. Chris and Tammie Cory
File: V0002718

Hearing Date: February 28, 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 Shane Potter, Code Compliance Specialist for Clackamas County at (503) 742-4465, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

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

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



You must have access to the internet or to a telephone line to use the Zoom platform. Please contact Shane Potter within **3 calendar days** of receipt of the notice of hearing to receive either the link or the phone number for the hearing.

If you would like to present evidence at the Hearing please email or mail your evidence to SPotter@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.

Contact Shane Potter at 503-742-4465 within 3 calendar days of receipt of the notice of hearing packet to receive your Zoom link and phone number for the hearing. If you are unable to participate in a hearing through the Zoom platform, contact Shane Potter and the hearing will be scheduled to take place in person.

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.

CHRIS D AND TAMMIE E CORY
Respondent.

File No(s): V0002718

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents' place of residence is: 7925 S Zimmerman Rd., Canby, OR 97013

2.

The address or location of the violations of law alleged in this Complaint is:
7925 S Zimmerman Rd., Canby, OR 97013 also known as T4S, R1E., Section 29, Tax
Lot 00100, and is located in Clackamas County, Oregon.

3.

On or about the 27th day of March, 2018, Respondents violated the following laws, in the following ways:

- a. Respondents violated Title 9.02.040 of the Clackamas County Building Code for unpermitted occupancy of an agriculturally exempt building and plumbing, electrical and mechanical work completed without permits.

This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

- b. Respondents violated Section 12.401.04 of the Clackamas County Zoning and Development Ordinance (ZDO) by operating commercial businesses without land use approval on the above referenced property. Said property is zoned EFU (Exclusive Farm Use) District.

This violation is a priority 1 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violations was given to Respondents in the following manner:

- a. Administrative Citation No. 1800027 – 1 in the amount of \$200.00 was mailed on November 8, 2020. A copy of the notice document is attached to this Complaint as Exhibit K, and incorporated by this reference.
- b. Administrative Citation No. 1800027 – 2 in the amount of \$1,000.00 was mailed on April 7, 2021. A copy of the notice document is attached to this Complaint as Exhibit M, 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 Respondents to immediately abate the violation and bring the property at issue into


compliance with all laws, and permanently enjoining respondents from violating these laws in the future;

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondents for each violation within the range established by Board of County Commissioners. Said range for a Priority 1 violation being \$750.00 to \$1,000.00 per occurrence and \$750.00 to \$3,500.00 as provided by Appendix B to the Clackamas County Code;

3. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to pay an administrative compliance fee as provided by Appendix A to the Clackamas County Code; and

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

DATED this 18th day of January 2023



Shane Potter
Code Enforcement Specialist
for Clackamas County

COUNTY OF CLACKAMAS,

Petitioner,

v.

CHRIS D AND TAMMIE E CORY TRUSTEE,

Respondent.

File No.: V0002718

STATEMENT OF PROOF

History of Events and Exhibits:

January 12, 2018 and February 11, 2018 Exhibit A	Clackamas County received complaints regarding operating Green Seasons Landscaping and Chris Cory Excavating without land use approval.
February 13, 2018 Exhibit B	Mailed correspondence to the Respondent by first class mail.
February 23, 2018	Code Enforcement Specialist (CES) Shane Potter returned a phone call to Jerry Jones Jr. who stated he is working for the Respondents to address this violation. He stated he will contact Planning and Zoning to work on the approval.
March 27, 2018 Exhibit C	The Respondents representative Jerry Jones Jr. sent an email to Senior Planner Lorraine Gonzales requesting a meeting. Senior Planner Gonzales stated they would need to apply for a Level 3 Home Occupation Exception and they would need to go through a pre-application conference first.
May 11, 2018 Exhibit D	Emails between CES Potter and the Respondent's representative Jerry Jones Jr. CES Potter asked for an update and Mr. Jones stated the he met with County staff and there are two options. Mr. Jones stated he would commit to having an application submitted next week.
June 4, 2018 Exhibit E	CES Potter received an email from Mr. Jones stating he is meeting with the property owner and will get the application in within the next couple of days.

October 16, 2018 Exhibit F	A pre-application meeting was held with Planning and Zoning Division and the Mr. Jones attended.
April 1, 2019 Exhibit G	CES Michael Barnes performed a site visit and noted a business named Green Seasons is operating at this address, noticed a commercial van with Green Seasons Landscaping on the side. CES Barnes stated he spoke to a couple of individuals who confirmed the business on site.
May 27, 2020 Exhibit H	CES Potter performed a site visit and noted that there is a large fenced off area that contains numerous trailers and equipment consistent with a landscaping business. There was also stockpiling outside of piping and other similar type landscape materials. There was also a large pole building with a second story and an air conditioner out of a window in the 2 nd story.
August 19, 2020 Exhibit I	Correspondence was mailed by first class mail to the Respondents.
November 6, 2020 Exhibit J	CES Potter performed a site visit and the businesses remain on site. There are numerous commercial vehicles consistent with landscaping and heavy equipment businesses.
December 18, 2020 Exhibit K	Citation #1800027-1 issued for operating a business without land use approval and no permits for an unpermitted structure violation sent via first class mail. The first class mail was not returned. This citation has not been paid.
December 18, 2020 and January 5, 2021, and January 11, 2021 Exhibit L	CES Potter received an email from Respondents representative stating they cannot make the application until after the 15 th of January. CES Potter extended the deadline to the end of January.
April 7, 2021 Exhibit M	Citation #180027 – 2 issued for operating a business without land use approval and no permits for an unpermitted structure violation sent via first class mail. The first class mail was not returned. This citation has not been paid.
November 12, 2021	The Respondent Tammy Cory called and said she was confused why this is still going on as they thought this had been addressed. CES Potter explained that they have not submitted an application that has been completed for the land use action. Respondent Cory stated that she would contact Jerry Jones Jr. to address this issue.

December 22, 2021 Exhibit N	Respondent's agent Jerry Jones Jr. emailed stating they are working on the pre-application paperwork and submit in January.
June 27, 2022	The applicant had submitted for a pre-application conference for a conditional use permit with the Planning and Zoning Division.
July 11, 2022 Exhibit O	Clackamas County Planning and Zoning Division Planner Melissa Lord emailed Respondent's agent Bob Price who was listed as the contact for the application. Mr. Price responded back to Planner Lord who stated they would likely submit the application in two weeks.
January 18, 2023	A review of the applicant's application shows it has been withdrawn. CES Potter referred this matter to the Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of operating a business without land use approval and occupying an agriculturally exempt building for commercial purposes without building permits exists on the subject property, the County would request a Continuing Order be issued requiring the Respondent:

- Respondent be ordered to cease operating the business at this location, remove all commercial vehicles and cease all commercial activities including in the agriculturally exempt barn; or
- Submit a land use application, if the use is allowed, and obtain land use approval through the Clackamas County Planning and Zoning Division to operate the businesses at this location within 30 days from the date of the Hearings Officer's decision.
 - If the application for land use is deemed incomplete the Respondent shall submit the remaining materials within 30 days from the date of an incomplete notice. If a pre-application conference occurs the Respondent shall follow the pre-application meeting within 30 days of the date of the letter sent regarding the pre-application conference.
 - The Respondents shall comply with all conditions of approval.
 - If the application is approved and after all appeal periods have ended the applicant shall submit all necessary building permit applications, technically complete plans and pay the appropriate fees within 15 days from the date of the final land use approval.
 - Respond to any request for additional information related to the building permit applications and plans within 30 days of receiving such requests from the Building Codes Division; and
 - All permits must be picked up within 10 days of being notified; and
 - Schedule all inspections so that the final inspections may be obtained not later than 45 days of the date of all permits being issued.

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:

- Citation #1800027 – 1 for \$200.00 remains unpaid and Citation #1800027 – 2 for \$1,000.00 remains unpaid for a total of \$1,200.00.
- The imposition of civil penalties of up to \$1,000.00 for a Priority 1 violation of the Building Codes violations for each date cited on November 18, 2020 and April 7, 2021 and imposition of civil penalties of up to \$3,500.00 for Priority 1 Planning and Zoning Division violations for each date cited November 18, 2020 and April 2021 for a total of up to \$9,000.00.
- The Administrative Compliance Fee to be imposed from August 2020, until the violation is abated. As of the date of this report the total is \$2,175.00
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The county requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.



South Oglesby Road

South Zimmerman Road

South Need Road

EXHIBIT A PAGE 1 OF 2

03/30/2019

© All EagleView Technology Corporation

GRANTOR: Chris D. Cory and Tammie E. Cory

GRANTEE: Chris D. Cory and Tammie E. Cory, Trustees

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING:

Chris D. Cory and Tammie E. Cory, Trustees
Chris D. Cory and Tammie E. Cory Revocable Living Trust
U/D/T May 14, 2020
7925 S. Zimmerman Rd.
Canby, OR 97013

Description doesn't include pt. to & from tl 200 by 2004-073898 . . . & hasn't been included since 2014-035430

AFTER RECORDING, RETURN TO:

Loren P. Bell, P.C.
358 NW 1st Ave.
Canby, OR 97013

BARGAIN AND SALE DEED

Chris D. Cory and Tammie E. Cory, as a married couple, as joint tenants with right of survivorship, Grantors, conveys to Chris D. Cory and Tammie E. Cory, Trustees or their successor Trustee(s), in the Chris D. Cory and Tammie E. Cory Revocable Living Trust U/D/T May 14, 2020 and any amendments thereto, Grantee, all right, title and interest in the following described real property located in Clackamas County, State of Oregon:

See Deed Reference No.: 2021-002786.
(Map No.: 41E29-00100, Assessors Account No.: 01017321).

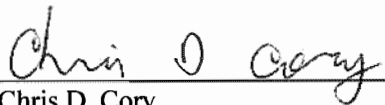
41E29 00100 01017321

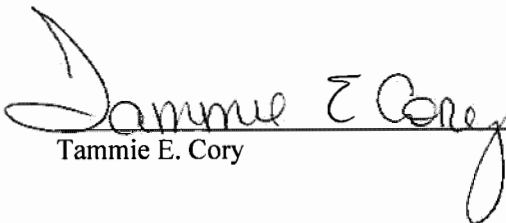
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true and actual consideration for this conveyance consists of or includes other property or value given as provided for estate planning consideration.

MN

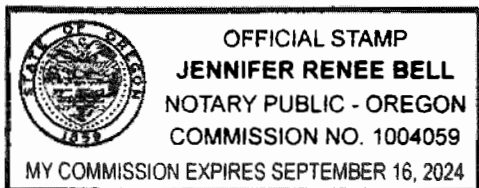
Dated this 20th day of August, 2021.

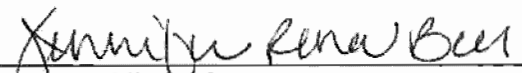

Chris D. Cory


Tammie E. Cory

STATE OF OREGON)
) ss.
COUNTY OF Clackamas)

The foregoing instrument was acknowledged before me on August 20, 2021, by Chris D. Cory and Tammie E. Cory.




Notary Public for Oregon
My Commission expires: Sept. 16, 2024

February 13, 2018

Chris and Tammie Cory
7925 S. Zimmerman Road
Canby, OR 97013

**Subject: Alleged Violations of the Zoning and Development Ordinance,
Title 12, Section 401 of the Clackamas County Code**

Site Address: 7925 S. Zimmerman Rd., Canby, OR 97013
Legal Description: T4S, R1E, Section 29, Tax Lot 00100

It has come to the attention of Clackamas County Code Enforcement that commercial businesses may be operating from the above referenced property without land use approval.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 401 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

**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.*

EXHIBIT B

From: [Jerry Jones, Jr.](#)
To: [Gonzales, Lorraine](#)
Cc: [Potter, Shane](#)
Subject: RE: Cory Property
Date: Tuesday, March 27, 2018 3:39:28 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

Wrecking yard was the previous owner. The owner now has a landscape business and farm equipment.

Thanks, I will get an application drafted and follow up prior to submittal.

Regards,
Jerry

Jerry Jones, Jr. - COLUMBIA
Land Development & Construction Management

From: "Gonzales, Lorraine" <LorraineGo@co.clackamas.or.us>
Date: Tuesday, March 27, 2018 at 1:54 PM
To: "Jerry Jones, Jr." <jerryjones@columbia-cm.com>
Cc: "Potter, Shane" <SPotter@co.clackamas.or.us>
Subject: FW: Cory Property

Mr. Jones,

After reviewing the attached letter and reviewing the past activity on the property it is clear that the non-conforming use (wrecking yard) was discontinued and no longer allowed on the property. A hearings officer decision under case file 20582-02-NCU (see the attached decision) upheld the planning staff decision for denial of the use. The site is an Exclusive Farm Use parcel and wrecking yards are not an allowed use.

There are very specific criterion for home occupations. The site is subject to a Level 3 home occupation. Please see the following link for the Level 3 home occupation criterion: <http://www.clackamas.us/planning/documents/fdoZD0822.pdf>

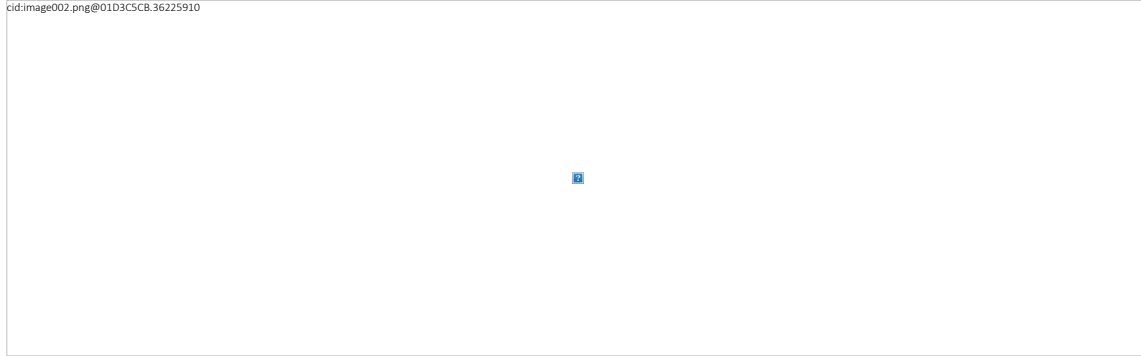
A home occupation exception application can be reviewed to consider allowance of a home occupation use to exceed the Level 3 criterion within reason. A home occupation structure cannot exceed 3,000 square feet under the exception process. A pre-application fee is \$500 and an appointment. See the link below to download a pre-application form, fill it out and submit it along with the \$500 fee to set up a pre-application meeting with staff.
<http://www.clackamas.us/planning/documents/prereapplicationconferencequest.pdf>

If you wish to process a Level 3 home occupation here is the application forms to fill out and submit along with a \$520 fee.

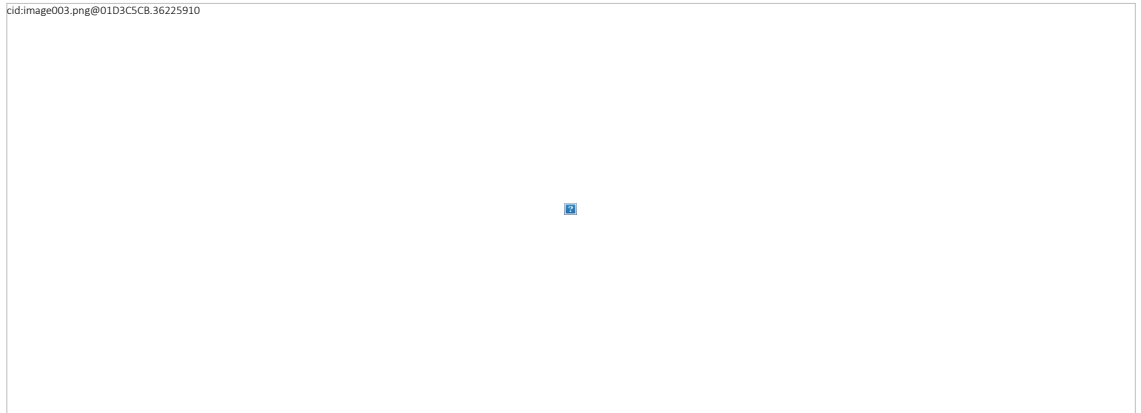
General Land Use Application: <http://www.clackamas.us/planning/documents/landuse.pdf>

Home Occupation Application: http://www.clackamas.us/planning/documents/forms/permits/home_occ.pdf

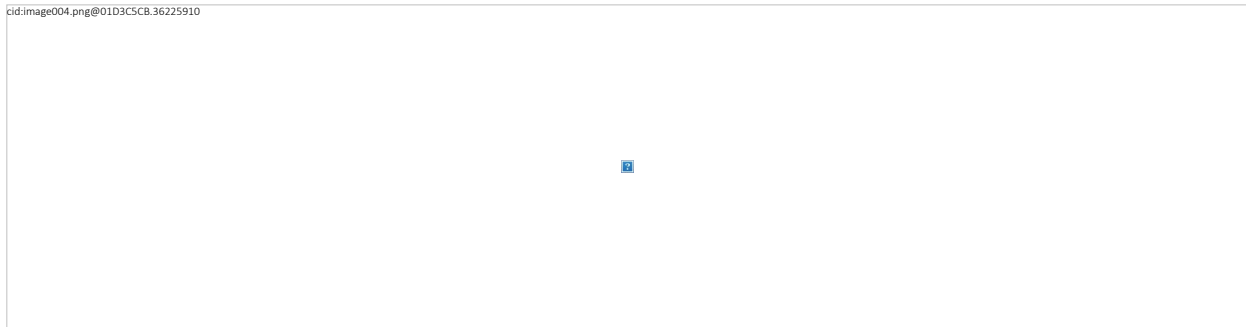
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cid:image003.png@01D3C5CB.36225910



cid:image004.png@01D3C5CB.36225910



Lorraine Gonzales, Senior Planner
Clackamas County Planning & Zoning Division
150 Beavercreek Rd,
Oregon City, OR 97045
(503) 742-4541

lorraine@co.clackamas.or.us

From: Jerry Jones, Jr. [mailto:jerryjones@columbia-cm.com]
Sent: Tuesday, March 27, 2018 11:50 AM
To: Gonzales, Lorraine <LorraineGo@co.clackamas.or.us>
Cc: Potter, Shane <SPotter@co.clackamas.or.us>; Yaden, Andrew <AYaden@co.clackamas.or.us>
Subject: Cory Property

Hi Lorraine,
I'm requesting a meeting to review this property. I would like to process a Conditional Use or a Home Occupancy Permit. Please let me know when a good time would be to meet and I will be sure to make it. I am only not available this week Thursday and Friday.

Thanks!
Jerry



Jerry Jones, Jr. | 503.572.6650
jerryjones@columbia-cm.com

CONFIDENTIALITY NOTICE
This e-mail and any attachments are for the sole use of the intended recipient and contain information that is confidential or legally privileged. If you have received this e-mail in error, please notify the sender by reply e-mail and delete the message immediately. Furthermore, you are hereby notified that any disclosure, copying, distribution, taking action in reliance of the contents, or other use of the information on this communication by recipient or someone other than the intended recipient is strictly prohibited and could be deemed to be unlawful.

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

[Spam](#)
[Not spam](#)
[Forget previous vote](#)

From: [Potter, Shane](#)
To: ["Jerry Jones, Jr."](#)
Subject: RE: 7925 S Zimmerman Rd
Date: Friday, May 11, 2018 1:02:00 PM

Thank you I will put a hold on it for two weeks.

Sincerely,

Shane Potter

Code Enforcement Specialist • Clackamas Building Codes Division
503-742-4465 • spotter@co.clackamas.or.us
150 Beavercreek Road • Oregon City, OR 97045
Hours: 7:30am – 4pm M-F

From: Jerry Jones, Jr. [mailto:jerryjones@columbia-cm.com]
Sent: Friday, May 11, 2018 1:01 PM
To: Potter, Shane <SPotter@co.clackamas.or.us>
Subject: Re: 7925 S Zimmerman Rd

Hi Shane,

I have met with County Staff and discussed with the property owner. We have determined the two options and need to make a decision this week on how Mr. Cory wants to move forward. I can commit to having an application submitted next week so if you can hold off until then, that would be appreciated.

Thanks!
Jerry

Jerry Jones, Jr. - COLUMBIA
Land Development & Construction Management

From: "Potter, Shane" <SPotter@co.clackamas.or.us>
Date: Friday, May 11, 2018 at 12:58 PM
To: "Jerry Jones, Jr." <jerryjones@columbia-cm.com>
Subject: 7925 S Zimmerman Rd

Hi Jerry,

I am trying to get an update. There has not been any activity on this violation and I am at a point where I need to proceed. I reviewed the files and do not see any current land use applications submitted for. Please provide me an update on where you currently are.

Sincerely,

Shane Potter

EXHIBIT D

From: [Jerry Jones, Jr.](#)
To: [Potter, Shane](#)
Subject: Re: 7925 S Zimmerman Rd
Date: Monday, June 4, 2018 3:53:57 PM

Hi Shane,

I am meeting with the property owner tonight and will get our application in within the next couple days. I just wanted to keep you in the loop.

Thanks!

Jerry

Jerry Jones, Jr. - COLUMBIA
Land Development & Construction Management

From: "Potter, Shane" <SPotter@co.clackamas.or.us>
Date: Friday, May 11, 2018 at 1:02 PM
To: "Jerry Jones, Jr." <jerryjones@columbia-cm.com>
Subject: RE: 7925 S Zimmerman Rd

Thank you I will put a hold on it for two weeks.

Sincerely,

Shane Potter

Code Enforcement Specialist • Clackamas Building Codes Division
503-742-4465 • spotter@co.clackamas.or.us
150 Beavercreek Road • Oregon City, OR 97045
Hours: 7:30am – 4pm M-F

From: Jerry Jones, Jr. [mailto:jerryjones@columbia-cm.com]
Sent: Friday, May 11, 2018 1:01 PM
To: Potter, Shane <SPotter@co.clackamas.or.us>
Subject: Re: 7925 S Zimmerman Rd

Hi Shane,

I have met with County Staff and discussed with the property owner. We have determined the two options and need to make a decision this week on how Mr. Cory wants to move forward. I can commit to having an application submitted next week so if you can hold off until then, that would be appreciated.

Thanks!

Jerry

Jerry Jones, Jr. - COLUMBIA

EXHIBIT E



PRE – APPLICATION CONFERENCE

To: Ken Kent, Chris Hass, Kaylin Hangartner, Richard Carlson, Hoodland Fire District

From: Clay Glasgow, Planning & Zoning, 503-742-4520, clayg@clackamas.us

Date: October 2, 2018

RE: Pre-Application Conference – Conditional Use

Conference Date/ Time/ Place:

October 16, 2018 at 10:00 am, in DSB RM 209,
150 Beaver Creek Rd, Oregon City, OR 97045, (503)742-4520

Applicant(s): Jerry Jones

Site Address: 7925 S. Zimmerman Road

Tax Map T 4S, R 1E, Sec 29, Tax Lot(s) 100

Location: NW corner of the intersection of S. Oglesby Road with S. Zimmerman Road

Project: landscape business

Zone(s): EFU, Exclusive Farm Use **Comp Plan:** Agriculture

UGB: outside **Total Land Area:** approximately 22 acres

Staff Request:

Please review proposal, and submit comments prior to the pre-app., if you can't attend. Thank you.

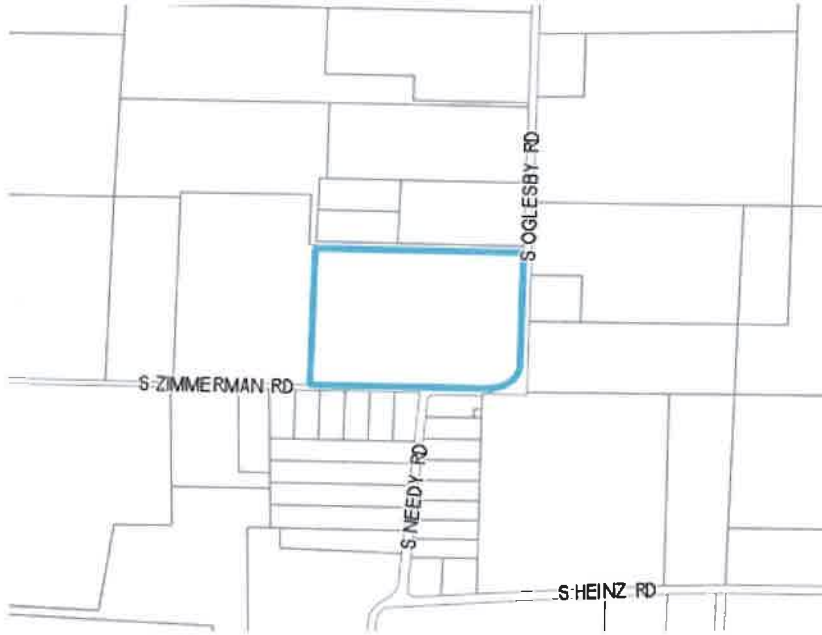


Geographic Information Systems
168 Warner-Milne Rd
Oregon City, OR 97045

Property Report

Location Map:

CORY CHRIS D
7925 S ZIMMERMAN RD
CANBY, OR 97013



Site Address: **7925 S ZIMMERMAN RD**

Taxlot Number: **41E29 00100**

Land Value: **533099**

Building Value: **303650**

Total Value: **836749**

Acreage: **22.08**

Year Built: **1977**

Sale Date: **07/18/2014**

Sale Amount: **150000**

Sale Type: **S**

Land Class:

551

Building Class:

14

Neighborhood:

South Canby rural all other

Taxcode Districts: **086017**

Site Characteristics:

UGB: **OUT**

Flood Zone: **Not Available**

Zoning Designation(s):

Zone Overlays: Acreage:

EFU N/A 22.08

Fire Canby Fire Dist #62
Park Canby Area Parks and Recreation
School Canby
Sewer N/A
Water N/A
Cable Wave Broadband (Canby)
CPO South Canby
Garb/Recyc Canby Disposal
City/County Clackamas Co.

This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

Generated 10/03/2018 10:31 AM





4 1 E 29

SECTION 29 T.4S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 400'

D.L.C.'S
ALBERT H. FISH NO. 40
JAMES SHIRLEY NO. 45

Cancelled Taxlots

1294
905
1500
1779
985
785
1180

- Parcel Boundary
- - - Private Road ROW
- - - Historic Boundary
- - - Railroad Centerline
- Tax Code Lines
- Map Index
- Street Lines
- Land Use Zoning
- Paths
- Water
- Section Corner
- Utility Line
- Gull Lot Line
- D.C. Line
- Meander Line
- PLSS Section Line
- Historic Corridor 20

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

4 1 E 29



2PAC0139-18

Pre-Application Conference Request Form

The following information is required for a pre-application conference.

PLEASE PRINT

DATE RECEIVED: 9/27/18

(Check appropriate land use application type.)

Zone Change Partition/Subdivision

Design Review Conditional Use Home Occupation Exception

Contact Information: Owner Architect Engineer Other

Contact/Applicant's Name: JERRY JONES - CCM

Mailing Address: 12725 SW MZLUZKAN WAY #300 City/State/Zip: BEAVERTON, OR 97005

E-Mail: jerryjones@COLUMBZA-CM.COM Phone 503-572-6650

Contact Information: Owner Architect Engineer Other

Contact's/Applicant's Name: _____

Mailing Address: _____ City/State/Zip: _____

E-Mail: _____ Phone: _____

Property Information

Property Address: 7925 S. ZIMMERMAN ROAD CANBY, OR 97013

Legal Description: T 4 S, R 1 E/W/Q, Section 29 Tax Lot(s) 00100
(For property legal description, contact Planning & Zoning at 503-742-4500)

Project Description: CUP FOR LANDSCAPE BUSINESS

Current Zoning: EFU Existing Bldg. Square Footage: NET = 8800

Building Valuation: \$200K Proposed New Square Footage: NO CHANGE

Partitions/Subdivisions Number of Lots: _____ Measure 49: _____

Multifamily Development:

Studio (# Units): _____ Square Feet

One Bedroom (# Units): _____ Square Feet

Two Bedroom (# Units): _____ Square Feet

Three Bedroom (# Units): _____ Square Feet

Additional Items Required for DESIGN REVIEW Pre-Application Conferences ONLY

Design Review applications for commercial, industrial, or multi-family projects must also include the following:

- 13. Preliminary landscape plan.
- 14. Building elevations and/or profiles, if available.
- 15. Parking and vehicle circulation plans. (*Number, sizes, widths*)
- 16. Pedestrian improvements. (*Sidewalks, pathways*)
- 17. Location and size of garbage and recycling enclosures. (*Show circulation*)
(www.clackamas.us/transportation/recycling/enclosure.jsp)
- 18. Location and size of loading spaces.

List any specific questions you wish to have discussed at the pre-application conference:

- CLEAR PROCESS AND APPLICATION FOR APPROVAL

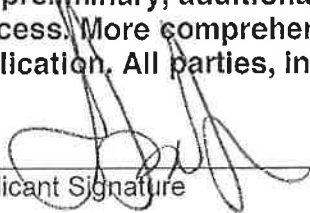
- ANY REQUIRED IMPROVEMENTS?

Some Key Things to Remember:

- ✓ Staff is able to provide more explicit information at your pre-application meeting when you submit detailed information in your application.
- ✓ You are required to submit the pre-application conference report as part of your formal land use application.
- ✓ The property you are investigating may have private obligations, such as codes, covenants, and restrictions (CC&Rs) to which the County is not a party and does not consider in its review.

I understand that the comments provided by staff at the pre-application conference are preliminary, additional concerns may be raised during the land use review process. More comprehensive information may be required for a formal land use application. All parties, including the owner, are encouraged to participate.

Applicant Signature

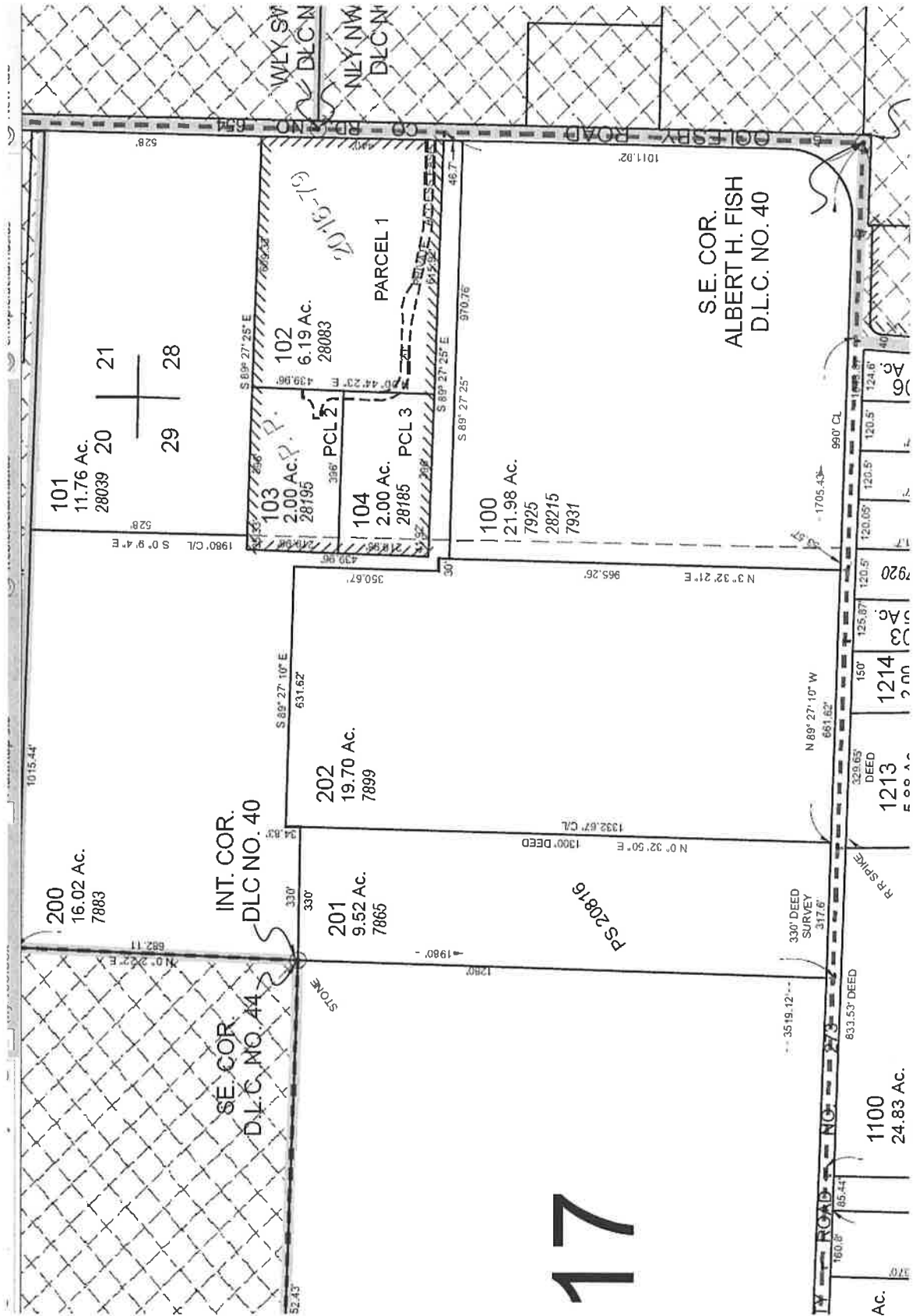


Date

6-24-18

Applicant Name, Printed

JERRY JONES, JR.



17



Drawn Notes

No.	Revised/Date	Date

Firm Name

CDL US/MA/CA
 1475 SW Alder Way
 Suite 200
 Beaverton, OR 97005

Project Address

7325 S. Jernamian Rd
 Corvallis, OR 97331

Scale

1" = 117.5'





















August 19, 2020

VIOLATION NO: V0002718

Chris D & Tammie E Cory Trustee
7925 S Zimmerman Rd.
Canby, OR 97013

SUBJECT VIOLATION(S) OF:

- 1. CLACKAMAS COUNTY ZONING AND DEVELOPMENT CODE ORDINANCE TITLE 12.401.04 – USES PERMITTED**
- 2. CLACKAMAS COUNTY BUILDING CODE AND ENFORCEMENT OF COUNTY BUILDING CODE ORDINANCE TITLE 9.02.040**

SITE ADDRESS: 7925 S Zimmerman Rd., Canby, OR 97013

LEGAL DESCRIPTION: T4S, R1E, SECTION29, TAX LOT 00100

ZONING: EFU (Exclusive Farm Use)

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

1. Use of an agricultural building for commercial purposes, and
2. Operating a business without land use approval, and
3. Building without permits

On January 12, 2018 Clackamas County Code received a complaint regarding a business operating at this site without land use approval. After a notice around mid-March of 2018 a representative for the property met with Clackamas County Planning and began a pre-application process but never finished it. A recent site inspection confirms the business is still operating including the use of an agriculturally exempt building for commercial purposes.

The following section provides details of the violation. This section also provides options on how to address the violation. Department contact information can be found towards the end of this letter under "CONTACT INFORMATION". You may contact that department to discuss the options outlined or ask questions for other possible solutions, if they may exist. This letter may not address all violations that exist on the site and instead is intended to address those violations identified during the review and/or inspections that have occurred.

UNPERMITTED CONSTRUCTION

The agriculturally exempt building is being used for commercial purposes and appears to also be used as an office. This building was permitted as an agriculturally exempt building and cannot be used as an office or for commercial purposes. Changing the use of an agricultural building is a violation of Clackamas County Code Title 9.02.040 since the initial construction of this building was exempt from the structural building code due to be an agricultural building. To abate these violations you must complete one of the following **no later than September 19, 2020:**

1. ORS 215.760 does not allow the changing of an agricultural exempt building from agricultural to another use in a farm and forest zone. A commercial use with an office is not listed as an agricultural use as defined in ORS 455.315. Therefore you are required to return the structure back to an agricultural use and obtain a site inspection to confirm the violation has been abated.
 - a. If you wish to maintain the electrical and plumbing in the building that may not have been permitted you must obtain plumbing and electrical permits:
 - 1) The permit must be picked up within ten (10) days of being notified that the permit is ready.
 - 2) Schedule all inspections so that final inspections may be obtained no later than 45 days from the date of the permit being issued.
 - b. If you wish to remove the plumbing and electrical work you must properly remove the electrical and cap the plumbing and obtain permits consistent with 2.a.1) & 2) above.
2. If you wish, you may explore possible allowed uses for the structure other than the original agricultural exemption with Clackamas County Planning. If Clackamas County Planning and Zoning approves such a use you will still need to obtain all required building, plumbing, mechanical, electrical and septic permits consistent with 1 above.

OPERATING A BUSINESS WITHOUT LAND USE APPROVAL

There is at least one business (landscaping) operating at this site and there were signs of a construction company also operating at this site. There is no land use approval(s) for this business(es) to operate at this site. Ordinance Title 12.401.04. In order to abate the violation(s), you must complete the following **no later than September 19, 2020**:

1. Cease all uses with regards to the commercial activities taking place on the site, and obtain a site inspection to confirm the violation has been abated, or;
2. Obtain land use approval from Clackamas County Planning for the commercial uses.
3. Regardless of the approval the agriculturally exempt building may not be used as a commercial building without Clackamas County Planning approving such other uses.

CONTACT INFORMATION

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

Building Department (Permits) – If you have questions regarding the permit process and other permitting questions please call the Building Department (Permitting) at 503-742-4240 or email at bldservice@clackamas.us

Planning Department – If you have questions regarding the planning approval process or other planning related questions please call the Planning Department at 503-742-4500 or email at zoninginfo@clackamas.us

To help keep the public and staff safe during the COVID-19 pandemic, we are offering comprehensive services by phone, email and online.

In order to provide the highest level of customer service, please bring a copy of this correspondence when visiting the County. You can also review the entire code by going to:

<https://www.clackamas.us/code>

ITEMS INCLUDED IN THIS PACKET

- Violation Letter
- Required Notice of Fines and Penalties
- ORS 215.760 – Agricultural buildings or land zoned for forest use or mixed farm and forest use



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.

ORS 215.760

Agricultural buildings on land zoned for forest use or mixed farm and forest use

- (1) An agricultural building, as defined in ORS 455.315 (Exemption of agricultural buildings, agricultural grading and equine facilities), customarily provided in conjunction with farm use or forest use is an authorized use on land zoned for forest use or for mixed farm and forest use.
- (2) A person may not convert an agricultural building authorized by this section to another use.















Citation No. 1800027 – 1

Case No. V0002718

ADMINISTRATIVE CITATION

Date Issued: November 18, 2020

Name and Address of Person(s) Cited:

Name: Chris D & Tammie E Cory
Mailing Address: 7925 S Zimmerman Rd.
City, State, Zip: Canby, OR 97013

Date Violation(s) Confirmed: On the 27th day of March, 2018, 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): 7925 S Zimmerman Rd., Canby, OR 97013

Legal Description: T4S, R1E Section 29, Tax Lot(s) 00100

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, & K)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 12.401.04

Description of the violation(s):

- 1) Operating a commercial business without land use approval

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

- 2) Use of an agriculturally exempt building for commercial purposes including but not limited to building, electrical, mechanical, and plumbing work

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

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$200.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: November 18, 2020
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____

Potter, Shane

From: Potter, Shane
Sent: Monday, January 11, 2021 10:59 AM
To: 'Jerry Jones, Jr.'
Subject: RE: V0002718 - 7925 Zimmerman

Hi Jerry,

You bet I will extend that to the end of the month

Sincerely,

Shane Potter
Clackamas County
Code Enforcement Specialist
503-742-4465
SPotter@clackamas.us
150 Beaver Creek Rd
Oregon City, OR 97045

From: Jerry Jones, Jr. <jerryjones@columbia-cm.com>
Sent: Monday, January 11, 2021 10:58 AM
To: Potter, Shane <SPotter@clackamas.us>
Subject: Re: V0002718 - 7925 Zimmerman

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

Hi Shane, we are preparing for a meeting and then a submittal, however we cannot get this in prior to the 15th. COVID has delayed everything as you know. Can we please have until the end of the month for now and I will update you as we get close?

From: "Potter, Shane" <SPotter@clackamas.us>
Date: Tuesday, January 5, 2021 at 2:46 PM
To: "Jerry Jones, Jr." <jerryjones@columbia-cm.com>
Subject: V0002718 - 7925 Zimmerman

Hi Jerry,

You had left a voicemail a couple weeks ago and I called back and left a message but have not heard anything back from you. I am reviewing this file and am about to prepare another citation to be sent out. Currently there is no approved land use review for the work done here and there are no permits for the office completed either. Please submit that information no later than January 15, 2021.

Sincerely,

Shane Potter



Citation No. 1800027 - 2

Case No. V0002718

ADMINISTRATIVE CITATION

Date Issued: April 7, 2021

Name and Address of Person(s) Cited:

Name: Chris D & Tammie E Cory
Mailing Address: 7925 S Zimmerman Rd.
City, State, Zip: Canby, OR 97013

Date Violation(s) Confirmed: On the 27th day of March, 2018 and continues to exist on the 6th day of April 2021, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 7925 S Zimmerman Rd., Canby, OR 97013

Legal Description: T4S, R1E Section 29, Tax Lot(s) 00100

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)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 12.401.04

Description of the violation(s):

- 1) Operating a commercial business(es) without land use approval

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

- 2) Use of an agriculturally exempt building for commercial purposes including but not limited to building, electrical, mechanical, and plumbing work

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 \$1,200.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: April 7, 2021
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

1. Abate the violation and pay the fine. Sign the statement of Understanding below and deliver or mail this form, together with a check or money order payable to Clackamas County in the amount of the fine to:
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A request for hearing must contain all of the following information:

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____

Potter, Shane

From: Potter, Shane
Sent: Wednesday, December 22, 2021 11:26 AM
To: Jerry Jones, Jr.
Subject: Re: V0002718 - 7925 Zimmerman

Thank you please keep me updated

Shane Potter

On Dec 22, 2021, at 11:24 AM, Jerry Jones, Jr. <jerryjones@columbia-cm.com> wrote:

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

Hi Shane!

I am working on getting a Pre-App but unfortunately December is hard as you are aware. I will CC you on emails back and forth trying to get this setup for sometime in January.

Hope you have a great holiday and please call me or email me with confirmation that you got this. Thanks!

From: [Lord, Melissa](#)
To: [Bob Price](#)
Subject: RE: 7925 S. Zimmerman Road
Date: Monday, July 11, 2022 1:28:00 PM

Sounds like a plan –

Melissa Lord

Planner I
(she/her)

Clackamas County Planning and Zoning Division
150 Beavercreek Road, Oregon City, OR 97045
MLord@Clackamas.us | 503-742-4504
Hours: M-Th 7:30am to 6:00pm

We are offering comprehensive services by phone, email and online. The Planning and Zoning Division public service/permits lobby is open Monday through Thursday from 8:00 a.m. to 4:00 p.m and Friday from 8:00 a.m. to 3:00 p.m. The public service telephone line at 503-742-4500 and email account at zoninginfo@clackamas.us are staffed Monday through Friday from 8:00 a.m. to 4:00 p.m.



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

From: Bob Price [mailto:rprice1145@gmail.com]
Sent: Monday, July 11, 2022 1:07 PM
To: Lord, Melissa <MLord@clackamas.us>
Subject: Re: 7925 S. Zimmerman Road

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

Thanks Melissa. This clears things up considerably. We will likely proceed with the 2nd alternative - Type II Landscape Contracting Business. I will review the appropriate and applicable ZDO provisions and the ORS that apply. It will likely be 10 days to 2 weeks before I get the application, narrative and additional fee to you. If I have any questions that come up, I will contact you.

Thanks for your help.

Bob

On Mon, Jul 11, 2022 at 11:50 AM Lord, Melissa <MLord@clackamas.us> wrote:

Hi Bob,

I think that there are a couple different avenues that are acceptable for your clients:

- 1) Home Occupation or Home Occupation Exception
 - a. Subject to ZDO [Section 822](#); refer to this section of the ZDO to learn more about the different Level of home occupation permits and the exceptions ([Home Occ application form here](#))
 - b. Home Occupation Exception permit requires a pre-application conference (Home Occ Exception [application form here](#))
- 2) Type II Landscape Contracting Business
 - a. Subject to [ZDO](#) Section 401.05(A)(1) & (D)(2) and the associated ORS provisions
 - b. To apply, complete the [General Land Use Application](#) form; fee is \$1065; written narrative must address the relevant ZDO and ORS criteria
- 3) Other use(s) listed in [ZDO](#) Section 401 Table 401-1
 - a. If the proposed business does not meet any of the uses listed above (home occupation, home occupation exception, or landscape contracting business) I would encourage you to look at Table 401-1 and see if there are other types of uses that reflect this business more accurately. The corresponding application type required is in the table.

We can transfer the \$850 fee to the new land use permit. You can email me a new land use application and remaining fee directly.

Based on your description of the project, a “landscape contracting business” I think that the Type II land use permit for a Landscape Contracting Business is the most appropriate avenue for your clients, but as mentioned above there is more than 1 pathway forward.

Thank you,
Melissa

Melissa Lord

Planner I
(she/her)

Clackamas County Planning and Zoning Division
150 Beaver Creek Road, Oregon City, OR 97045
MLord@Clackamas.us | 503-742-4504
Hours: M-Th 7:30am to 6:00pm

We are offering comprehensive services by phone, email and online. The Planning and Zoning Division public service/permits lobby is open Monday through Thursday from 8:00 a.m. to 4:00 p.m and Friday from 8:00 a.m. to 3:00 p.m. The public service telephone line at 503-742-4500 and email account at zoninginfo@clackamas.us are staffed Monday through Friday from 8:00 a.m. to 4:00 p.m.



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

From: Bob Price [mailto:rprice1145@gmail.com]

Sent: Friday, July 8, 2022 9:37 AM

To: Lord, Melissa <MLord@clackamas.us>

Subject: Fwd: 7925 S. Zimmerman Road

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

Melissa:

Here is an email between Clay and I regarding the landscape contracting business at 7925 S. Zimmerman Road. In our email exchanges, there is nothing that tells me we don't need a pre-app conference. However, if staff has determined that a landscape contracting business does not need a pre-app, we will just move forward with the Type II application. I would appreciate it if you would forward to me the necessary application form(s), and any other information that you think might be useful. Since the Type II application will have a fee, can we simply "transfer" the remaining 75% of the \$850 the Corys submitted by check to the application fee for the Type II?

Thanks.

Bob Price

----- Forwarded message -----

From: Bob Price <rprice1145@gmail.com>

Date: Mon, Jun 6, 2022 at 10:20 AM

Subject: Re: 7925 S. Zimmerman Road

To: Glasgow, Clay <ClayGla@clackamas.us>

Clay:

Just to let you know, I (on behalf of Chris and Tammie Cory) will be filing a Pre-App request within the next week to allow a commercial landscaping business on the site at 7925 S. Zimmerman Road. As you know this has been going on for a while, and the Corys told

me that a staff person told them that it would be sent to violation hearing soon. Hopefully, the pre-app and the following application process will put enforcement "on hold". If you are retiring, it sounds likely that you will not be the staff person for this casefile. Not a problem for us (although I would like to work with you on this project). The Corys are sending me a check for \$850 for the Pre-App fee, and I will complete the necessary paperwork for the Pre-App Request. If there is anything else I should know, please pass it along.

Thanks Clay.

Bob Price
503-807-4009

On Mon, May 23, 2022 at 2:54 PM Bob Price <rprice1145@gmail.com> wrote:

Thanks Clay. I hope most of those emails were congratulating you on your upcoming future retirement. Beyond that, thanks for the information. I will work with the property owners to set up a Pre-App.

Thanks.

Bob Price

On Mon, May 23, 2022 at 2:26 PM Glasgow, Clay <ClayGla@clackamas.us> wrote:

Hello,

I received over 300 e-mails last week. If I did not respond to one you sent, apparently I missed it for some reason. Sorry about that.

Found it. So this appears to be something we held a pre-application conference for several years ago (ZPAC0139-18.) The pre-app request was filed subsequent to a violation notice. The file does not contain detail on the use, only that it's a landscaping business. On the assumption the business exceeds limitations of a home occupation, Conditional Use would be the route to try.

There have been no particular rule changes since 2018 that would affect this. A new pre-application meeting is required since the previous expired several years ago. The use has been in place and operating – without necessary permits, for at least five years.

First step is to apply for a pre-application meeting. We are currently booked out at least three weeks. Application can be made online, here: <https://www.clackamas.us/planning>
Got to Apply for a Land Use Permit, then Apply for a Land Use Application, then Pre-application Conference. Fee is \$850.

From: Bob Price <rprice1145@gmail.com>

Sent: Monday, May 23, 2022 12:14 PM

To: Glasgow, Clay <ClayGla@clackamas.us>

Subject: 7925 S. Zimmerman Road

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

Clay:

Did you see my earlier email, sent last week?

Thanks.

Bob Price