

DEPARTMENT OF **T**RANSPORTATION AND **D**EVELOPMENT

Development Services Building 150 Beavercreek Road | Oregon City, OR 97045

NOTICE OF HEARING

December 31, 2024

Steven Borquez 17440 S Potter Rd. Oregon City, OR 97045

RE:: County of Clackamas v. Steven Borquez **File:** V0063319

Hearing Date: January 28, 2025

Time: This item will not begin before 1:00pm however it may begin later depending on the length of preceding items.

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

Enclosed you will find the following:

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

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

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

You may contact Shane Pottter, 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. <u>Procedure</u>. 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. <u>Record of Proceedings</u>. 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. <u>Hearings Officer</u>. 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. <u>Right to Recess</u>. 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. <u>Right to Appeal</u>. 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 **T**RANSPORTATION AND **D**EVELOPMENT

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, a copy of the link is provided below. Once you have joined the meeting, please allow the moderator to promote you to a panelist.

If you would like to present evidence at the Hearing please email or mail your evidence to Shane Potter at 150 Beavercreek Rd, Oregon City, Oregon 97045, **no later than 4 working days prior to the hearing**. Staff will number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

If you are unable to participate in a hearing through the Zoom platform please contact Shane Potter at 503-742-4465 within 3 calendar days of receipt of the Notice of <u>Hearing.</u>

If you do not know how to use Zoom, please Google "how to use Zoom" and there are many interactive guides on the internet. When joining the webinar please accept the request to join as a panelist.

If you experience difficulties connecting to the Zoom hearing <u>before</u> your scheduled start time, please call 503-830-9960 for assistance.

Zoom invite

Join from PC, Mac, iPad, or Android: <u>https://clackamascounty.zoom.us/j/88369297673?pwd=59LzGXEcg3bVfXguYQpq7y0etJ1CM7.1</u> Passcode:072921

Phone one-tap:

+12532158782,,88369297673# US (Tacoma) +13462487799,.88369297673# US (Houston)

Join via audio:	+1 386 347 5053 US
+1 253 215 8782 US (Tacoma)	+1 507 473 4847 US
+1 346 248 7799 US (Houston)	+1 564 217 2000 US
+1 408 638 0968 US (San Jose)	+1 646 876 9923 US (New York)
+1 669 444 9171 US	+1 646 931 3860 US
+1 669 900 6833 US (San Jose)	+1 689 278 1000 US
+1 719 359 4580 US	+1 301 715 8592 US (Washington DC)
+1 253 205 0468 US	+1 305 224 1968 US
+1 312 626 6799 US (Chicago)	+1 309 205 3325 US
	Webinar ID: 883 6929 7673

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/transportation/nondiscrimination, email JKauppi@clackamas.us/transportation/nondiscrimination, email www.clackamas.us/transportation/nondiscrimination, email www.clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us/transportation/nondiscrimination, email https://www.clackamas.us/transportation/nondiscrimination, email https://www.clackamas.us/transportation/nondiscrimination, email https://www.clackamas.us/transportation/nondiscrimination, email https://www.clackamas.us/transportation/nondiscrimination, email https://www.clackamas.us/transportation, email www.clackamas.us/transportation, email www.clackamas.us/transportation, email www.clackamas.us/transportation, email www.clackamas.us/transportation, email <a href="https://www.clackama

iLE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: <u>www.clackamas.us/transportation/nondiscrimination</u>, envíe un correo electrónico a <u>JKauppi@clackamas.us</u> 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: <u>www.clackamas.us/transportation/nondiscrimination</u>, отправьте письмо на адрес эл. почты <u>JKauppi@clackamas.us</u> или позвоните по телефону 503-742-4452.

欢迎! Chinese (Manderin)

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 <u>www.clackamas.us/transportation/nondiscrimination</u>,发送电子邮件至 <u>JKauppi@clackamas.us</u> 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 <u>www.clackamas.us/transportation/nondiscrimination</u>을 참조하거나 이메일 <u>JKauppi@clackamas.us</u>, 또는 전화 503-742-4452번으로 연락 주십시오.

BEFORE THE COMPLIANCE HEARINGS OFFICER FOR THE COUNTY OF CLACKAMAS

CLACKAMAS COUNTY,

FILE NO: V0063319

Petitioner,

v.

STEVEN BORQUEZ,

Respondent.

t. COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents' mailing address is: 17440 S Potter Rd., Oregon City, OR 97045.

2.

The Respondent own/owns or occupies the address or location of the violation(s) of law alleged in this complaint 21818 S Bakers Ferry Rd., Oregon City, OR 97045, also known as T2S, R3E, Section 22, Tax Lot 02900, the property is zoned RRFF-5 (Rural Residential Farm Forest 5 Acre) and is the location of violation(s) asserted by the County.

3.

On or about the 23rd day of August, 2022, and on or about the 10th day of October, 2022, the Respondents violated the following laws, in the following ways:

Title 12 of the Clackamas County Zoning and Development Ordinance (ZDO) Code Section 316.03 for violation of conditions of approval for land use file Z0368-19. 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 of the Department of Transportation and Development.

5.

Notice of the violation was given to Respondents in the following manner: Violation notice dated August 23, 2022 and Citation and Complaint #1900633-1 on October 17, 2022. A copy of the notice documents are attached to this Complaint as Exhibits F and H, and incorporated by this reference.

6.

Based on these allegations, petitioner requests that a hearing be set in this matter. Petitioner seeks an Order from the Hearings Officer granting the following relief:

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

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the

Board of County Commissions. Said range for a Priority 2 for a Zoning Ordinance 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; and

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

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

DATED THIS 27th day of December, 2024

Shane Potter Code Enforcement Specialist FOR CLACKAMAS COUNTY

CLACKAMAS COUNTY	,	
	Petitioner,	File No.: V0063319
٧.		
STEVEN BORQUEZ,		
	Respondent.	STATEMENT OF PROOF

History of Events and Exhibits:

Exhibit A	Respondents' mailing address is 17440 S Potter Rd., Oregon City, OR 97045. The Respondent owns/resides on property located at 21818 S Bakers Ferry Rd., Oregon City, Or 97045, located within Clackamas County. The parcel is zoned RRFF-5 (Rural Residential Farm Forest 5 Acre). Exhibit A page 1 is a 2018 aerial, page 2 is a 2023 aerial and page 3 is a closeup of the 2023 aerial.
November 27, 2019 Exhibit B	File is re-opened after a previous file was closed (File V0000419) to ensure conditions of approval have been implemented. The land use file (Z0368-19) is attached.
July 22, 2021 Exhibit C	Code Enforcement Specialist (CES) Shane Potter performed a site visit and noted several recreational vehicles were located on site. The recreational vehicles were mostly located along the wood line in the back and appeared occupied.
June 13, 2022 Exhibit D	CES Potter performed a site visit and identified several recreational vehicles on site as well as a commercial semi parked on site.
August 8 & 9, 2022 Exhibit E	Emails from engineering and septic stating they have not completed their conditions as outlined in the land use decision.
August 23, 2022 Exhibit F	Change of ownership occurred. Prepared a Notice of Violation for the new owner. Notice was mailed first class mail. The mail was not returned.
October 10, 2022 Exhibit G	CES Potter performed a site visit and there remains numerous recreational vehicles on site.
October 17, 2022 Exhibit H	Citation #1900633-1 for a Zoning Ordinance violation for failure to comply with conditions of approval. The citation was mailed first class mail, the mail was not returned, and the citation has not been paid.

December 5, 2024	CES Potter performed a site visit on December 5, 2024 and
Exhibit I	confirmed the site is still being used as a recreational vehicle
	camping area. Many recreational vehicles remain on site.

December 18, 2024 CES Potter reviewed the system and there has not been any further septic and/or engineering permits applied for to address the use on this site as a recreational park.

If the Hearings Officer affirms the County's position that a violation of the Zoning Ordinance exists on the subject property, the County would request a Final Order be issued requiring the Respondent:

- Payment of Citation #190633-1 for \$400.00.
- The imposition of civil penalties of up to \$2,500.00.
- The administrative compliance fee to be imposed from August 2022. As of the date of this report the administrative compliance fee was \$2,025.00. However, the County is requesting a reduction of \$1,575.00 for inactivity for a total administrative compliance fee request of \$450.00.
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.
- The County would also ask that reimbursement be ordered for any expense the County incurs in collection of these monies.









Property Account Summary Barcode

Account Number 00634040 Pro	97	045	5	, ,		
General Information						
Alternate Property #	23E22 02	900)			
Property Description			ownship 2S Ra	nge 3E TAX L	OT 02900	
Property Category	Land &/or		•			
Status			ly Assessed, U	se Assessed		
Tax Code Area	062-004		, , -			
Remarks						
Tax Rate						
Description	Rate					
Total Rate	14.3082					
Property Characteristics						
Property Tax Deferral	Potentia	l Ad	ditional Tax	Liability		
Neighborhood	12084:	12084: Redland all other				
Land Class Category	641: For	641: Forestland improved				
Year Built	1966	1966				
Acreage	5.85	5.85				
Change property ratio	6XX	6XX				
Manf Structure Exempt	Exempt	Exempt from Titling				
Related Properties						
No Related Properties Found						
Parties	1					
Role	Percent	Na	ame	Address		
Taxpayer	100	BORQUEZ17440 S POTTER RD, OREGSTEVEN HCITY, OR 97045		OREGON		
Owner	100	100 BORQUEZ 17440 S POTTER RD, OREGON STEVEN H CITY, OR 97045		OREGON		
Property Values						
Value Type	Tax Ye 20	ear 24	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020
AVR Total	\$292,8	38	\$284,310	\$276,029	\$267,989	\$260,185
Exempt						
TVR Total	\$292,8	38	\$284,310	\$276,029	\$267,989	\$260,185
					PAGE 4	

RECORDING REQUESTED BY:

5400 SW Meadows Road, Suite 100 Lake Oswego, OR 97035

GRANTOR'S NAME:

William Joseph Goldsworth and Tricia Marie McMullin Goldsworth

GRANTEE'S NAME: Steven H. Borguez

AFTER RECORDING RETURN TO:

Order No.: 45142005812-MC Steven H. Borquez 17440 S. Potter Road Oregon City, OR 97045

SEND TAX STATEMENTS TO:

Steven H. Borquez 17440 S. Potter Road Oregon City, OR 97045

APN: 00634040 Map: 23E22 /02900 21818 S Bakers Ferry Road, Oregon City, OR 97045

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

William Joseph Goldsworth and Tricia Marie McMullin Goldsworth, Grantor, conveys and warrants to Steven H. Borquez, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

A tract of land in the Joseph S. Church Donation Land Claim, being in Section 22, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point 1249.3 feet Easterly from the Northwest corner of the Joseph S. Church Donation Land Claim and on the Northern boundary thereof in said Section 22; thence Easterly along said Northern boundary; 297.1 feet to an iron pipe; thence South 895.3 feet to an iron pipe; thence North 47°20' West 846.0 feet to the center of County Road No. 778; thence North 45°16' East 458.2 feet along the center line of County Road No. 778 to the place of beginning.

EXCEPTING THEREFROM that portion conveyed to Howard E. Asthon, Jr., et ux, by deed recorded January 21, 1958 in Book 535, page 422, Deed Records.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SIX HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS (\$680,000.00). (See ORS 93.030).

Subject to:

The Land has been classified as Farmland / Forestland, as disclosed by the tax roll. If the Land becomes disgualified, said Land may be subject to additional taxes and/or penalties.

Easement for a roadway over and across the Northerly 20 feet of said property as reserved in deed

Recording Date:	January 5, 1914
Recording No.:	Book 133, Page 408

Effect of designation that any portion of the subject land is within scenic waterway boundaries under Oregon Revised Statutes Chapter 390, as disclosed, in part, by notice or other instrument

Recording Date:	February 3, 2009
Recording No. :	2009-006494

A manufactured home situated on the subject land is classified as real property, as disclosed by document:

Recording Date: September 26, 1994 Recording No: 94-075073

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

EXHIBIT A PAGE 5 OF 6

Clackamas County Official Records Sherry Hall, County Clerk

D-D Cnt=1 Stn=73 LESLIE \$10.00 \$16.00 \$10.00 \$62.00 05/11/2020 11:48:07 AM

2020-033932

\$98.00

STATUTORY WARRANTY DEED

(continued)

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.

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

Dated: Willing William Joseph Goldsworth

Aricia Marielloma Quetoldowos Tricia Maria McMullin Goldsworth

State of <u>ARIZONA</u> County of <u>MARICOPA</u>

This instrument was acknowledged before me on <u>MAY 8 2020</u> by William Joseph Goldsworth and Tricia Maria McMullin Goldsworth.

Ŵ Notary Public - State of

Notary Public - State of ARIZONA

My Commission Expires: <u>SEPT 1 2021</u>

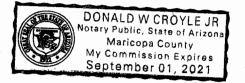


EXHIBIT A PAGE 6 OF 6

BEFORE THE LAND USE HEARINGS OFFICER OF CLACKAMAS COUNTY, OREGON

Regarding an Application for a Conditional Use)Case File No.Permit to Establish a Recreational Vehicle)Z0368-19-CCamping Facility.)(Goldsworth)

A. <u>SUMMARY</u>

- 1. The owners are William Goldsworth and T.M. McMullin. The applicants are William Goldsworth and Tricia Goldsworth.
- The subject property is located at 21818 South Bakers Ferry Road, Oregon City, OR 97045. The legal description is T2S, R3E, Section 22, Tax Lot 2900 W.M. The subject property is approximately 6.87 acres and is zoned RRFF-5 – Rural Residential Farm Forest – 5 Acre Minimum.
- 3. On October 3, 2019, the Hearings Officer conducted a public hearing to receive testimony and evidence about the application. The record was left open one week for the submission of new evidence, testimony, and argument; one additional week for responses to the new evidence, testimony, and argument; and one additional week for the applicant's final legal argument.

B. <u>HEARING AND RECORD HIGHLIGHTS</u>

1. The Hearings Officer received testimony at the public hearing about this application on October 13, 2019. All exhibits and records of testimony are filed with the Planning Division, Clackamas County Department of Transportation and Development. At the beginning of the hearing, the Hearings Officer made the declaration required by ORS 197.763. The Hearings Officer disclaimed any *ex parte* contacts, bias, or conflicts of interest. The Hearings Officer stated that the only relevant criteria were those identified in the staff report, that participants should direct their comments to those criteria, and failure to raise all arguments may result in waiver of arguments at subsequent appeal forums.

Hearings Officer Final Order Z0368-19-C Goldsworth CUP



- 2. At the hearing, county planner Clay Glasgow discussed the staff report and recommended denial of the application.
- 3. William Goldsworth and Tricia Goldsworth testified in support of the application.
- 4. A number of neighbors testified in opposition to the application.
- 5. At the conclusion of the public hearing, the Hearings Officer left the record open one week for new evidence, one additional week for responses to the new evidence, and one additional week for the applicant's final legal argument.

C. <u>FACTS</u>

The subject property is an approximately 6.87-acre parcel zoned RRFF-5. The property is located at 21818 South Bakers Ferry Road, Oregon City, OR 97045, on the south side of South Bakers Ferry Road between South Eaden Road and South Harding Road near Barton Park. The property has a residence and associated outbuildings. The subject property is bordered to the north, east, and south by land zoned AG/F – Agriculture Forest. There are other RRFF-5 properties to the southwest and northwest. The applicants seek to develop the property with a Recreational Vehicle Camping Facility. The application was filed in response to code violations, as the applicants have been operating a Recreational Vehicle Camping Facility for some time. The applicants seek approval for up to 18 recreational vehicle (RV) parking sites.

D. <u>DISCUSSION</u>

Clackamas County Zoning and Development Ordinance (ZDO) 1203.03 provides the approval criteria for conditional uses. The staff report explains that many of the approval criteria are satisfied but some are not satisfied. Most of the findings in the staff report are not challenged. It would be a waste of the County's money and resources to review and repeat all of the unchallenged findings in the staff report. I therefore adopt and incorporate the findings in the staff report in this decision, except as discussed further.

ZDO 1203.03(C) requires that the proposed use comply "with Subsection 1007.07, and safety of the transportation system is adequate to serve the proposed use." Opponents argue that there are traffic safety concerns with the proposed use. According to opponents, there are blind corners and increased traffic in the area and adding RVs to the situation

Hearings Officer Final Order 20368-19-C Goldsworth CUP would only make things worse. Comments from the department of Transportation and Development (DTD) and the staff report explain that the minimum amount of sight distance necessary for the entrance to the subject property is 610 feet to the northeast and 530 feet to the southwest. The proposed conditions of approval require the applicant to conform to the applicable County standards. The comments from DTD and the staff report are more persuasive than anecdotal comments from opponents. As the staff report explain, with the proposed conditions of approval, the safety of the transportation system is adequate to serve the proposed use.

ZDO 1203.03(C) is satisfied

ZDO 1203.03(D) requires that the "proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located." The only primary use raised by opponents that is allegedly substantially limited, impaired, or precluded is rural residential use. Thus, the question is whether the proposed use "will alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding area in a properties" for residential use.

In order to answer this question, I must determine what the character of the surrounding area is. While there was not much discussion about the character of the surrounding area, it appears to be a mixed area of rural residential use with larger farm or forest operations. The opponents argue that the proposed use will interfere with their rural residential use. Opponents argue that traffic, lights, views of the RV facility, and danger from RV campers will affect their rural residential use. While there has been some problem with burning of slash piles on the subject property, the applicant will be working with the local fire department in the future. Additionally, I am not sure that burning slash piles is necessarily related to the RV camping facility use. In any event, I agree with the applicants that such burning will not be a problem in the future.

Opponents argue that views of the RV camping facility are unsightly. While this may be true, opponents do not have the right to completely unsullied views. I do not see that merely looking at an RV camping facility would substantially limit, impair, or preclude rural residential use. Furthermore, the applicants would have to comply with the applicable

Hearings Officer Final Order Z0368-19-C Goldsworth CUP



landscaping screening requirements, which would further reduce opponents' views of the RV use.

Opponents argue that lighting on the property will interfere with night sky viewing on adjacent properties. Opponents do not have the right to prevent the applicants from having any lighting on their property. Furthermore, the applicants explain that lighting would be minimized with low level lights and motion detector security lighting in limited areas. I do not see that some lighting on the subject property would substantially limit, impair, or preclude rural residential uses on surrounding properties.

Opponents argue that traffic would interfere with their rural residential use. As explained, however, the application complies with the traffic requirements of ZDO 1007.07. The proposed use would not generate substantial amounts of traffic, and the area already has steady traffic – so I do not see that any additional traffic from the proposed use would substantially limit, impair, or preclude residential use of surrounding properties.

Opponents argue that the noise and potential danger from campers would interfere with their rural residential use. Generally, assessing whether a proposed use would interfere with surrounding uses is a speculative analysis. In the present case, however, the RV camping use has been occurring on the property for some time. Opponents testified at the public hearing that there had not been any problems with campers in the past. While this is not a guarantee of a lack of future problems, it is a good indication that the RV campers will not be so noisy or such a security risk that they would substantially limit, impair, or preclude surrounding rural residential use. To further ensure continued compliance, a condition of approval requiring a six foot sight obscuring fence along the border with RRFF-5 zoned properties is warranted.

Finally, opponents argue that the proposed RV facility would negatively affect their property values. While the parties dispute the effect on property values, it is irrelevant because property values are not an approval criterion or even a consideration under ZDO 1203.03(D). *Morton v. Clackamas County*, 70 Or LUBA 7, 13-14 (2014); *Tylka v. Clackamas County*, 34 Or LUBA 14, 29 (1998).

ZDO 1203.03(D) is satisfied.

ZDO 1203.03(F) requires that the "proposed use complies with any applicable requirements of the zoning district and overlay zoning district(s) in which the subject



property is located, Section 800, Special Use Requirements, and Section 1000, Development Standards." ZDO 1002 pertains to the protection of natural features. Opponents argue that the proposal violates ZDO 1002, but opponents do not explain how ZDO 1002 is violated. Opponents do not cite to any provision under ZDO 1002, but they do mention removal of trees on hillsides. ZDO 1002.01 applies to steep slopes, but the proposed use is not on steep slopes. ZDO 1002.02 applies to excessive tree removal – which appears to be what opponents are referencing – but ZDO 1002.02 only applies to properties within the Metro UGB. As far as I can tell (and opponents do not argue), the property is not within the Metro UGB. Therefore, ZDO 1002.02 does not apply. Opponents make no arguments under any other provisions of ZDO 1002.

Therefore, ZDO 1002 is satisfied.

ZDO 1006 pertains to water supply, sanitary sewer, surface water, and utilities. Opponents argue that the proposed use might interfere with nearby wells. ZDO 1006.03(F)(1) requires that the applicants "shall specify a lawful water source for the proposed development such as * * *[an] exempt-use well." The applicants have an exempt-use well to use for their water supply. While ZDO 1003.03(F)(2) involves effects on existing wells, that provision only applies in sensitive groundwater areas. The subject property is not in a sensitive aground water area, so ZDO 1003.03(F)(2) does not apply.

Opponents argue that the septic system might affect nearby properties or reach the Clackamas River. ZDO 1006.05(A) requires that the proposed development receive approval for subsurface sewage disposal from the County. The County approved the applicants' septic system plan.

Therefore, ZDO 1006.05(A) is satisfied.

ZDO 1009 pertains to landscaping. The staff report noted that there was insufficient information to satisfy the landscaping screening and buffering requirements. The applicant submitted a revised site plan demonstrating the required screening and buffering. With the new site plan, ZDO 1009 is satisfied.

ZDO 1015 pertains to parking. Table 1015-1 provides that Recreational Vehicle Parking Facilities must provide one parking space per campsite (in addition to the RV parking) and one space per employee at peak employment level. The revised site plan shows that each of the 18 RV parking spaces also include a parking space, and additional

Hearings Officer Final Order Z0368-19-C Goldsworth CUP parking spaces are provided for employees.

Therefore, ZDO 1015 is satisfied.

Therefore, ZDO 1203.03(F) is satisfied.

All of the approval criteria are satisfied.

E. <u>DECISION</u>

Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, the Hearings Officer hereby **APPROVES** application Z0368-19-C, with the following conditions of approval.

F. <u>CONDITIONS OF APPROVAL</u>

I. General Conditions:

- Approval is for the specific use identified in the application. This land use permit is based on the submitted written narrative and plan(s) dated August 12, 2019, and deemed complete August 19, 2019. No work shall occur under this permit other than which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitation of approval described herein.
- 2) Prior to the issuance of building permits, the applicant shall submit a statement of use to Wendi Coryell in the Clackamas County Engineering Division. Wendi Coryell may be contacted at (503) 742-4657 or wendicor@co.clackamas.or.us The statement of use is used to calculate the Transportation System Development charge.
- 3) If approved, the conditional use is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four year period, the approval shall be implemented, or the approval will become void. "Implemented" means all major development permits shall be obtained and maintained for the approved conditional use, or if no major development permits are required to complete the development contemplated by the approved conditional use, "implemented" means all other necessary County development

Hearings Officer Final Order Z0368-19-C Goldsworth CUP



permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A "major development permit" is:

- a. A building permit for a new primary structure that was part of the conditional use approval; or
- b. A permit issued by the County Engineering Division for parking lot or road improvements required by the conditional use approval.
- 4) This Conditional Use approval is granted subject to the above and below stated conditions. Failure to comply with any of the conditions of approval constitutes a violation of this permit and may be cause for revocation of this approval.
- 5) 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. <u>Planning and Zoning Conditions:</u> Clay Glasgow, (503) 742-4520, <u>clayg@clackamas.us</u>

- Development of the subject property is subject to the provisions of ZDO Sec.1203 and those other relevant codes and ordinances adopted by the Board of County Commissioners pursuant to subsec. 1001.03 of the ZDO, including, but not limited to, the County Roadway Standards, County Excavation and Grading Ordinance, and Oregon Structural Specialty Code, etc.
- 2) The facility shall be operated as described in the submitted application materials.
- The applicant will construct a six-foot high sight obscuring fence along the border of the property where it is adjacent to RRFF-5 zoned properties.



III. <u>Building Code Division Conditions:</u> Richard Carlson, (503) 742-4769, richardcar@co.clackamas.or.us

- 1) All construction shall comply with current Oregon Structural Specialty Code and any other relevant codes.
- 2) All necessary development permits (septic, building, electrical, grading, driveway, etc.) for this facility and associated buildings shall be submitted and receive final approval and inspections before use begins within four years of the final decision.
- 3) RV Park Permit to be obtained as required through OAR 918

IV. Engineering Division Conditions: Jonny Gish, (503) 742-4707

1. Prior to site improvements:

- a. A Park Permit is required prior to Development Permit issuance for the onsite roads and circulation. All work under the Park Permit shall be constructed and inspected per ORS918-650.
- b. A Development Permit is required from the Engineering Department for review and approval of frontage improvements, erosion control Best Management Practices implemented and intersection sight distances. The permit shall be obtained prior to commencement of site work and Certificate of Occupancy. To obtain the permit, the applicant shall submit construction plans prepared and stamped by an Engineer registered in the State of Oregon, or plans acceptable to the Engineering Division, provide a performance guarantee equal to 125% of the estimated cost of the construction and pay a plan review and inspection fee. The fee will be calculated as a percentage of the construction costs if it exceeds the minimum permit fee. The minimum fee and the percentage will be determined by the current fee structure at the time of the Development Permit Application.
- 2. <u>Prior to Site Improvements:</u> Submit approvable construction Plans showing all required improvements. All proposed and required improvements shall be

designed, constructed, inspected and approved, or financially guaranteed, pursuant to *Clackamas County Roadway Standards* and Oregon revised Statute 918-650.

- a. Close, remove and restore the existing residential entrance to S Baker Ferry Rd.
- b. Provide a paved shared private driveway approach directly across from S Latourette Rd intersecting S Baker Ferry Rd and constructed per Standard Drawing 500. With a minimum length of 20 feet measured from the existing edge of pavement and width a minimum travel width of 20 feet. The approach shall also include construction of a minimum 20-foot long platform/landing with a grade not to exceed plus or minus five percent. Minimum tangent length shall be 20 feet.
- c. Security gates and setbacks shall meet Oregon Fire Code requirements.
- d. Provide a minimum 10-foot wide shared private road,
- e. Maintain positive drain flow throughout disturbed area using erosion control Best Management Practices.
- 3. The applicant shall obtain a Utility Placement Permit with the Clackamas County DTD for all utility work within the Right-of-way of S Baker Ferry Rd.

4. Provide a certificate of liability insurance, naming Clackamas County as additionally insured for work within the right-of-way, referencing Z0368-19.

- 5. <u>Prior to Final Inspection</u>: the applicant shall provide and maintain minimum intersection sight distances at the proposed shared private road intersection with S Baker Ferry Rd. Intersection sight distance shall restrict plantings at maturity, retaining wall, embankments, trees, fences or any other objects that obstruct vehicular sight distance. Minimum required intersection sight distance is 610 feet to the northeast and 530 to the southwest.
- V. <u>Septic & Onsite Wastewater Systems Programs Conditions:</u> Aaron Dennis,
 (503) 742-4614, <u>adennis@clackamas.us</u>
 - 1. The applicant will comply with all of the requirements of the Department of Transportation, Soils Division as detailed in Exhibit 5.



DATED this 12th day of November, 2019.

Fred Wilson Clackamas County Hearings Officer

ENDANGERED SPECIES ACT NOTICE

The federal Endangered Species Act (ESA) is not a criterion for approval of this application. The County has reviewed the approval standards in light of the requirements of the ESA, believes that the criteria for approval are consistent with the terms of the ESA and has submitted the Development Ordinances for consideration for a "4(d)" programmatic limitation. However, the analysis included in this decision does not include an evaluation by the County of the applications for consistency with the ESA nor does the decision reach any conclusions concerning that federal law. The applicant are responsible for designing, constructing, operating and maintaining the activities allowed by an approval of this application in a manner that ensures compliance with the ESA. Any question concerning this issue should be directed to the applicant, their consultants and the federal agencies responsible for administration and enforcement of the ESA for the affected species.

APPEAL RIGHTS

ZDO 1307.10(F) provides that, with the exception of an application for an Interpretation, the Land Use Hearings Officer's decision constitutes the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules promulgated by LUBA prescribe the period within which any appeal must be filed and the manner in which such an appeal must be commenced. Presently, ORS 197.830(9) requires that any appeal to LUBA "shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final." This decision will be "final" for purposes of a LUBA appeal as of the date of mailing (which date appears on the last page herein).

Hearings Officer Final Order Z0368-19-C Goldsworth CUP





EXHIBIT C PAGE 1 OF 2



EXHIBIT C PAGE 2 OF 2



EXHIBIT D PAGE 1 OF 2



EXHIBIT D PAGE 2 OF 2

From:	<u>Gish, Jonny</u>
То:	Potter, Shane
Subject:	RE: Land Use File - Z0368-19-C - Address - 21818 S Bakers Ferry Rd
Date:	Monday, August 8, 2022 1:49:53 PM
Attachments:	image001.png image002.png image003.jpg

Hi Shane,

Looking through Accela the applicant has not obtained or applied for a Development Permit with County Engineering or a PRK Permit with the Building Department. In fact, I have not heard from the applicant since the land use was issued.

Thanks

Jonny Gish | Development Engineering

Clackamas County Department of Transportation and Development 150 Beavercreek Rd Oregon City, OR 97045 Hours: M-TH 6am-4:30pm Cell: 503-804-8271| Jgish@clackamas.us



Note: Most business with our team can be conducted online at <u>https://www.clackamas.us/development-engineering</u>. Our lobby is open 8 AM - 4 PM Monday through Thursday and 8 AM - 3 PM Friday.

Please visit Development Direct -- our new one-stop digital services hub for Building Codes and Development Engineering. Click <u>here</u> to apply for a permit. Click <u>here</u> then on the "Development Engineering" tab to learn how to apply.



From: Potter, Shane <SPotter@clackamas.us>
Sent: Monday, August 8, 2022 1:17 PM
To: Gish, Jonny <JGish@clackamas.us>
Subject: Land Use File - Z0368-19-C - Address - 21818 S Bakers Ferry Rd

Hi Jonny,

EXHIBIT E PAGE 1 OF 4

I am checking in on this file to see if they have complied with the conditions of approval for you yet. The conditions for your section are as follows:

Engineering Division Conditions: Jonny Gish, (503) 742-4707

1. Prior to site improvements:

a. A Park Permit is required prior to Development Permit issuance for the onsite roads and circulation. All work under the Park Permit shall be constructed and inspected per ORS918-650.

b. A Development Permit is required from the Engineering Department for review and approval of frontage improvements, erosion control Best Management Practices implemented and intersection sight distances. The permit shall be obtained prior to commencement of site work and Certificate of Occupancy. To obtain the permit, the applicant shall submit construction plans prepared and stamped by an Engineer registered in the State of Oregon, or plans acceptable to the Engineering Division, provide a performance guarantee equal to 125% of the estimated cost of the construction and pay a plan review and inspection fee. The fee will be calculated as a percentage of the construction costs if it exceeds the minimum permit fee. The minimum fee and the percentage will be determined by the current fee structure at the time of the Development Permit Application.

2. Prior to Site Improvements: Submit approvable construction Plans showing all required improvements. All proposed and required improvements shall be designed, constructed, inspected and approved, or financially guaranteed, pursuant to Clackamas County Roadway Standards and Oregon revised Statute 918-650. a. Close, remove and restore the existing residential entrance to S Baker Ferry Rd.

b. Provide a paved shared private driveway approach directly across from S Latourette Rd intersecting S Baker Ferry Rd and constructed per Standard Drawing 500. With a minimum length of 20 feet measured from the existing edge of pavement and width a minimum travel width of 20 feet. The approach shall also include construction of a minimum 20-foot long platform/landing with a grade not to exceed plus or minus five percent. Minimum tangent length shall be 20 feet.

c. Security gates and setbacks shall meet Oregon Fire Code requirements.

d. Provide a minimum 10-foot wide shared private road,

e. Maintain positive drain flow throughout disturbed area using erosion control Best Management Practices.

3. The applicant shall obtain a Utility Placement Permit with the Clackamas County DTD for all utility work within the Right-of-way of S Baker Ferry Rd.

4. Provide a certificate of liability insurance, naming Clackamas County as

additionally insured for work within the right-of-way, referencing Z0368-19.

I am checking in to see which ones they have complied with.

Sincerely.

Shane Potter Code Enforcement Specialist

EXHIBIT E PAGE 2 OF 4

 From:
 Dennis, Aaron

 To:
 Potter, Shane

 Subject:
 RE: Z0368-19-C - Address - 21818 S Bakers Ferry Rd

 Date:
 Tuesday, August 9, 2022 9:04:54 AM

 Attachments:
 image003.jpg image004.jpg

Shane,

The have an approved site evaluation for a properly sized septic system to serve up to 18 RV connections. However they have not applied for a septic permit let alone installed an adequately sized system to serve any of the RV's currently on the property. To my knowledge they are still using the septic system for the existing dwelling which is vastly undersized and not permitted for any use beyond serving the single family dwelling.

Sincerely,

Aaron Dennis Soil Scientist, Senior

adennis@clackamas.us Cell 503-793-5011

My work hours (office and field) are M-F 8am to 4:30pm



From: Potter, Shane <SPotter@clackamas.us>
Sent: Monday, August 8, 2022 1:19 PM
To: Dennis, Aaron <ADennis@clackamas.us>
Subject: Z0368-19-C - Address - 21818 S Bakers Ferry Rd

Hi Aaron,

I am checking in with you on the file mentioned above to determine if they have complied with your conditions of approval. Your conditions as stated in the Hearings Officer decision are:

EXHIBIT E PAGE 3 OF 4

Septic & Onsite Wastewater Systems Programs Conditions: Aaron Dennis,

(503) 742-4614, <u>adennis@clackamas.us</u>1. The applicant will comply with all of the requirements of the Department of Transportation, Soils Division as detailed in Exhibit 5.

Sincerely,

Shane Potter Code Enforcement Specialist

Clackamas County – Transportation & Development Clackamas County Code Enforcement <u>spotter@clackamas.us</u> 503-742-4465 150 Beavercreek Road, Oregon City, OR 97045 Office Hours: 7:30 a.m. to 4:00 p.m.



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EXHIBIT E PAGE 4 OF 4



DEPARTMENT OF **T**RANSPORTATION AND **D**EVELOPMENT

DEVELOPMENT SERVICES BUILDING 150 BEAVERCREEK ROAD | OREGON CITY, OR 97045 Violation No.:V0063319

August 23, 2022

Steven H Borquez 17440 S Potter Rd. Oregon City, OR 97045

RE: VIOLATIONS OF CLACKAMAS COUNTY CODES: No.: V0063319

- 1. CLACKAMAS COUNTY ZONING AND DEVELOPMENT URBAN AND RURAL RESIDENTIAL DISTRICTS ORDINANCE 12.316.03. – USES PERMITTED – Violations of Conditions of Approval
- 2. CLACKAMS COUNTY PLANNING AND ZONING DIVISION LAND APPROVAL FILE Z368-10
- 3. CLACKAMAS COUNTY BUILDING CODE APPLICATION AND ENFORCEMENT OF THE BUILDING CODE TITLE 9.02.040(K) – Failure to obtain septic permits for park.

SITE ADDRESS:21818 S Bakers Ferry Rd., Oregon City, OR 97045LEGAL DESCRIPTIONT2S, R3E, SECTION 22, TAX LOT(S) 02900

Dear Steve Borquez

There are conditions of approval that have not been implemented or are in violation of your current operations at your property identified above. The subject property received approval for a Conditional Use to operate an RV Park under file Z0368-19. That land use decision included conditions of approval. To abate these violation(s) you must complete the following **no later than: September 22, 2022**

- Condition F.I.2) states: Prior to issuance of building permits, the applicant shall submit a statement of use to Wendi Coryell in the Clackamas County Engineering Division. The statement of use is used to calculate the Transportation System Development Charge.
 - a. Complete the statement of use and pay all the appropriate fees to Engineering.
 - b. Contact Wendi Coryell Clackamas County Engineering Division at 503-742-4657 or <u>wendicor@clackamas.us</u>
- 2. Condition F.II.3) states: The applicant will construct a six-foot high sight obscuring fence along the border of the property where it is adjacent to RRFF-5 zones properties.
 - a. Comply with this condition and provide proof of such fencing to the Planning and Zoning Division and your Code Enforcement Specialist.

EXHIBIT F PAGE 1 OF 3

- b. Contact Clackamas County Planning and Zoning Division at 503-742-4500 or email at <u>zoninginfo@clackamas.us</u> or Shane Potter with Code Enforcement at 503-742-4465 or email at <u>spotter@clackamas.us</u>
- 3. Condition F.III.2) and Condition F.V states: All necessary development permits (septic, building, electrical, grading, driveway etc.) for this facility and associated buildings shall be submitted and receive final approval and inspections before use begins. And the applicant will comply with all the requirements of the Department of Transportation, Soils Division as detailed in Exhibit 5.
 - a. The use has begun and there was an approved site evaluation for a septic system to serve up to 18 RV connections, however there no application for a septic permit to adequately size to serve RV's on the site has occurred.
 - b. Contact Clackamas County Soils at 503-742-4740 or email at <u>soilsconcern@clackamas.us</u> to obtain an approved septic system.
- Condition F.III.3) states: RV Park Permit to be obtained as required through OAR 918.
 - a. I could not find record of a RV Park Permit being issued to this location. You will need to apply and receive approval for the required RV Park Permit to the Building Codes Division.
 - b. Contact Building Codes Division can be reached at 503-742-4240 or by email at <u>bldservice@clackamas.us</u>.
- 5. Condition F.IV there are several criteria in this section that have not been addressed.
 - a. Engineering requires development permits and a PRK (Park) permit.
 - b. Contact the Development Engineering Division at 503-742-4691 or by email at <u>engineering@clackamas.us</u>.

Permits are accepted online only, for more information on this process please refer to the County's website at https://www.clackamas.us/building

If you have questions concerning permit requirements, online submittal process, or land use process, please contact the department listed above at the phone number or email listed, or stop by the offices located at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. The offices are closed on Fridays

ITEMS INCLUDED IN THIS PACKET

- Violation Letter
- Required Notice of Fines and Penalties

Shane Potter Code Enforcement Specialist Clackamas County Code Enforcement Phone: 503-742-4465 <u>spotter@clackamas.us</u>

Important Notices

- 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.
- 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 Beavercreek 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 noncompliance 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.

EXHIBIT F PAGE 3 OF 3



EXHIBIT G PAGE 1 OF 1



Citation No.: 1900633 - 1

Case No.: V0063319

ADMINISTRATIVE CITATION

Date Issued: October 17, 2022

Name and Address of Person(s) Cited:

Name:	Steven Borquez
Mailing Address:	17440 S Potter Rd.
City, State, Zip:	Oregon City, OR 97045

Date Violation(s) Confirmed: October 10, 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): 21818 S Bakers Ferry Rd., Oregon City, OR 97045

Legal Description: T2S, R3E SECTION 22, Tax Lot(s) 02900

Law(s) Violated

Title 12 and 13 of CCC Zoning and Development Ordinance, Section 316.03 Other law: Land Use File Z0368-19

Description of the violation(s):

1) The owners have not complied with multiple conditions of approval in file Z0368-19. A list of conditions of approval is listed in Violation Letter dated August 23, 2022

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

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$400.00. 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 \$75.00 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	Date: November 17, 2022
Telephone No.:	503-742-4465	Department Initiating Enforcement Action: Code Enforcement

EXHIBIT H PAGE 1 OF 2

PLEASE READ CAREFULLY!

You have been cited for the violations(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:

 Abate the violation and pay the fine. Sign the statement of Understanding below and deliver or mail this form, together with a check or money order payable to Clackamas County in the amount of the fine to:

Clackamas County Code Enforcement Section 150 Beavercreek Rd.

Oregon City, OR 97045

 Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above or sent to <u>codeenforcement@clackamas.us</u>.

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:

EXHIBIT H PAGE 2 OF 2



EXHIBIT I PAGE 1 OF 2



EXHIBIT I PAGE 2 OF 2