



NOTICE OF HEARING

November 29, 2022

Ted Papas Trustee
12620 SE 28th Ave
Milwaukie, OR 97222

RE:: County of Clackamas v. Ted Papas Trustee
File: V0002222

Hearing Date: January 10, 2023

Time: This item will not begin before 11:30 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 Kimberly Benthin, Code Compliance Specialist for Clackamas County at (503) 742-4457, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

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

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



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

You must have access to the internet or to a telephone line to use the Zoom platform. We have sent you the Zoom invite to tpapas48@gmail.com. Please contact Kimberly Benthin if you are unable to find the email.

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

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

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

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

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

Department of Transportation and Development

Nondiscrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information go to:

www.clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us or call (503) 742-4452.

¡LE DAMOS LA BIENVENIDA! Spanish

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

ДОБРО ПОЖАЛОВАТЬ! Russian

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

欢迎! Chinese (Mandarin)

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

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng:

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

환영합니다. Korean

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

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

COUNTY OF CLACKAMAS,

File No: V0002222

Petitioner,

v.

TED R PAPAS, TRUSTEE

Respondent.

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents' mailing address is: 12620 SE 28th Ave., Milwaukie, OR
97222

2.

The address or location of the violations of law alleged in this Complaint
is: 12620 SE 28th Ave., Milwaukie, OR 97222 also known as T2S, R1E, Section
01BA, Tax Lot 02100, and is located in Clackamas County, Oregon.

3.

On or about the 5th day of January 2022, Respondent violated the
following laws, in the following ways:

Respondents violated Section 9.02.040(A,B C,D,E) of the Clackamas
County Chapter 9.02 Application and Enforcement of the Clackamas County
Building Code by allowing construction on the structure without ongoing
inspections and expired permits. The extra electrical meters are not in

accordance with the approved construction plans, on the above referenced property.

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: Administrative Citation No. 2200022-1 in the amount of \$100.00 was mailed first class mail on September 8, 2022. A copy of the notice document is attached to this Complaint as Exhibit N, 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 \$1000.00 per occurrence as provided by Appendix B to the Clackamas County Code;

3. Pursuant to Clackamas County Code Section 2.07.090, ordering 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 28th day of November 2022.

A handwritten signature in black ink, appearing to be 'H. J. ...', is written over a light gray rectangular background.

Code Enforcement Specialist
for Clackamas County

COUNTY OF CLACKAMAS,

Petitioner,

File No.: V0002222

v.

TED PAPAS, TRUSTEE,

STATEMENT OF PROOF

Respondent.

History of Events and Exhibits:

January 24, 2022 Exhibit A	Clackamas County received a complaint about the construction on site without active permits. The property is owned by Ted Papas, Trustee.
January 25, 2022 Exhibit B	The permit history was reviewed and it was found that there are expired permits.
January 25, 2022 Exhibit: C	A Notice of Violation was mailed containing a statement of the facts regarding the building code violations on the property. The Notice requested all permits to be renewed and receive all required inspections including final approved inspections.
January 25, 2022	An individual named Reno came into the Building Codes lobby and renewed the expired permits.
May 26, 2022 Exhibit: D	The County received a complaint that 5 electric meters had been placed for 5 different units labeled A-E. Photos were provided by the complainant.
May 27, 2022 Exhibit: E	Building Inspector Travis Wright inspected the property and found it to be in violation.
July 5, 11-12, 2022	Code Enforcement Specialist (CES) Kimberly Benthin received a voice mail message from the Respondent. He stated he has no idea what this is about. The Respondent also left a voice mail message on July 11, 2022. CES Benthin returned his call and left a message on July 12.
July 15, 2022	CES Benthin received a voice mail message from Reno Joesen. He stated that the Respondent shared a letter with him and Reno is

trying to get the subs back on track to get the project finished. Reno would also like to clarify the violations.

- July 18, 2022 CES Benthin received a voice mail message from Reno Joesen. He stated he is the Respondent's maintenance man at this address. He stated they have had no correspondence on what the violations are and he has been off the site for awhile. He has plans to meet with subs on August 3-4.
- July 18, 2022 Exhibit: F An updated violation notice including the newly installed meters was mailed to the Respondent.
- July 18, 2022 CES Benthin phoned Reno Joeson. She explained the details of the violations that include the recently installed meters for 5 units and no inspections. Mr. Joeson explained that there are not 5 units they just wanted separate meters to have separation for family members to be independent. CES Benthin explained that the County believes there are 5 units there as the Respondent likely originally intended. At the time of permit submittal there was no way for the Zoning to approve 5 units. That has changed and he may be able to have 4 units or more. Reno stated that he will speak with the Respondent and look into this and asked that he receive a copy of the recent violation notice by email.
- July 19, 2022 Exhibit: G Emails were exchanged between the Respondent's representatives and County staff in exploration of permitting several units.
- July 20, 2022 Exhibit: H Email discussion between the Respondent's representatives and County staff continued in regarding next steps to authorize several units in place of the approved plan of a single family residence with an accessory dwelling unit.
- August 1, 2022 Exhibit: I Emails continued with Respondent's representative Derek Marty regarding the option of authorizing the single family residence/adu into several units.
- August 15-19, 2022 Exhibit: J Respondent's representative and CES Benthin exchanged emails regarding the status of the meters.
- August 22, 2022 Exhibit: K A third violation notice was mailed to the Respondent requesting renewal of permits and obtaining inspections not later than September 6, 2022.

- September 8, 2022 CES Benthin was not contacted by the Respondent nor his representatives. No further inspections have occurred and all permits related with the construction are expired.
- September 8, 2022
Exhibit: L Citation #2200022-1 issued for the building code violation sent via first class mail. The first class mail was not returned. This citation has not been paid.
- November 8, 2022 The construction permits have not been renewed. No inspections have been scheduled for the permits.
- November 17, 2022
Exhibit: M A site inspection occurred and photos of the structures elevations were taken.
- November 18, 2022
Exhibit: N The November 17th photos taken of the site were shared with Plans Examiner Robert Morris. He had identified items that need to be addressed.
- November 22, 2022 After a review of County records revealed permits for the construction project on this property remain expired and without approved final inspections, the matter was referred to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of the building code exists on the subject property, the County would request a Continuing Order be issued requiring the Respondent to complete the following:

- Renew all permits associated with the structure within 15 days of the date of the Continuing Order.
- Schedule an inspection to be completed for each permit within 30 days of the date of the Continuing Order.
- All deviations of the approved construction plans must be remedied. The actions to resolve these issues must be completed within 45 days of the inspections. The actions may include but not limited to: submitting plan revisions, modifying portions of the structure on site, and removing portions of the structure on site.
- All inspections including final approved inspections must be obtained for all permits related to the structure.

The County will submit a timely 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:

- Payment of Citation #2200022-1 for \$100.00

- The imposition of civil penalties of up to \$1,000.00
 - The administrative compliance fee to be imposed from January 25, 2022 until the violations are abated.
-
- 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.

80

Clackamas County Official Records
Sherry Hall, County Clerk

2009-087674



\$57.00

12/22/2009 09:11:22 AM

D-D Cnt=1 Stn=9 DIANNAW
\$15.00 \$10.00 \$16.00 \$16.00

3

Grantor:
Ted Papas

Grantees:
Ted Papas, Trustee

After recording return to:
Robert E. Kabacy
Kell, Alterman & Runstein, L.L.P.
520 SW Yamhill St., Suite 600
Portland, Oregon 97204

Until a change is requested, all tax
statements shall be sent to:
No change

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that Ted Papas, hereinafter called grantor, does hereby grant, bargain, sell, and convey unto Ted Papas, Trustee of the Papas Qualified Personal Residence Trust II U/D/T November 30, 2009, and any amendments thereto, hereinafter called grantee, all of his right, title, and interest in that certain real property with the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, commonly known as 12620 SE 28th Avenue, in the City of Milwaukie, County of Clackamas, State of Oregon, as described on Schedule A attached hereto and incorporated herein by this reference.

The consideration for this transfer is love and affection for children. (Transfer to a qualified personal residence trust).


TS BS

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

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. 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.

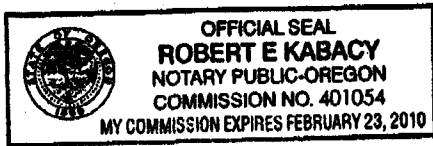
IN WITNESS WHEREOF, the grantor has executed this instrument on November 30, 2009.

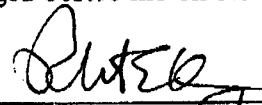


Ted Papas

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on November 30, 2009, by Ted Papas.





Notary Public, State of Oregon
My commission expires 2/23/2010

EXHIBIT A

LEGAL DESCRIPTION:

21E01BA 02100 IN CLATSOP COUNTY
PART OF LOT 7, IN BLOCK 53, AND PART OF LOT 3, IN BLOCK 58, MILWAUKIE HEIGHTS, DESCRIBED AND STATE OF
AS FOLLOWS: OREGON

BEGINNING AT A POINT ON THE EAST LINE OF BLOCK 58, MILWAUKIE HEIGHTS, WHICH IS 248.11 FEET NORTHERLY FROM THE SOUTHEAST CORNER OF BLOCK 53 IN SAID MILWAUKIE HEIGHTS; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID BLOCKS 58 AND 53, 135.11 FEET; THENCE SOUTH 88° 55' WEST 21.0 FEET; THENCE SOUTH 81° 17' WEST, 143.86 FEET; THENCE NORTH 1° 07' WEST, 105 FEET, MORE OR LESS, TO THE NORTH LINE OF THE TRACT CONVEYED TO HUBERT M. DUNN, ET UX, BY DEED RECORDED OCTOBER 10, 1961, IN BOOK 593, PAGE 480, DEED RECORDS; THENCE NORTHEASTERLY 175 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF 13TH STREET AS SHOWN ON THE PLAT OF MILWAUKIE PARK, WITH THE SOUTH LINE OF BLOCK 53, MILWAUKIE HEIGHTS; THENCE NORTH ON THE EXTENDED LINE OF 13TH STREET TO THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH 81° 07' WEST ON THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL AND EXTENSION THEREOF, TO A POINT WHICH IS SOUTH 88° 55' WEST 30 FEET TO THE EXTENDED EAST LINE OF 13TH STREET; THENCE SOUTH PARALLEL WITH THE EXTENDED EAST LINE OF 13TH STREET TO THE SOUTH LINE OF SAID BLOCK 53; THENCE NORTH 88° 55' EAST 30 FEET ON THE SOUTH LINE OF SAID BLOCK 53, TO THE POINT OF BEGINNING.

Permit Matrix for 12620 SE 28th Ave 21E01BA02100

Permit #	Record Status	Description	Opened	Issued	Last Date of Inspection	Comment
E0420320	Issued	low voltage - add data cabling	8/18/2020	8/18/2020	8/25/2020	1 inspection occurred
B0317820	Expired	EPR - NFPA 13D FIRE SPRINKLERS	7/16/2020	8/6/2020		No inspections have occurred
B0226617	Expired	NEW SINGLE FAMILY W/ADU TO REPLACE SFR	5/8/2017	12/28/2017	6/17/2020	18 inspections
E0255417	Issued	RENO OF EXISTING HOUSE INCLUDING ADDITION AND ATTACHED ADU & GARAGE	5/8/2017	12/28/2017	8/25/2020	1 inspection Rough-In only
P0101717	Expired	RENO OF EXISTING HOUSE INCLUDING ADDITION AND ATTACHED ADU & GARAGE	5/8/2017	12/28/2017	6/17/2020	6 inspections have occurred
E0042017	Final	TEMPORARY ELECTRICAL SERVICE 200 AMP OR LESS	1/24/2017			
Z0320-16	Approved	CONSTRUCTION MANAGEMENT PLAN FOR NEW ADDITION TO EXISTING HOUSE INCLUDING ATTACHED GARAGE/STORAGE W/ADU (ADU 720 SQ FT) ABOVE GARAGE/STORAGE AND STAIRS ON WEST SIDE.	5/31/2016			

January 25, 2022

Violation File: V0002222

Ted Papas Trustee
12620 SE 28th Ave
Milwaukie, OR 97222

**Subject: Violations of the Clackamas County Building Code
Chapter 9.02.040(A, B, C, D, E)**

Site Address: 12620 SE 28th Ave, Milwaukie, OR 97222
Legal Description: T2S, R1E, Section 01BA, Tax Lot 02100

It has come to the attention of Clackamas County Code Enforcement that the remodel and addition at the above referenced address has not had any inspections since June 21, 2021 and all related permits are expired. However, the construction continues. This is a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate the violations, please complete the following **not later than February 24, 2022**:

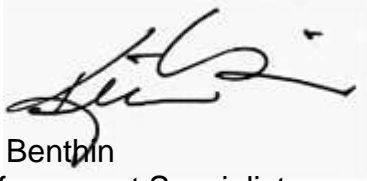
- Please renew all related permits:
 - E0420320 Expired
 - B0317820 Expired
 - B0226617 Expired
 - E0255417 Expired
 - P0101717 Expired
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

It is also possible to abate the violations by removing the unpermitted construction. Please be advised that if you choose to do so – you may still be required to obtain permits to confirm the remaining construction and utilities are code compliant.

If you have any questions concerning the building permit requirements, renewal or the online submittal process, please contact the Building Codes Division at 503-742-4240, or via email at bldservice@clackamas.us . You may also find information on the County's website at <https://www.clackamas.us/building>.

You may visit the County's offices at 150 Beaver Creek Road, Development Services Building, Oregon City. The lobby hours are open between the hours of 8 a.m. to 4 p.m., Monday – Thursday and on Fridays 8 a.m. to 3 p.m. The public is encouraged to take advantage of the services available online, by phone or by email. It is recommended that you check the Clackamas County webpage for hours of operation before visiting.

If you have any questions for me, you may call me at 503-742-4457 or my email is kimben@co.clackamas.or.us.

A handwritten signature in black ink, appearing to read 'Kimberly Bentlin', is centered above the typed name.

Kimberly Bentlin
Code Enforcement Specialist
Code Enforcement Section

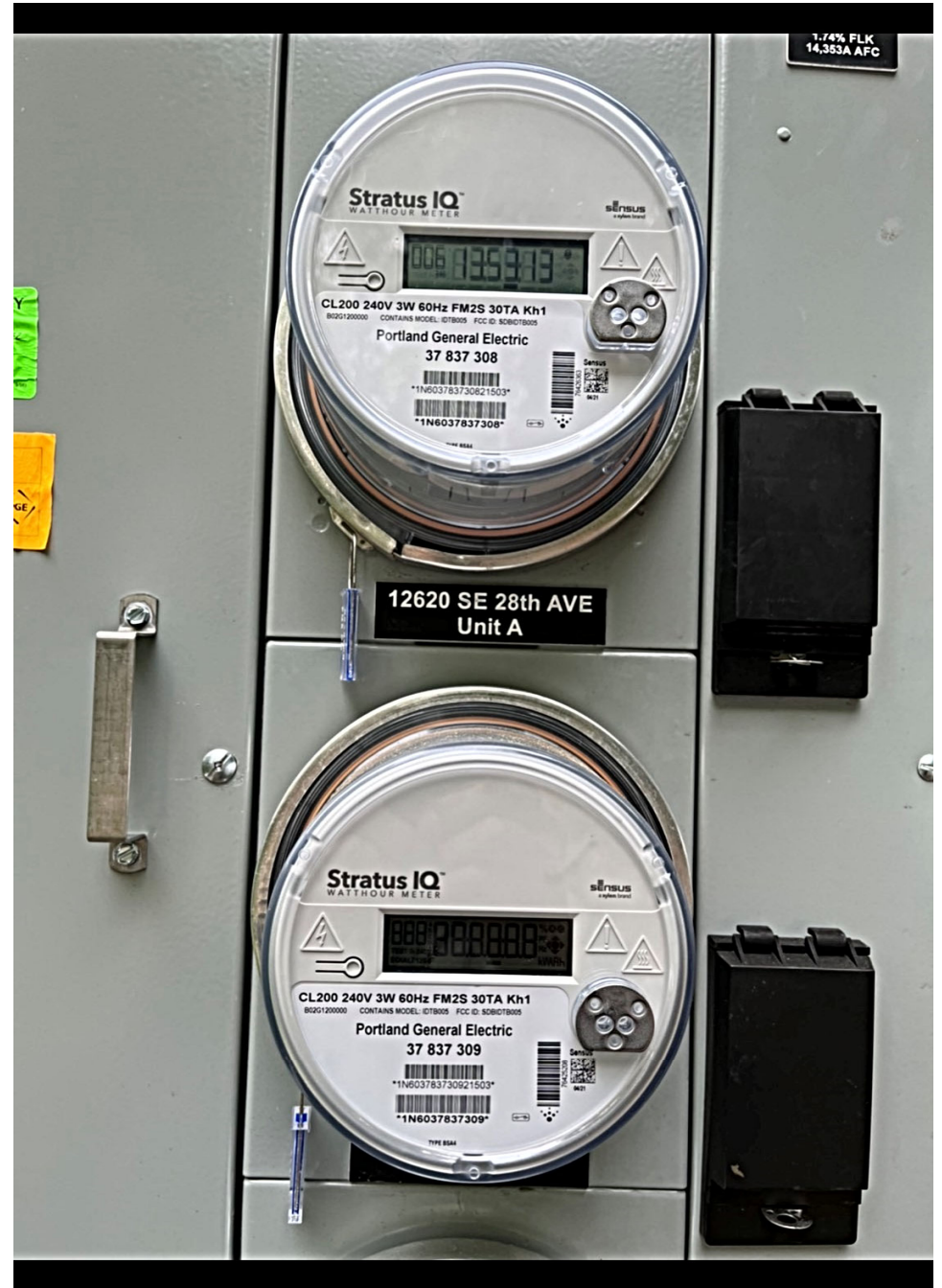
Important Notices

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









Clackamas County

150 Beaver Creek Rd
Oregon City, OR 97045

Tel: Inspection: 503-742-4720

Location:

12620 SE 28TH AVE MILWAUKIE OR 97222

Inspection Date:

Fri, 27 May 2022

Record Type:

Code Enforcement - Violation

Record ID:

V0002222

Inspection Type:

270 Miscellaneous/Consultation

Inspector:

Travis Wright

Inspector Phone:

503-347-9224

Inspector Email:

TWright@clackamas.us

Result:

In Violation

Submit Time:

Fri, 27 May 2022 10:24:AM

Comments:

5 electrical meter heads have been installed on the single family residence. R102.2

This residence was approved as a single family dwelling with an ADU not 5 separate dwelling unit. R106.4

July 18, 2022

Violation File: V0002222

Ted Papas Trustee
12620 SE 28th Ave
Milwaukie, OR 97222

**Subject: Violations of the Clackamas County Building Code
Chapter 9.02.040(A, B, C, D, E)**

Site Address: 12620 SE 28th Ave, Milwaukie, OR 97222
Legal Description: T2S, R1E, Section 01BA, Tax Lot 02100

As you are aware, a violation notice was mailed in January 2022 regarding the expired permits. Some of the building permits were renewed but not all. Many of the permits have not received inspections and will expire soon.

Most recently it has come to the attention of Clackamas County Code Enforcement that construction on site is not in accordance with the approved plans of the issued permits. The permits you obtained are for a single family residence and an Accessory Dwelling Unit. However, a recent inspection, confirmed that there are 5 dwelling units. This is a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate the violations, please complete one of the following options **not later than August 18, 2022**:

- Please submit, or have your professional submit, plan revisions **and/or** new building permit applications, technically complete plans and appropriate fees.
 - The permits must have fees paid in full within ten days of your being notified by Building Codes that they are ready.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permits.

Or:

- Please return the construction and installation of utilities to be in accord with the approved issued plans.
 - Please schedule an inspection with me **not later than August 18, 2022** in order that we can confirm compliance.

This work may possibly require a Certificate of Occupancy to be completed.

The submitted building permit documents will be subject to the review and approval of the Planning and Zoning Division. The construction and use must meet the requirements and standards of the zoning district applied to the subject property. If you have questions please contact: Planning and Zoning Division at 503-742-4500 or zoninginfo@clackamas.us.

If you have any questions concerning the building permit requirements and submittals or the online submittal process, please contact the Building Codes Division at 503-742-4240, or via email at bldservice@clackamas.us . You may also find information on the County's website at <https://www.clackamas.us/building>.

You may visit the County's offices at 150 Beaver Creek Road, Development Services Building, Oregon City. The lobby hours are open between the hours of 8 a.m. to 4 p.m., Monday – Thursday. The building lobby hours for Friday will be discontinued soon. The public is encouraged to take advantage of the services available online, by phone or by email. It is recommended that you check the Clackamas County webpage for hours of operation before visiting.

If you have any questions for me, you may call me at 503-742-4457 or my email is kimben@co.clackamas.or.us.



Kimberly Benthin
Code Enforcement Specialist
Code Enforcement Section

Important Notices

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

Benthin, Kim

From: derek djmdevelopment.com <derek@djmdevelopment.com>
Sent: Tuesday, July 19, 2022 6:18 PM
To: ZoningInfo
Cc: Benthin, Kim; Ted Papas; renojoeson@gmail.com; Building Public Service
Subject: Re: 12620 SE 28th ave Milwaukie- V0002222 property owners response
Attachments: image004.jpg; image001.jpg; image002.jpg; z0320-16-cmp papas decision.pdf

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

Nothings changed

Sent from my iPhone

On Jul 19, 2022, at 6:03 PM, ZoningInfo <zoninginfo@clackamas.us> wrote:

The zoning of this property is R10 which allows one ADU on the property pursuant to ZDO Section 839:
<https://dochub.clackamas.us/documents/drupal/f7bbf150-a067-4e9e-a7ca-27fd02ef1d83>

Provided that the development plans will not impact the Habitat Conservation Area more than what was allowed in land use approval Z0320-16 (attached) then no new land use permit will be required to obtain new building permits for the dwelling and ADU.

Thank you,

Melissa Lord
(she/her)

Customer Service
Clackamas County Planning and Zoning Division | zoninginfo@clackamas.us | 503 742-4500
150 Beaver Creek Rd | Oregon City | OR 97045

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

From: derek [djmdevelopment.com](mailto:derek@djmdevelopment.com) [mailto:derek@djmdevelopment.com]
Sent: Tuesday, July 19, 2022 1:58 PM
To: ZoningInfo <ZoningInfo@clackamas.us>; bldservices@clackamas.us; Benthin, Kim <KimBen@clackamas.us>
Cc: Ted Papas <tpapas48@gmail.com>; renojoeson@gmail.com
Subject: 12620 SE 28th ave Milwaukie- V0002222 property owners response

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

To whom it concerns,

I have reviewed the letter and met with my client Mr. Papas and his general contractor Reno... The original building permit is one single-family dwelling with an ADU... which has not changed and has been built according to the original plans with a few modifications which were approved and involved Clackamas county also we originally wanted to separate the floors with doors which would have locks and separate entrance through the shared staircase however at that time the county would not allow us to... So I would like to confirm with all of you that if this is possible we will pursue that... we would need to do some redesign with our architect and design team so would need some time and want to make sure that we're not getting penalized along the way...

please get back to me at your earliest convenience many thanks!

Derek J. Marty

Owners representative for Ted Papas

360-870-7760 cell

Sent from my iPhone

Benthin, Kim

From: Morris, Robert
Sent: Tuesday, July 19, 2022 3:32 PM
To: derek@djmdevelopment.com
Cc: tpapas48@gmail.com; renojoeson@gmail.com; Nesbitt, Lindsey; Carlson, Richard; Benthin, Kim
Subject: RE: 12620 SE 28th ave Milwaukie- V0002222 property owners response

Hello Derek,

I suggest verifying with Planning whether this concept will be acceptable, and if so: A new commercial building permit will be needed, as it would result in a 5-plex (R-2 occupancy, much like an apartment building) which must be regulated under the OSSC (aka: "commercial code"). The OSSC will add a number of additional requirements, including (but not limited to):

- 1hr fire separation between units and related penetration firestopping + fire dampers at ducts where they cross separation walls and floor/ceilings.
- 1hr fire barrier walls around the common, interior exit stairway.
- NFPA 13R fire sprinkler system (the current/expired sprinkler permit is designed only for NFPA 13D), which also requires protecting exterior decks/patios.
- Type B accessible unit(s) on the ground floor in accordance with ICC A117.1-2009, Section 1004 (may require reconfiguration of kitchens and bathrooms for the ground floor units)
- Accessible exterior routes and parking.
- 100psf live load for shared corridors and stairs.
- Max. riser height for stairs: 7", min. tread depth: 11" + handrails on both sides and min. guard height of 42".

I do not know how far the construction of this building has already progressed, but at least some of the elements which have already been constructed will likely need to be demolished and reconstructed in order to meet commercial code requirements for this structure. I strongly suggest hiring an architect to help determine the feasibility and potential cost of such a change, and to help provide the rather complex plans which will be required to make this change at this stage of the project (I recall that the architectural plans were drawn by an unregistered draftsman, not an Oregon registered architect). I also recall that Sean Ramstead was the project engineer, who will be needed to redesign the common stairways/hallways for 100psf live loading (in addition to any other structural changes needed due to this redesign).

If you have questions regarding building code requirements, please feel free to contact me directly.

Best Regards,

Robert Morris
Commercial Plans Examiner
Clackamas County - Transportation and Development
Building Codes Division
RMorris@clackamas.us
971-378-9764
150 Beaver Creek Rd., Oregon City, OR 97045

My regular work schedule is Monday through Friday, from 7:30 AM to 4:00 PM

Were you happy with the service you received today?



CLICK A SMILEY

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From: Carlson, Richard <richardcar@clackamas.us>
Sent: Tuesday, July 19, 2022 2:38 PM
To: Morris, Robert <RMorris@clackamas.us>
Subject: FW: 12620 SE 28th ave Milwaukie- V0002222 property owners response

Looks like your review.

From: derek djmdevelopment.com <derek@djmdevelopment.com>
Sent: Tuesday, July 19, 2022 2:05 PM
To: Carlson, Richard <richardcar@clackamas.us>
Subject: Fwd: 12620 SE 28th ave Milwaukie- V0002222 property owners response

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

Sent from my iPhone

Begin forwarded message:

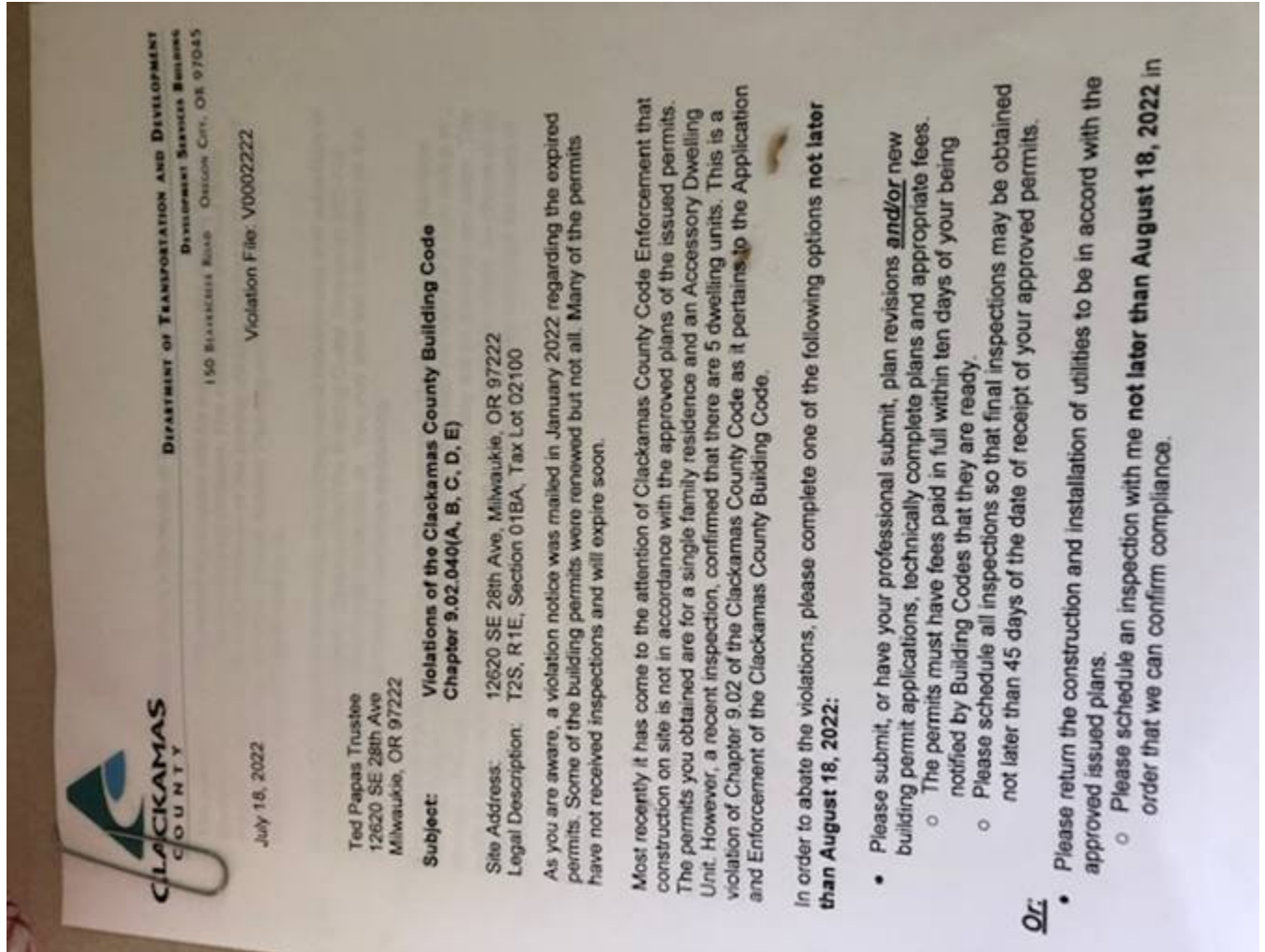
From: "derek [djmdevelopment.com](mailto:derek@djmdevelopment.com)" <derek@djmdevelopment.com>
Date: July 19, 2022 at 1:57:48 PM PDT
To: ZoningInfo <zoninginfo@clackamas.us>, bldservices@clackamas.us,
kimben@co.clackamas.or.us
Cc: Ted Papas <tpapas48@gmail.com>, renojoeson@gmail.com
Subject: 12620 SE 28th ave Milwaukie- V0002222 property owners response

To whom it concerns,

I have reviewed the letter and met with my client Mr. Papas and his general contractor Reno... The original building permit is one single-family dwelling with an ADU... which has not changed and has been built according to the original plans with a few modifications which were approved and involved Clackamas county also we originally wanted to separate the floors with doors which would have locks and separate entrance through the shared staircase however at that time the county would not allow us to... So I would like to confirm with all of you that if this is possible we will pursue that... we would need to do some redesign with our architect and design team so would need some time and want to make sure that we're not getting penalized along the way...

please get back to me at your earliest convenience many thanks!

Derek J. Marty
Owners representative for Ted Papas
360-870-7760 cell



Benthin, Kim

From: derek djmdevelopment.com <derek@djmdevelopment.com>
Sent: Thursday, July 21, 2022 3:08 PM
To: ZoningInfo
Cc: Benthin, Kim; Building Public Service
Subject: Re: Violation File # V0002222 12620 SE 28th Av B0226617

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

Many thanks I will research this info and send it to our design team and I will try to figure this out as soon as possible everybody's super busy so I'm guessing it'll probably take 2 to 4 weeks...

Sent from my iPhone

On Jul 21, 2022, at 6:39 AM, ZoningInfo <zoninginfo@clackamas.us> wrote:

Hi Derek,

You may apply for a quadplex but you would need to comply with 4 off street parking and other applicable middle housing development which can be found here: [ZDO845 \(clackamas.us\)](https://clackamas.us/ZDO845). We suggest you talk to the Building Codes Division to see if this is feasible from a building code standpoint and what would be require from their division.

Thank you!

Customer Service

Clackamas County Planning & Zoning
150 Beaver Creek Rd
Oregon City, OR 97045
Tel: 503-742-4500
Annabelle Lind – Planner I



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 Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m.

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

Were you happy with the service you received today?



CLICK A SMILEY

From: derek djmdevelopment.com <derek@djmdevelopment.com>
Sent: Wednesday, July 20, 2022 4:36 PM
To: ZoningInfo <ZoningInfo@clackamas.us>
Subject: Fwd: Violation File # V0002222 12620 SE 28th Av B0226617

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

Fyi below

Sent from my iPhone

Begin forwarded message:

From: "Blessing, Ben" <BBlessing@clackamas.us>
Date: July 20, 2022 at 4:34:49 PM PDT
To: "derek djmdevelopment.com" <derek@djmdevelopment.com>
Subject: RE: Violation File # V0002222 12620 SE 28th Av B0226617

Please contact Zoninginfo@clackamas.us They can help you for detailed questions.

Not sure what happened here or why it was sent to me, but apologies

Thanks,

Ben Blessing
Sr. Planner, CFM
Clackamas County – Transportation & Development
Planning and Zoning Division
bblessing@clackamas.us

503-742-4521
150 Beaver Creek Road, Oregon City, 97045

Week A: M-F, 8a-6p (except 8a-5p on Friday)
Week B: M-Thurs, 8a-6p



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From: derek [djmdevelopment.com](mailto:derek@djmdevelopment.com) <derek@djmdevelopment.com>
Sent: Wednesday, July 20, 2022 3:11 PM
To: Blessing, Ben <BBlessing@clackamas.us>
Subject: Fwd: Violation File # V0002222 12620 SE 28th Av B0226617

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

?

Sent from my iPhone

Begin forwarded message:

From: "derek [djmdevelopment.com](mailto:derek@djmdevelopment.com)" <derek@djmdevelopment.com>
Date: July 20, 2022 at 1:22:41 PM PDT
To: "Benthin, Kim" <KimBen@clackamas.us>
Cc: Ted Papas <tpapas48@gmail.com>, renojoeson@gmail.com
Subject: Re: Violation File # V0002222 12620 SE 28th Av B0226617

Thanks Kim I will follow up on that and get back to you

Sent from my iPhone

On Jul 20, 2022, at 1:18 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Derek,

I recommend you contact the Planning and Zoning Division (503-742-4500 or zoninginfo@clackamas.us) and ask specifically what are the **middle housing options** available to you to convert permit # B0226617 from a SFR/ADU into a 5 dwelling unit structure.

Once you have clear direction from Zoning and Planning regarding your options – then you will need to attend to the Building Code concerns- relevant to the path your team chooses for compliance.

Kimberly Benthin
Code Enforcement Specialist

kimben@clackamas.us
503-742-4457

My office hours are Monday through Friday from 7am to 4:30 pm.

Were you happy with the service you received today?



Benthin, Kim

From: derek djmdevelopment.com <derek@djmdevelopment.com>
Sent: Wednesday, July 20, 2022 11:35 AM
To: Morris, Robert
Cc: Benthin, Kim; Ted Papas; renojoeson@gmail.com; Nesbitt, Lindsey; Carlson, Richard; CCFD1 - Engineering
Subject: Re: 12620 SE 28th ave Milwaukie- V0002222 property owners response

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

Yes will do thanks

Sent from my iPhone

On Jul 20, 2022, at 11:34 AM, Morris, Robert <RMorris@clackamas.us> wrote:

Hi Derek,

I also suggest contacting Clackamas Fire District to determine whether there will be changes to their requirements regarding access and water supply, as their previous approval was only for a two-family dwelling (not an apartment house).

Best Regards,

Robert Morris
Commercial Plans Examiner
Clackamas County - Transportation and Development
Building Codes Division
RMorris@clackamas.us
971-378-9764
150 Beavercreek Rd., Oregon City, OR 97045

My regular work schedule is Monday through Friday, from 7:30 AM to 4:00 PM

Were you happy with the service you received today?



CLICK A SMILEY

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From: derek [djmdevelopment.com](mailto:derek@djmdevelopment.com) <derek@djmdevelopment.com>
Sent: Wednesday, July 20, 2022 10:25 AM
To: Morris, Robert <RMorris@clackamas.us>
Cc: Benthin, Kim <KimBen@clackamas.us>; Ted Papas <tpapas48@gmail.com>; renojoeson@gmail.com;
Nesbitt, Lindsey <LNesbitt@clackamas.us>; Carlson, Richard <richardcar@clackamas.us>
Subject: Re: 12620 SE 28th ave Milwaukie- V0002222 property owners response

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

Thanks Robert

That is my plan right after I hear from the zoning and planning people regardless it might not be cost feasible with all the changes you mentioned really appreciate your input

Derek

Sent from my iPhone

On Jul 20, 2022, at 10:22 AM, Morris, Robert <RMorris@clackamas.us> wrote:

Hello Derek,

As I had conveyed yesterday, there will be significant changes to the code requirements and standards which apply to this building if it is converted to include 5 separate dwelling units... as it would be considered an R-2 occupancy (similar to an apartment house) requiring new permit applications for:

- commercial building (no longer regulated under the ORSC - must comply with the OSSC)
- commercial mechanical (no longer regulated under the ORSC - must comply with the OMSC)
- commercial fire sprinklers (NFPA13R sprinkler system required, rather than the NFPA 13D system which was previously permitted)
- commercial fire alarm (required for sprinkler monitoring by an approved supervising station per OSSC 901.6)

Again, I strongly suggest hiring an Oregon registered architect to help determine the feasibility and potential cost of such a change, and if the change is pursued: To help provide the rather complex plans which will be required to make this change at this stage of the project.

Sincerely,

Robert Morris

Commercial Plans Examiner
Clackamas County - Transportation and Development
Building Codes Division
RMorris@clackamas.us
971-378-9764
150 Beaver Creek Rd., Oregon City, OR 97045

My regular work schedule is Monday through Friday, from 7:30 AM to 4:00 PM

Were you happy with the service you received today?



CLICK A SMILEY

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From: derek [djmdevelopment.com](mailto:derek@djmdevelopment.com) <derek@djmdevelopment.com>
Sent: Wednesday, July 20, 2022 9:53 AM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: Ted Papas <tpapas48@gmail.com>; renojoeson@gmail.com; Morris, Robert <RMorris@clackamas.us>; Nesbitt, Lindsey <LNesbitt@clackamas.us>
Subject: Re: 12620 SE 28th ave Milwaukie- V0002222 property owners response

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

Also as I discussed yesterday with Robert Morris those meters were part of our original plan however as I said in my previous email the county would not allow us to separate the floors at that time... Obviously a lot has changed in many jurisdictions around Portland in regards to making more affordable housing available...

Sent from my iPhone

On Jul 20, 2022, at 9:50 AM, derek [djmdevelopment.com](mailto:derek@djmdevelopment.com) <derek@djmdevelopment.com> wrote:

Thanks again Kim we definitely are trying to mitigate these violations with you guys and coordinate please let us know as soon as you hear back from zoning and planning as we are holding waiting to see how to proceed with our design team

Sent from my iPhone

On Jul 20, 2022, at 9:46 AM, Benthin, Kim
<KimBen@clackamas.us> wrote:

Derek,

Please be advised that when the 5 separate meters were installed – the violation file was opened. Additionally, some of the permits for the SFR/ADU are currently expired.

It appears there are two main options to gain compliance:

Renew all permits obtain inspections and make code compliant with the original issued permits for SFR/ADU.

Or:

Submit new permits or modifications to the original permits to make the SFR/ADU into more units – but it must be compliant with the Planning and Zoning requirements.

As I stated in a prior email – I am checking in with Planning and Zoning regarding the email they sent you yesterday. In the meantime, administrative compliance fees will continue to accrue on the violation file. If you and or the owner wish to mitigate violation fees – it is possible to do so – if you cooperatively and timely work to abate the violations.

Kimberly Benthin
Code Enforcement Specialist

kimben@clackamas.us

503-742-4457

My office hours are Monday through Friday from 7am to 4:30 pm.

Were you happy with the service you received today?



From: derek djmdevelopment.com
<derek@djmdevelopment.com>

Benthin, Kim

From: Benthin, Kim
Sent: Monday, August 1, 2022 12:09 PM
To: 'derek djmdevelopment.com'
Cc: Ted Papas; renojoeson@gmail.com; Nesbitt, Lindsey; Carlson, Richard; Morris, Robert
Subject: RE: 12620 SE 28th ave Milwaukie- V0002222 property owners response

Derek,

You may have forgotten – but you did receive the email . You responded to Planning and Zonings email on July 21st stating: “ Many thanks I will research this info and send it to our design team and I will try to figure this out as soon as possible everybody’s super busy so I’m guessing it’ll probably take 2 to 4 weeks...”

Please remember that the deadline for the property owner to abate the building code violations is August 18, 2022.

Kimberly Benthin
Code Enforcement Specialist

kimben@clackamas.us
503-742-4457

My office hours are Monday through Friday from 7am to 4:30 pm.

Were you happy with the service you received today?



From: derek djmdevelopment.com <derek@djmdevelopment.com>
Sent: Monday, August 1, 2022 10:02 AM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: Ted Papas <tpapas48@gmail.com>; renojoeson@gmail.com; Nesbitt, Lindsey <LNesbitt@clackamas.us>; Carlson, Richard <richardcar@clackamas.us>; Morris, Robert <RMorris@clackamas.us>
Subject: Re: 12620 SE 28th ave Milwaukie- V0002222 property owners response

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

Sorry I miss the one that we could apply for a quad plex or couldn't find it either way we're looking into that option first before we remove the meters many thanks!

Sent from my iPhone

On Aug 1, 2022, at 9:58 AM, Benthin, Kim <KimBen@clackamas.us> wrote:

Derek,

Your question was answered by Zoning and Planning in an email.

On July 20th Plans Examiner Robert Morris sent an email to you lining out numerous significant changes that would need to be addressed.

Also on July 20th you responded to Robert's email and stated: "Thanks Robert, That is my plan right after I hear from the zoning and planning people regardless it might not be cost feasible with all the changes you mentioned really appreciate your input. Derek"

On July 21, the Planning and Zoning email stated:

"You may apply for a quadplex but you would need to comply with 4 off street parking and other applicable middle housing development which can be found here: ZDO845 (clackamas.us). We suggest you talk to the Building Codes Division to see if this is feasible from a building code standpoint and what would be require from their division."

I am not certain why you are experiencing a roadblock? What question(s) are you asking Zoning and Planning?"

Kimberly Benthin
Code Enforcement Specialist

kimben@clackamas.us
503-742-4457

My office hours are Monday through Friday from 7am to 4:30 pm.

Were you happy with the service you received today?



From: derek djmdevelopment.com <derek@djmdevelopment.com>
Sent: Monday, August 1, 2022 9:34 AM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: 12620 SE 28th ave Milwaukie- V0002222 property owners response

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

Kim

Please check on the conversion for me I'm having a roadblock trying to get through planning they say they've never heard of it very strange please get back to me after many thanks!
Derek

Sent from my iPhone

On Jul 20, 2022, at 9:46 AM, Benthin, Kim <KimBen@clackamas.us> wrote:

Derek,

Please be advised that when the 5 separate meters were installed – the violation file was opened.

Additionally, some of the permits for the SFR/ADU are currently expired.

It appears there are two main options to gain compliance:

Renew all permits obtain inspections and make code compliant with the original issued permits for SFR/ADU.

Or:

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As I stated in a prior email – I am checking in with Planning and Zoning regarding the email they sent you yesterday. In the meantime, administrative compliance fees will continue to accrue on the violation file. If you and or the owner wish to mitigate violation fees – it is possible to do so – if you cooperatively and timely work to abate the violations.

Kimberly Benthin
Code Enforcement Specialist

kimben@clackamas.us

503-742-4457

My office hours are Monday through Friday from 7am to 4:30 pm.

Were you happy with the service you received today?



From: derek djmdevelopment.com <derek@djmdevelopment.com>

Sent: Tuesday, July 19, 2022 1:58 PM

To: ZoningInfo <ZoningInfo@clackamas.us>; bldservices@clackamas.us; Benthin, Kim <KimBen@clackamas.us>

Cc: Ted Papas <tpapas48@gmail.com>; renojoeson@gmail.com

Subject: 12620 SE 28th ave Milwaukie- V0002222 property owners response

Benthin, Kim

From: derek djmdevelopment.com <derek@djmdevelopment.com>
Sent: Friday, August 19, 2022 9:14 AM
To: Benthin, Kim
Subject: Re: 12620 SE 28th ave Milwaukie- V0002222 property owners response

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

Fyi I should have a confirmation email from Ted and PGE soon he called yesterday morning first thing to have 3 removed

Sent from my iPhone

On Aug 15, 2022, at 9:07 AM, derek [djmdevelopment.com](mailto:derek@djmdevelopment.com) <derek@djmdevelopment.com> wrote:

Two one for the House one for the ADU according to Robert that's what we are permitted

Sent from my iPhone

On Aug 15, 2022, at 9:06 AM, Benthin, Kim <KimBen@clackamas.us> wrote:

But that leaves two remaining? Or three?

Kimberly Benthin
Code Enforcement Specialist

kimben@clackamas.us
503-742-4457

My office hours are Monday through Friday from 7am to 4:30 pm.

Were you happy with the service you received today?



CLICK A SMILEY

From: derek [djmdevelopment.com](mailto:derek@djmdevelopment.com) <derek@djmdevelopment.com>
Sent: Monday, August 15, 2022 8:27 AM
To: Benthin, Kim <KimBen@clackamas.us>

Cc: Ted Papas <tpapas48@gmail.com>; renojoeson@gmail.com; Nesbitt, Lindsey <LNesbitt@clackamas.us>; Carlson, Richard <richardcar@clackamas.us>; Morris, Robert <RMorris@clackamas.us>

Subject: Re: 12620 SE 28th ave Milwaukie- V0002222 property owners response

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

Kim just giving you an update we will be calling/contacting PGE today to have them scheduled to come remove the three additional meters not sure if they will be there and have done by the 18th but I will get you a confirmation of scheduling by then
I asked Reno to contact the same people who installed them...
Derek

Sent from my iPhone

On Aug 1, 2022, at 12:09 PM, Benthin, Kim
<KimBen@clackamas.us> wrote:

Derek,

You may have forgotten – but you did receive the email . You responded to Planning and Zonings email on July 21st stating: “ Many thanks I will research this info and send it to our design team and I will try to figure this out as soon as possible everybody’s super busy so I’m guessing it’ll probably take 2 to 4 weeks...”

Please remember that the deadline for the property owner to abate the building code violations is August 18 2022.

Kimberly Benthin
Code Enforcement Specialist

kimben@clackamas.us
503-742-4457

My office hours are Monday through Friday from 7am to 4:30 pm.



August 22, 2022

Violation File No.# V0002222

Ted R. Papas, Trustee
12620 SE 28th Ave
Milwaukie, OR 97222

**Subject: Violations of the Clackamas County Building Code Title 9
Chapter 9.02.040(A, B, C, D, E)**

Site Address: 12620 SE 28th Ave, Milwaukie, OR 97222
Legal Description: T2S, R1E, Section 01BA, Tax Lot 02100

As you are aware you received a Violation Notice dated January 25, 2022 requesting you to renew all permits and obtain inspections for the permits.

However, not all permits were renewed. Additionally, since that date, only one inspection occurred on one of the permits.

It appears that construction has occurred without current permits or inspections. It may be that the construction work is not consistent with the approved and authorized building permits.

In order to abate the violations, you are required to complete the following options **not later than September 6, 2022**:

- Renew all permits: E0420320, B0317820, B0226617, E0255417, P0101717
 - Schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your renewed permits.
 - The inspections may reveal the need for clarification or additional information for plan review. Submit all documents and any required fees to the Clackamas County Building Codes Division within 15 days of receiving such request.

It is possible that the approved Construction Management Plan may require a modification or review. If this occurs you may contact me for an extension to the deadlines stated above.

The inspections may reveal additional work that must be completed or modified to be consistent with the approved permits. This also may affect your ability to meet the

deadlines. Be advised that significant progress and continued inspections must occur in order to avoid enforcement action.

If you have questions regarding the Construction Management Plan please contact: Planning and Zoning Division at 503-742-4500 or zoninginfo@clackamas.us.

If you have questions concerning the building permit requirements or the online submittal process, please contact the Building Codes Division at 503-742-4240, or via email at bldservice@clackamas.us . You may also find information on the County's website at <https://www.clackamas.us/building>.

You may also visit the County's offices at 150 Beaver Creek Road, Development Services Building, Oregon City. The lobby hours are open between the hours of 8 a.m. to 4 p.m., Monday – Thursday. The building is closed to the public on Friday's, however, our services are available online, by phone or by email. It is recommended that you check the Clackamas County webpage for hours of operation before visiting.

If you have any questions for me you may leave a message at 503-742-4457 and my email is kimben@clackamas.us.



Kimberly Benthin
Code Enforcement Specialist
Code Enforcement Section

Important Notices

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



Citation No. 2200022-1

Case No. V0002222

ADMINISTRATIVE CITATION

Date Issued: September 8, 2022

Name and Address of Person(s) Cited:

Name: Ted R. Papas, Trustee
Mailing Address: 12620 SE 28th Ave
City, State, Zip: Milwaukie, OR 97222

Date Violation(s) Confirmed: On the 5th day of January, 2022, 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): 12620 SE 28th Ave., Milwaukie, OR 97222

Legal Description: T2S, R1E Section 01BA, Tax Lot 02100

Law(s) Violated

- Chapter 7.03 of Clackamas County Code, Road Use, Section
- Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section
- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A, B C, D, and E)
- Chapter 9.03 of CCC Excavation and Grading, Section
- Chapter 10.03 of CCC Solid Waste and Wastes Management, Section 10.03.060 (A,B,C)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section
- Other law: _____

Description of the violation(s):

- 1) Construction on the structure on the above referenced property continued without ongoing inspections. All permits associated with the structure on site are currently expired, in effect leaving the structure in an unpermitted status. The addition of extra electrical meters is not in accordance with the approved construction plans.

Maximum Civil Penalty \$1000.00

Fine \$100.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$100.00. 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: Kimberly Benthin
Telephone No.: 503-742-4457

Date: September 8, 2022
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____
City, State, Zip

Contact Number: _____ Email: _____

Violation File # : V0002222









Benthin, Kim

From: Morris, Robert
Sent: Friday, November 18, 2022 2:02 PM
To: Benthin, Kim
Cc: Amend, Michelle; Rozzell, Matthew; Anderson, Andy
Subject: RE: 12620 SE 28th Ave Violation File V0002222 (PERMIT #B0226617)

Hello Kim,

In going through our records and reviewing the available photos, I have found the following items of possible concern:

1. Regarding exterior wall openings:
 - a. The swinging man-door located adjacent to the overhead roll-up door at the south (front) elevation was widened. The adjacent shearwall length and wall header sizing at this location should be re-verified by inspection.
 - b. The as-built window sizes, locations, and configurations differ from the approved plans at the south (front) and west (left) elevations, but the windows and doors appear to be located within planned openings. The actual shearwall locations/lengths and opening widths should be re-verified by inspection.
 - c. The 6 as-built, swinging man-doors which access upper-level decks located on the main and upper levels at the north (rear) and west (left, at inside corner) elevations were to be windows per the approved plans, and the rear decks were not included within the approved plans.
 - ❖ These rear decks may not be acceptable per the Planning land use decision, which allowed for only 500sf of encroachment into the HCA. Without these decks, the structure as approved had 495sf of encroachment into the HCA. This additional encroachment should be reviewed by Planning.
2. Geotechnical observations were required for the excavation and removal of uncontrolled fills, prior to foundation/footing construction. We have not yet received the related observation report(s), nor have we received a final geotechnical summary report.
3. Special inspections were required for concrete reinforcement (steel and placement), cast-in-place concrete anchors, post-installed concrete anchors, concrete design mix, concrete sampling, concrete formwork, and steel welding.
 - a. We received special inspection reports only for:
 - reinforcement and design mix/sampling at footings.
 - reinforcement and design mix/sampling at 3 upper level shearwalls and lower kickout wall on north side.
 - b. We have not yet received the reports for:
 - reinforcement and design mix/sampling at lower and main floor shearwalls.
 - cast-in-place concrete anchors
 - post-installed concrete anchors
 - concrete formwork
 - steel welding
 - c. We received a "Final Summary Letter" from Carlson Testing dated 9/24/2018, however this letter states that special inspection was performed only for "Reinforced Concrete".
4. Regarding concrete work:

- a. Per OSSC Section 1808.8.3: "Concrete shall be placed in such a manner as to ensure the exclusion of any foreign matter and to secure a full-size foundation". Several of the photos show foreign matter (non-pressure treated lumber) embedded within concrete footings.
- b. Per ORSC R608.5.1.6: "Concrete shall be consolidated by suitable means during placement and shall be worked around embedded items and reinforcement and into corners of forms". Several of the photos show areas of concrete that do not appear to have been properly consolidated and worked into the corners of forms.

Scanned copies of related documents from the permit file are now uploaded to the [photo folder in the S-drive](#) (see folder titled: "Documents from permit file"). If there are questions, or if I can do anything more to help, just let me know.

Thank you,

Robert Morris
Commercial Plans Examiner
Clackamas County - Transportation and Development
Building Codes Division
RMorris@clackamas.us
971-378-9764
150 Beavercreek Rd., Oregon City, OR 97045

My regular work schedule is Monday through Friday, from 7:30 AM to 4:00 PM

Our Permit lobby is open Monday to Thursday, 8 a.m. to 4 p.m.

Were you happy with the service you received today?



CLICK A SMILEY

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

From: Benthin, Kim <KimBen@clackamas.us>
Sent: Thursday, November 17, 2022 3:25 PM
To: Rozzell, Matthew <MRozzell@clackamas.us>; Morris, Robert <RMorris@clackamas.us>; Anderson, Andy <AAnderson2@clackamas.us>
Cc: Amend, Michelle <MAmend@clackamas.us>
Subject: 12620 SE 28th Ave Violation File V0002222

Hello Matt, Robert and Andy!

I have been visiting with Robert Morris on this case. He had the pleasure of being the plans examiner for this structure.

All of the permits are expired –again. If I can recall correctly – I don't think there has been an inspection since 2020.

They placed 5 meters. They know they can only have two. But they kept 3.

I am preparing it for hearing I am going to ask the Hearings Officer to order the following:







LEGAL DESCRIPTION
ACCESS EASEMENT
TAX LOT 3400, 1900, 2100 AND 2200
(MAP 2S-1D-01BA) CLACKAMAS COUNTY OREGON

#7505
2/18/19 MAR

EXHIBIT "A"

A STRIP OF LAND, VARIABLE WIDTH, LOCATED IN PLAT OF "MILWAUKIE PARK", PLAT NO. 155, AND THE PLAT OF "MILWAUKIE HEIGHTS", PLAT NO. 111, IN THE NORTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF 13TH STREET (AKA 28TH AVENUE) (60.00 FEET WIDE); THENCE ALONG THE NORTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF 13TH STREET (AKA 28TH AVENUE) N.00°03'50"E., 95.43 FEET; THENCE N.53°47'23"E., 86.13 FEET TO THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO JAY MOODY, RECORDED JULY 13, 2010, IN DOCUMENT NO. 2010-041875, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE THEREOF, S.01°07'00"E., 33.00 FEET; THENCE LEAVING SAID WEST LINE, S.53°47'23"W., 62.17 FEET TO A POINT; THENCE S.00°03'50"W., 76.61 FEET TO A POINT ON THE NORTH LINE OF THE PLAT OF "MILWAUKIE PARK", PLAT NO. 155; THENCE CONTINUING S.00°03'50"W., 51.67 FEET TO A POINT; THENCE N.89°56'10"W., 20.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF 13TH STREET (AKA 28TH AVENUE) (60.00 FEET WIDE); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, N.00°03'50"E., 51.67 FEET TO THE POINT-OF-BEGINNING, CONTAINING 4756 SQUARE FEET, MORE OR LESS.

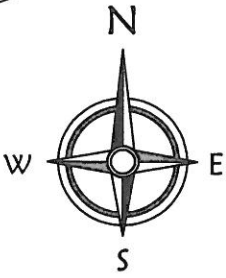
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael A. Rademacher

OREGON
JULY 16, 1987
MICHAEL A. RADEMACHER
2303

DATE OF SIGNATURE: 2-20-19

EXPIRES: 12/31/2020



Scale: 1" = 30'

TAX LOT 2100
MAP 2-1E-01BA

TAX LOT 2101
MAP 2-1E-01BA
DOC. NO.
2010-041875

ACCESS EASEMENT
4756 SQUARE FEET

TAX LOT 2200
MAP 2-1E-01BA

POINT OF BEGINNING
60'
13th STREET
(AKA 28TH AVENUE)

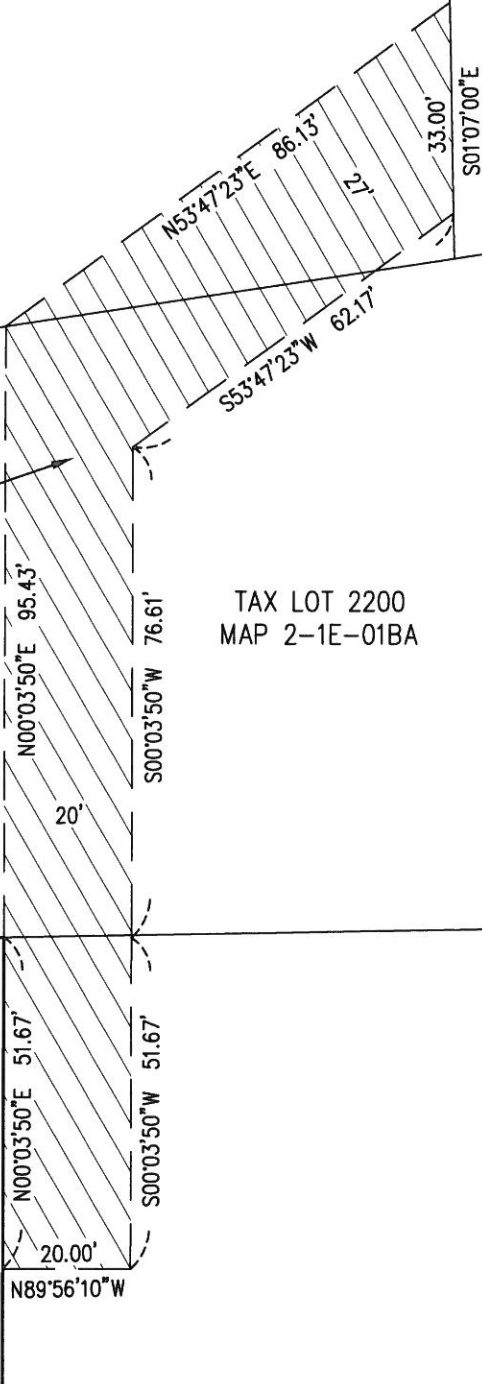


EXHIBIT "B"

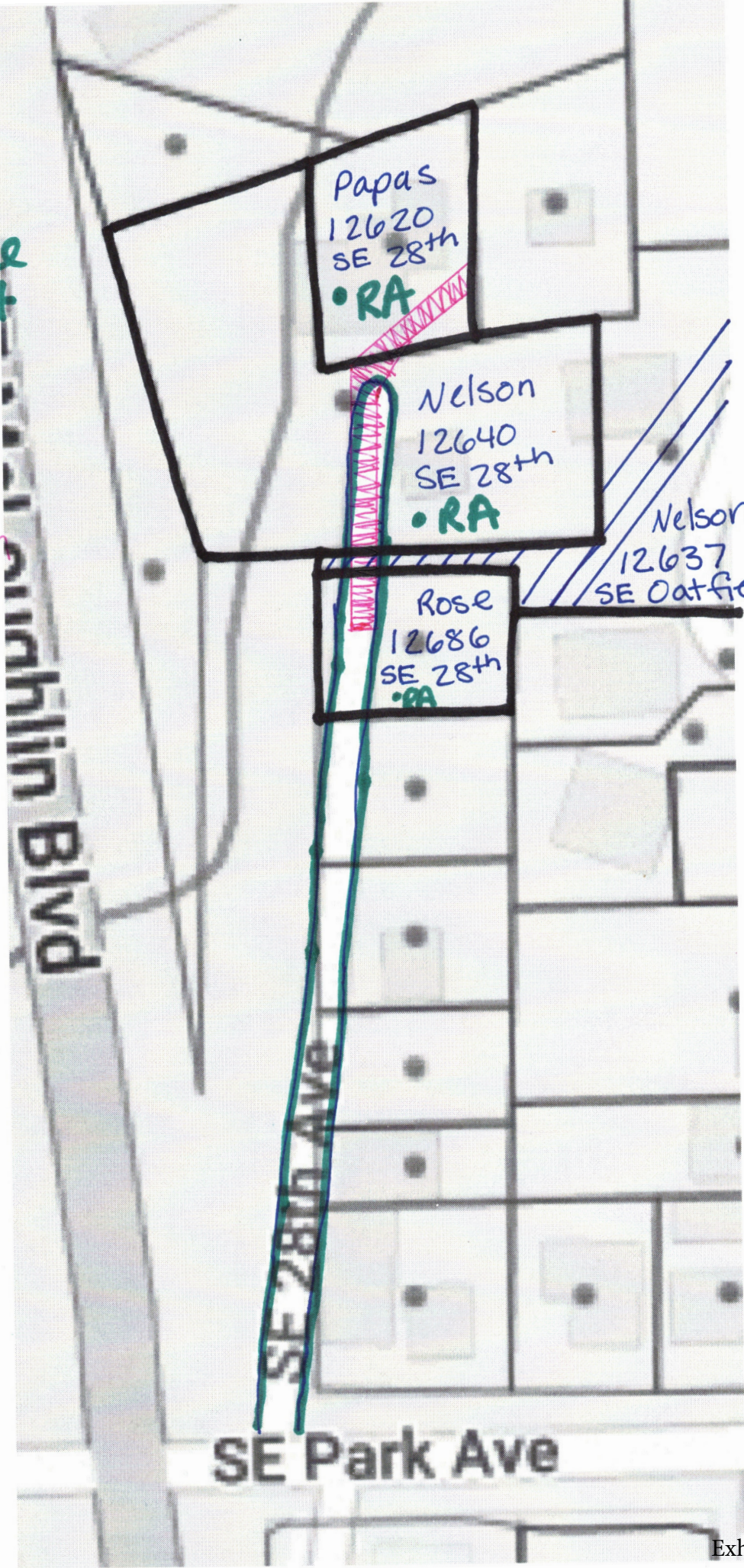
7505 Exh.dwg

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

**IN THE NW 1/4 OF SECTION 1, T.2S., R.1E.,
W.M., CLACKAMAS COUNTY, OREGON**

• RA =
Road
Maintenance
Agreement
6/9/1990

Pink =
Approx location
of surveyed
easement



JUN 18 1990
mb

ROAD MAINTENANCE AGREEMENT

We, the undersigned, are residents and/ or owners of property serviced by that portion of SE 26th Avenue that begins at the intersection of Perk Ave. and MacLaughlin Blvd. and continues north for approximately 1/10 (one-tenth) mile. This street has a mailing address of Milwaukie and is located in the county of Clackamas, State of Oregon.

We are agreeing to cooperate in the maintenance of this portion of SE 26th Avenue in the same condition that it is presently, which is that it is approximately 10 - 12 feet wide with a dirt base that has been covered with gravel. From this point, each land owner shall be responsible for their own driveways.

Because of our long history of mutually maintaining this road in all seasons we have found what works best. Based on that experience we are agreeing to have one load of gravel spread over the road every year (which actually exceeds the minimum frequency we have found the road to require). We agree to share equally in the performance of this duty and pay our pro rata share of any costs incurred within twenty (20) days.

We do not assume responsibility for any personal injury or property damage resulting from the condition of this road. This agreement shall become null and void when the County, a Road District or other agreement assumes these duties.

This Agreement shall be binding upon the heirs, successors, assigns and transferees of the parties hereto and is appurtenant to our respective parcels of real property and is intended to run with and be part of our respective lands.

Signature(s)

I (we) are the owner(s) of the following property located on the applicable portion of SE 26th Ave (please give addresses or other specific property description):

Name Oscar Kern Date 6-9-90


Name Phyllis Kern Date 6-9-90

IMPORTANT: Signatures must be notarized.

STATE OF OREGON, }
 County of Clackamas } ss.
 On this 9th day of June, 1990,
 before me, the undersigned, a notary public in and for said county and state, personally appeared the within
 named Oscar Kern and Phyllis Kern
 known to me to be the identical individual(s) described in and who executed the within instrument and
 executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature]
 Notary Public for Oregon
 My commission expires 7-13-94



COM-61-78 90 31212

Steward Title 90030296-C

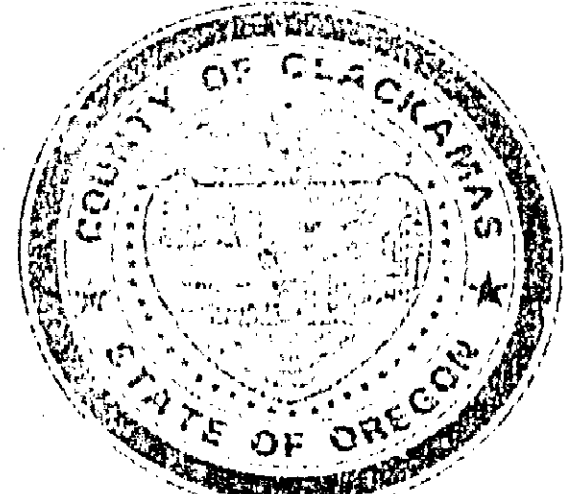
90 31212

STATE OF OREGON)
County of Clackamas) ss

I, John F. Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

1990 JUN 29 PM 2:46

2



Witness my hand and seal affixed
John F. Kauffman
JOHN F. KAUFFMAN
County Clerk

Recording Certificate
CCP-R4 (rev 12/88) **90 31212**

From: [derek djmdevelopment.com](mailto:derek@djmdevelopment.com)
To: Benthin, Kim
Subject: Fwd: 12620 se 28th ave more documents for the hearing
Date: Thursday, January 5, 2023 1:17:13 PM
Attachments: [Compass legal description and survey of easement.pdf](#)
[SB Map with markup.pdf](#)
[Road Maintenance Agreement 90031212.pdf](#)

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

Sent from my iPhone

Begin forwarded message:

From: "derek [djmdevelopment.com](mailto:derek@djmdevelopment.com)" <derek@djmdevelopment.com>
Date: January 5, 2023 at 10:34:10 AM PST
To: renojoeson@gmail.com
Subject: Fwd: Milwaukie Easement

Sent from my iPhone

Begin forwarded message:

From: "susan [bairdlawoffices.com](mailto:susan@bairdlawoffices.com)" <susan@bairdlawoffices.com>
Date: November 2, 2022 at 12:31:16 PM PDT
Subject: Milwaukie Easement

Ted,

Attached is a map I have marked up, roughly, to show the situation as I see it thus far. The green line around SE 28th Avenue indicates the area subject to an existing Road Maintenance Agreement from 1990. The pink lines show the approximate location of the easement surveyed for you by Compass. The blue slash lines indicate the Dudley and Carey Nelson property at 12637 SE Oatfield. I have also attached copies of the existing Road Maintenance Agreement and the Compass survey.

1. Pursuant to the existing Road Maintenance Agreement, your property, the Nelson property, and the Rose property, are required to share in the maintenance of the entire portion of SE 28th Avenue from SE Park, north for approximately 1/10th of a mile, with gravel. As you can see, the area encompassed by this obligation is far larger than the area covered by the proposed easement, but also does not extend as far North as the proposed easement. Have you been graveling all of SE 28th Street, from the Northernmost point all the way down to SE Park? If not you, has the County been doing any part of this maintenance? As the Road Maintenance Agreement is a private agreement between your 3 properties, you could agree to change it (e.g., you could agree not to maintain below the Rose property, you could agree to include the proposed easement area within the shared maintenance are, etc.), as long as there is no County requirement that you continue to maintain it down to SE Park. We could also use this existing Road Maintenance Agreement as leverage to get the Nelsons and Roses to agree to the new easement.

2. It appears to me that the western sliver of the Dudley and Carey Nelson property at 12637 SE Oatfield bisects the proposed easement area, yet that property is not included in the Compass survey. If the easement does, in fact, cross that property, then Dudley and Carey Nelson would need to sign off of any new easement agreement (as well as Kipp Nelson and David Rose). The Compass survey does not appear complete to me and I'm concerned about this possible error. So, if you do go forward with the easement, we would need to get a new surveyor on board for a complete easement legal description and survey.

3. The proposed easement, as surveyed by Compass, crosses through your property to the eastern boundary of your Tax Lot 2100. Is there a reason it was planned this way? Do you want to allow the other parties to drive onto your property? If not, then the new easement should stop at your property's southern boundary line.

- Please let me know whatever you can tell me about the existing Road Maintenance Agreement and whether you have been graveling SE 28th Ave down to SE Park Avenue.

- Please let me know if there is any information you have about the Dudley and Carey Nelson property at 12637 SE Oatfield Road.

- Please let me know whether you want the easement to cross your property (allowing the other parties to cross your property).

Then, we can make a plan as to how to approach the parties (and a new surveyor) about a new easement.

Susan Baird
Attorney at Law

Baird Law Office, LLC
503-916-9649
P.O. Box 373
Dundee, OR 97115
susan@bairdlawoffices.com
www.bairdlawoffices.com

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January 8, 2023

To Whom It May Concern

Regarding the project at 12620 S.E. 28th. Ave Milwaukie Oregon, 97222
This project originally started as a remodel with an attached Accessory Dwelling Unit. The main structure was designed and built to house a single family with multiple generations living on separate floors. In order to accurately monitor utility usage we were told that we could meter each level separately. Everyone involved knew of these plans. In fact in February 2022 Clackamas County green tagged the meter base. The meters were marked with the same address, depicting each level of the house with the capital letters A,B,andC, and the ADU with the letterD. There was also a house panel for exterior lights , security cameras and future proprietary easement upgrades which include yard lights, an electric gate and the potential for an electric car charging port.

The only work that has been done since Covid came on the scene has been the removal of the temporary power pole, the hookup of the main power and the installation of a modem and security cameras. All of this work was performed after the permits were refreshed. Since these tasks have been completed , (because of weather) the road that is our only access has washed out 3 times. We have repaired this road twice and the County once. Until the easement is upgraded we run the risk of causing further damage to the road and easement by bringing heavy loads eg.Drywall, Stone tile. The easement is in the process of getting repaired to withstand this type of traffic.

All of the work inside has stopped since Covid. Tools , materials and appliances and furnishings are stored on site.

B. Reno Joeson
renojoeson@gmail.com
503-318-1202