



NOTICE OF HEARING

May 25, 2023

Kasey Park
Michael Winstead
Samuel Winstead
11825 SE 118th Dr.
Clackamas, OR 97015

RE:: County of Clackamas v. Kasey Park, Michael Winstead, Samuel Winstead
File: V0038721

Hearing Date: July 18, 2023

Time: This item will not begin before 10:30am 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 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 Officer's 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 kasey.park@yahoo.com. Please contact Kimberly Benthin if you are unable to find the email.

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

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

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

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

Department of Transportation and Development

Nondiscrimination Policy:

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

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

¡LE DAMOS LA BIENVENIDA! Spanish

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

ДОБРО ПОЖАЛОВАТЬ! Russian

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

欢迎! Chinese (Mandarin)

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

CHÀO MỪNG! Vietnamese

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

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

환영합니다. Korean

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

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

COUNTY OF CLACKAMAS,

Petitioner,

File No.: V0038721

v.

KASEY PARK, ½ interest,
SAMUEL WINSTEAD, ¼ interest,
MICHAEL WINSTEAD, ¼ interest

Respondents.

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents' mailing address is 11825 SE 118th Dr., Clackamas, OR 97015.

2.

The address or location of the violations of law alleged in this Complaint is 11825 SE 118th Dr. Clackamas OR 97015, also known as T2S, R2E, Section 03AA, Tax Lot 01415, and is located in Clackamas County, Oregon.

3.

On or about the 6th day of February, 2023 the Respondents violated the following laws, in the following ways:

- a. Respondent violated Chapter 9.02.040(A,B,C,D,E) of the Clackamas County Code by the occupation and placement of the structure and utilities without

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

- b. Respondent violated Sections 315, 839 and 833 of the Clackamas County Zoning and Development Ordinance (ZDO) by placing a dwelling, or wheeled structure, on the above referenced property. Said property is zoned Urban Low Density Residential 315 District and, additional dwellings must have land use authorization. This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities.

5.

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

6.

Notice of the violation was given to Respondents in the following manner: Administrative Citation #21387-2 in the amount of \$900.00 was mailed first-class mail on March 20, 2023. A copy of the notice document is attached to this Complaint as Exhibit Q, 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 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 Respondents for each violation, within the range established by the Board of County Commissioners. Said range for a Building Code Title 9.02 Priority 1 violation being \$750.00 to \$1,000.00; Said range for the Title 12 and 13 Priority 2 violation being \$500.00 to \$2,500.00 per occurrence as provided by Appendix B to the Clackamas County Code;

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

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

and

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

DATED THIS 24^h day of May 2023.



Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

File No.: V0038721

v.

KASEY PARK, ½ interest,
SAMUEL WINSTEAD, ¼ interest,
MICHAEL WINSTEAD, ¼ interest

STATEMENT OF PROOF

Respondents.

History of Events and Exhibits:

- | | |
|--------------------------------|--|
| September 9, 2021
Exhibit A | Clackamas County received a complaint of an unpermitted structure placed in March 2021, in the backyard of the subject property. Dung Phuong Nguyen owned the property at the time. |
| September 9, 2021
Exhibit B | Correspondence was mailed requesting the owner to contact the County. |
| September 15, 2021 | In response to the letter, Respondent Kasey Park called the County and left a voice mail message. Code Enforcement Specialist (CES) Benthin returned the call and discussed the violation. Respondent Park explained the tiny home was placed for his ex-wife, Dung Phuong Nguyen, on her Mom's property. He stated it was there for him and his son to stay in while she fought cancer. Unfortunately, she passed and he has his hands full with his son entering the first grade. CES Benthin inquired about the estate and who to work with. Respondent Park stated he did not know. He thought his ex-wife's brothers and her son inherit. CES Benthin explained the steps and requirements for the paths to compliance. CES Benthin explained the County could provide some extra time however, the violation must be resolved. |
| October 7, 2021 | CES Benthin received a call from a complainant. The complainant alleges that originally the tiny home was for Respondent Kasey Park's ex-wife to stay in, however she passed a month or so after it was placed and then Respondent Park then moved into the structure. The structure was hauled through the backyard fence and hooked up to the residence sewer without permits. |
| October 12, 2021
Exhibit C | CES Benthin conducted a site inspection. Photos were taken during the inspection of the front and backyard. |

October 28, 2021 Exhibit D	Facts of the alleged violation were reviewed, the violation verified, and Notice of Violation was mailed regarding the violations that exists on the property. The Notice was mailed via first class mail. The correspondence provided a deadline of December 3, 2021 to bring the property into compliance.
November 9, 2021	Respondent Park and CES Benthin spoke on the phone regarding his progress to abate the violations. He had been in contact with someone at the County. However, he could not remember whom and apologized for the length of time getting back to CES Benthin. Respondent Park stated his plan was to apply for a land use authorization for a Temporary Dwelling for Care. CES Benthin requested Respondent Park to do some research to determine the best option for Respondent Park and his son.
November 30, 2021	Respondent Park called and explained to CES Benthin that he has a contact with the DMV to get the structure on wheels registered as a recreational vehicle. He has also reached out to Sunrise Water Authority.
November 30, 2021 Exhibit: E	Respondent Park and CES Benthin exchanged emails regarding the progress on the work to resolve the violations.
December 2, 2021	The complainant called and stated the wheeled structure remains in the backyard and remains occupied.
December 3 and 6, 2021 Exhibit: F	Respondent Park sent CES Benthin an email regarding steps he has taken. CES Benthin replied by email.
January 6, 2022 Exhibit: G	CES Benthin conducted a site inspection. Photos were taken and it was confirmed the wheeled structure remains on site.
January 6, 2022 Exhibit: H	Citation #21387-1 was issued to the owner a \$75 fine for Zoning violation and \$100 fine for the Building Code violation. This citation was not paid and the County is waiving this citation due a change in ownership.
January 14, 2022	Respondent Park left a phone message for CES Benthin and stated he only just got the letter from the County today. He stated he is still struggling to take the structure to the DMV for certification as a recreational vehicle. He asked the best way to go about paying the citation and gave assurances he is handling all the stuff.

January 17, 2022	Respondent Park called and left a voice mail message stating he wanted to review the paperwork with CES Benthin before paying the citation.
January 18, 2022	CES Benthin returned Respondent Park's call. He said he is dealing with Covid, and he might be able to take care of the DMV Recreational Vehicle certification issue online. It is also very difficult to move the trailer since he does not have a truck, and it cannot be any truck but a lifted truck to do the job. He said the structure is only hooked to electricity but when CES Benthin asked to inspect he remembered it is also hooked to sewer. He gave assurances that he would work on getting the structure certified as a recreational vehicle.
January 20, 2022	Respondent Park called CES Benthin and explained he is working to get the VIN for the structure in order to convert it into a recreational vehicle.
January 31, 2022	Complainant contacted CES Benthin for an update.
February 8, 2022 Exhibit: I	CES Benthin conducted site inspection. Structure remains in backyard. CES Benthin knocked on front door of residence and no one answered.
March 14, 2022 Exhibit: J	Citation #21387- 2 was issued to the owner for the Building Code violation and Zoning violation and was mailed first-class mail. This citation was not paid and the County is waiving this citation due to a change in ownership.
May 5, 2022 Exhibit: K	CES Benthin conducted site inspection. The structure remains on site.
September 6, 2022	Complainant contacted CES Benthin to state that the structure is being lived in full time by Respondent Park.
December 6, 2022 Exhibit L	CES Benthin conducted a site inspection and confirmed the structure remains on site.
December 8, 2022	The County referred this matter to the Code Enforcement Hearings Officer. The hearing was set to take place on January 24, 2023 with homeowner Dung Phuong Nguyen as the Respondent/owner.
January 19, 2023 Exhibit: M	The County discovered that the ownership had changed. It was noted that Respondent Kasey Park was the acting Personal Representative of the estate of Dung Phuong Nguyen.

January 20, 2023 Exhibit N	The County requested to cancel the hearing set for January 24, 2023. An email was sent to Respondent Park
February 6, 2023 Exhibit: O	Facts of the alleged violation were reviewed, the violation verified, and Notice of Violation was mailed regarding the violations that exists on the property. The Notice was mailed via first class mail to the newly recorded owners; Respondent Park, Respondent Michael Winstead and Respondent Samuel Winstead. The correspondence provided a deadline of March 8, 2023 to bring the property into compliance.
February 6, 2023	A complainant contacted the County regarding the continuing violations.
March 17, 2023 Exhibit: P	CES Benthin performed a site inspection and took photos. The structure remains on site.
March 20, 2023 Exhibit: Q	Citation # 21387-3 was issued to the three Respondents for a Building Code violation of \$500.00 and a violation of the Zoning and Development Ordinance for \$400.00. The citation was mailed to each owner by separate envelope. No correspondence was returned. The citation has not been paid.
April 12, 2023	The County again received contact from a complainant asking about the status of the violations that remain on site.
April 15, 2023	This matter was referred to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of Building Code and Zoning and Development Ordinance exists on the subject property, the County would request a Continuing Order be issued requiring the Respondents to gain compliance by completing **one of the following** not later than 30 days of the date of the hearing:

1. Remove the structure.
2. Submit an application to obtain land use authorization to keep the structure. Note – in order to be successful this may require building permits and/or DMV certification. Submit building permits or DMV certification not more than 30 days after receipt of land use authorization.
3. Submit building permits, or have a professional submit, building permit applications (structural, electrical, plumbing and mechanical); technically complete plans and appropriate fees to convert it into a structure (i.e. ADU,

Guest House) that will meet the development standards of the Zoning and Development Ordinance and the Building Code requirements.

- a. If additional information is required to complete the plan review, submit the required information not later than 15 days of the request.
- b. The permits must have the fees paid in full within ten days of being notified they are due by Building Codes.
- c. Please schedule all inspections so that all inspections including the final inspections may be successfully obtained no later than 30 days of the date of the permit issuance.

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 # 21387-3 for \$900.00.
 - The imposition of civil penalties of up to \$1000.00 for the Building Code violations and up to \$2500.00 for the Zoning and Development Ordinance violation. A possible total of up to \$3,500.00
 - The administrative compliance fee to be imposed from February 2023 until abated. As of May, 2023 the total amount is \$300.00.
-
- 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.

FIRST AMERICAN 2156375 LCT



After recording return to:
Dung Phuong Nguyen
11825 SE 118th Drive
Clackamas, OR 97015

Until a change is requested all tax
statements shall be sent to the
following address:
Dung Phuong Nguyen
11825 SE 118th Drive
Clackamas, OR 97015

File No.: 7016-2156375 (WGK)
Date: September 23, 2013

Clackamas County Official Records
Sherry Hall, County Clerk

2013-073794

10/28/2013 01:21:01 PM

D-D Cnt=1 Stn=1 LESLIE
\$10.00 \$16.00 \$10.00 \$17.00

\$53.00

STATUTORY WARRANTY DEED

Mark E. Lukrofka and Denette R. Lukrofka, Grantor, conveys and warrants to **Dung Phuong Nguyen**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

22E03AA01415 00424776

Lot 15, TANYA PARK, in the County of Clackamas and State of Oregon.

Subject to:

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

The true consideration for this conveyance is **\$260,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 25 day of Oct, 2014.

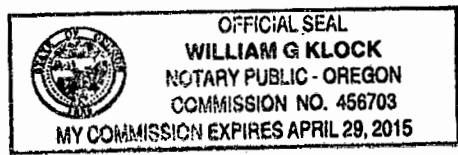
Mark E. Lukrofka
Mark E. Lukrofka

Denette R. Lukrofka
Denette R. Lukrofka

STATE OF Oregon)
)ss.
County of Multnomah)

This instrument was acknowledged before me on this 25 day of October, 2014 by **Mark E. Lukrofka and Denette R. Lukrofka.**

William G. Klock
William G. Klock
Notary Public for Oregon
My commission expires: 4-29-15



When Recorded Mail To:
ONPOINT COMMUNITY CREDIT UNION
c/o Trustee Services, Inc.
P.O. Box 2980
Silverdale WA 98383-2980

Substitution of Trustee & Deed of Reconveyance

TSI No.: L994756G-E

Whereas, the undersigned is the current owner of the beneficial interest secured by that certain Deed of Trust described below and does hereby appoint **Kevin P. Moran, Attorney at Law**, whose address is **P.O. Box 2980, Silverdale, WA 98383-2980** as Successor Trustee. Kevin P. Moran, Attorney at Law hereby accepts said appointment as Successor Trustee and pursuant to the request of the owner of the beneficial interest, does hereby reconvey without warranty to the person(s) entitled thereto, all estate now held by it under said Deed of Trust.

Truster: DUNG PHUONG NGUYEN

Trustee: TRUSTEE SERVICES, INC.

Original Beneficiary:
ONPOINT COMMUNITY CREDIT UNION FKA PORTLAND TEACHERS CREDIT UNION

Dated: 06/15/2020
Book/Reel: N/A
Book/Reel:


Pg: N/A
Pg:

Recorded: 06/18/2020
Re-Recorded:

Instrument #: 2020-045646
Instrument #:

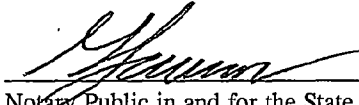
Filed for record in CLACKAMAS County, State of OREGON
Property Address: 11825 Se 118th Dr, Clackamas, OR 97015
Dated: 07/07/2021

ONPOINT COMMUNITY CREDIT UNION,
fka Portland Teachers Credit Union



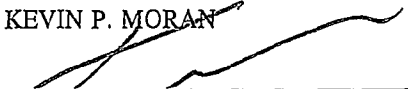
Daniel W. Ormerod, Acting Agent

State of Washington, County of Kitsap
On this 07/07/2021, before me, a Notary Public qualified for said county, personally came Daniel W. Ormerod to me known to be the Acting Agent of the corporation that signed the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed, for the uses and purposes therein mentioned and on oath state that he / she is authorized to execute the said instrument.
Witness my hand and official seal on 07/07/2021



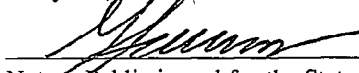
Notary Public in and for the State of Washington

Grant Larson
Notary Public
State of Washington
My Commission Expires 04/02/2025
Lic# 21013628

KEVIN P. MORAN


KEVIN P. MORAN, Attorney at Law

State of Washington, County of Kitsap
On this 07/07/2021, before me, a Notary Public qualified for said county, personally came KEVIN P. MORAN, Attorney at Law, known to me to be the identical person who executed the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed, for the uses and purposes therein mentioned.
Witness my hand and official seal on 07/07/2021



Notary Public in and for the State of Washington

Grant Larson
Notary Public
State of Washington
My Commission Expires 04/02/2025
Lic# 21013628



September 9, 2021

Nguyen Dung Phuong
11825 SE 118th Dr
Clackamas, OR 97015

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

Site Address: 11825 SE 118th Dr, Clackamas OR 97015
Legal Description: T2S, R2E, Section 03AA, Tax Lot 01415

It has come to the attention of Clackamas County Code Enforcement that a tiny home may have been placed on the property and connected to sewer without the benefits of permits.

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

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

E-mail address is kimben@clackamas.us

Telephone number is 503-742-4457

**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:

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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.





October 28, 2021

Violation File #V0038721

Dong Phuong Nguyen
11825 SE 118th Dr
Clackamas, OR 97015

Subject: Violations of the Clackamas County Building Code Chapter 9.02.040(A,B,C,D,E) and the Clackamas County Zoning and Development Ordinance Title 12 Sections 315, 839, 833 and the Solid Waste and Wastes Management Code Chapter 10.03.060(A,B)

Site Address: 11825 SE 118th Dr., Clackamas OR 97015
Legal Description: T2S2, R2E, Section 03AA, Tax Lot 01415

This letter is in follow up to a complaint the County received regarding an occupied wheeled structure (tiny home) installed on the above referenced property. During a September 15, 2021, telephone conversation with Casey Clark, I explained to him that the Building Code may not apply to a structure constructed on wheels, however, the building code does apply to the connected utilities. Additionally, the Zoning and Development Ordinance (ZDO) applies to all uses and structures on the property, and the ZDO does not allow for occupied structures on wheels without authorization.

The subject property is zoned Urban Low Density Residential Section 315, R-10. In this zone, Accessory Dwelling Units (ADU), Guest Houses and non-habitable accessory structures are allowed subject to the standards and permit requirements set forth in Sections 315, 839 and 833 respectively of the ZDO. There are several options available to bring the property into compliance including converting the structure on wheels into an ADU or Guest Home that meets all requirements of the Building Code and the Zoning and Development Ordinance.

In order to abate the code violations on the subject property, please use **one of the following** options for the wheeled structure **not later than December 3, 2021**.

1. If you wish to convert the structure on wheels into a structure such as a Guest House, ADU or a non-occupied accessory structure:
 - a. Please submit, or have your professional submit, building permit application(s), technically complete plans and appropriate fee(s) to convert it into a structure

that meets the development standards of the Zoning and Development Ordinance and meets Building Code requirements for inhabiting.

- b. If it is found that additional information is required to complete the plan review, please submit the required information not later than 15 days of the request.
- c. The permit(s) must have the fee(s) paid in full within ten days of your being notified they are due by Building Codes.
- d. Please schedule all inspections so that all inspections including the final inspections may be successfully obtained not later than 30 days of the date of receipt of your issued permit(s).

Or:

2. It may be possible to convert the structure on wheels into a structure that is exempt from the building code; however, it cannot be inhabited. The size and use of the structure determines its eligibility for exemption. The exempt structure must still meet the requirements and standards of the ZDO.

Or:

3. Demolish the structure on wheels. Obtain building permits to code compliantly decommission the utilities connected to the structure on wheels. All required inspections must be successfully obtained and all remaining debris must be removed within 30 days.

Or:

4. Remove the structure on wheels from the property. Obtain building permits to code compliantly decommission the utilities connected to the structure on wheels. All required inspections must be successfully obtained within 30 days.

Or:

5. If the structure on wheels is registered to someone living at the subject property address, and licensed with the State of Oregon Department of Motor Vehicles as a *recreational vehicle* it may remain on site **in one of the following options:**
 - a. Obtain permits to decommission the plumbing and electrical utilities connected to the recreational vehicle and it may be stored on site, but not occupied.
 - b. If you wish to occupy the recreational vehicle, you must first obtain land use authorization. During my conversation with Mr. Clark his stated reasons for inhabiting the structure on site does not meet the requirements and standards required for approval. If you wish to explore options, you may contact the Planning and Zoning Division.

Or:

6. If the structure on wheels is code compliantly disconnected from utilities, is not occupied and is not a currently licensed and operable vehicle it may still be a violation of the Solid Waste and Wastes Management Code Chapter 10.03.(see excerpt attached.) If you wish to store it on site, it must not be stored in a manner that causes a violation of the Solid Waste and Wastes Management Code. Call me for an inspection to confirm it is in compliance.

Building permit document submittals are subject to the review and approval of the Planning and Zoning Division. If you have questions regarding the standards and requirements, or additional options or paths to compliance available to you please contact the Planning and Zoning Division at 503-742-4500 or by email at zoninginfo@clackamas.us.

Building permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>. For additional questions concerning these permit requirements or the online submittal process, you may contact the Building Codes Division at 503-742-4240, or via email at bldservice@clackamas.us. You may also stop by our offices at 150 Beaver Creek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and Friday 8:00 a.m. to 3:00 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.

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

Thank you for your prompt attention to this matter.

A handwritten signature in black ink, appearing to read 'Kimberly Benthin', is written over a light gray rectangular background.

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.

Clackamas County Code Chapter 10.03 Solid Waste and Wastes Management

(The code in its entirety can be found on the Clackamas County website)

Excerpts:

10.03.060 Solid Waste or Wastes Accumulation Prohibited

"A. Except as provided in subsection D of this Section, no person shall store, collect, maintain, or display on private property, solid waste or wastes or recyclable material that is offensive or hazardous to the health and safety of the public, or which creates offensive odors, or a condition of unsightliness. Storage, collection, maintenance, or display of solid waste or wastes in violation of this Section shall be considered to be a public nuisance which may be abated as provided in 10.03.070 of this chapter.

B. In addition to the provisions of subsection A, the following conditions or actions are also specifically identified as creating a public nuisance under this chapter:

1. Placing a tarp, plastic, cloth, or similar screening apparatus over or around solid waste or wastes for purposes of keeping it out of sight from the road or surrounding properties.
2. Placing a tarp, plastic, cloth, or similar screening apparatus over or around solid waste or wastes that is stored in a utility trailer, pickup truck, semi-trailer or similar device for purposes of keeping it out of sight from the road or surrounding properties.
3. Constructing a tire fence for any purpose.
4. Storing waste tires except as permitted pursuant to OAR Chapter 340.
5. Storing putrescible waste, whether it is visible or not visible from the road or adjacent properties, that is not kept in a rodent proof container with a tight fitting lid, and not removed from the property to an authorized disposal facility within seven (7) days.
6. Composting which causes offensive odors, or creates a health hazard, or which is capable of attracting or providing food for potential disease carriers such as birds, rodents, flies and other vectors.
7. Storing, collecting, maintaining, or displaying any licensed or unlicensed special vehicle or equipment that is immobile, inoperable, partially dismantled or dismantled, dilapidated, or fire damaged and is visible from the road or surrounding properties.
8. Storing, collecting, maintaining, or displaying a mobile home or trailer house, which is dilapidated or partially dismantled, or fire damaged, and is visible from the road or surrounding properties.
9. Storing, collecting, maintaining or displaying: residential, commercial and industrial appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material, or other similar non-putrescible solid waste or wastes, that is visible from the road or surrounding properties.
10. Storing, collecting, maintaining or displaying any antique, classic, race car or collectible vehicle that is inoperable and is visible from the road or surrounding properties.
11. Storing any inoperable vehicle or vehicles unless said vehicle or vehicles are housed within a permitted structure or development, except up to two vehicles per premise may be stored behind a sight-obscuring screen, in accordance with 10.03.060 C, and shall not be visible from the road or surrounding properties. For purposes of this Subsection 11, two or more contiguous tax lots that are under common ownership shall be considered one premises.
12. When commercial, industrial, multi-family or residential developments that use a compactor or compactors for on-site waste management, do not keep the areas around the compactor free of solid waste and debris, and washed down on a regular basis.

C. Any sight obscuring screen used to abate a solid waste nuisance shall consist of one of the following options:

1. Construct a wood fence unpainted or painted with neutral or earth tone colors of which the upright posts shall consist of a decay resistive material a minimum of four (4) inches in diameter and anchored a minimum of two (2) feet below ground level. There shall be a maximum post separation of eight (8) feet. The railings shall be a minimum of 2-inch by 4-inch lumber with the 4-inch side attached vertically to the posts. The attached vertical or horizontal fence boards shall be set with a maximum separation of 1/4 inch.
2. Construct a metal fence consisting of chain link or woven fabric with metal upright posts anchored a minimum of two (2) feet below ground level with metal railings and connectors. Water and insect

resistive wood or plastic slats shall be inserted in the chain link or woven fabric, with a maximum separation of 3/8 inch between slats.

3. Construct a combination fence consisting of metal sheeting attached to wood framing as defined in Section C 1 above, or durable metal framing, which is painted a neutral or earth tone color.
4. Construct a wall consisting of solid material, built of concrete, masonry, brick, stone or other similar materials or combinations thereof.
5. Construct an earthen berm consisting of dirt, soil, sand, clay or any combination thereof and shall be planted with grass and/or ornamental plantings and shall be maintained at all times.
6. Plant a hedge consisting of evergreen plantings or other ornamental plantings a minimum of six (6) feet in height, planted not more than two (2) feet on center and which is maintained at all times.

In addition to the minimum fencing requirements, wood, metal, masonry fences or combination thereof greater than six (6) feet in height are subject to County review pursuant to the Oregon State Uniform Building Code, and all earthen berms are subject to County review pursuant to the County's Grading and Excavation Chapter. For purposes of this chapter, no sight obscuring screen shall be located, placed, constructed or installed contrary to the Clackamas County Zoning and Development Ordinance."

10.03.030 Definitions

"(32). INOPERABLE VEHICLE for the purpose of the Nuisance Abatement provisions of this chapter, shall mean a vehicle designed for use on a public highway which has been left on public or private property thirty (30) days or more and is not currently licensed, or not in operating condition, or which has been extensively damaged, vandalized or stripped, including, but not limited to, missing wheels, tires, motor or transmission. An inoperable vehicle shall not mean an unlicensed operable vehicle or vehicles, which are used on private property for the production, propagation or harvesting of agricultural products grown or raised on such lands. "

...

"47. PUTRESCIBLE MATERIAL means solid waste or wastes, including: bones; meat and meat scraps; fat; grease; fish and fish scraps; food containers or products contaminated with food wastes, particles or residues; prepared vegetable and fruit food wastes or scraps; manure; feces; sewer sludge; dead animals or similar wastes which cause offensive odor or create a health hazard, or which are capable of attracting or providing food for potential "

...

"(58). SOLID WASTE OR WASTES shall include all putrescible and non-putrescible waste, including but not limited to, garbage; compost; organic waste; yard debris; brush and branches; land-clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicles or vehicle parts and vehicle tires; special vehicles and equipment that are immobile and/or inoperable, mobile homes or trailer houses which are dilapidated, partially dismantled or fire damaged; manure; feces; vegetable or animal solid and semi-solid waste and dead animals; and infectious waste. Waste shall mean useless, unwanted or discarded materials. The fact that materials which would otherwise come within the definition of solid waste may, from time to time, have value and thus be utilized shall not remove them from the definition. "...

From: [Benthin, Kim](#)
To: "Kasey"
Subject: RE: 11825 SE 118th Drive
Date: Tuesday, November 30, 2021 2:36:00 PM

Kasey,

I am not certain you are asking the water district and the sewer district the correct question. Yes, the districts you mention below will allow it -- ***IF*** Planning and Zoning approves it.

The concern is the ***cost***.

As I told you before I had a homeowner that was attempting to get a successful Temporary Dwelling for Care. He was going to have to pay upwards of \$30,000 to tie into the water and sewer district. You must get the Planning and Zoning approval (i.e. a successful Temporary Dwelling for Care application) **AND** complete all of the building code concerns. Which includes the water, electrical and sewer service.

Does that make sense?

Kimberly Benthin
Code Enforcement Specialist
Clackamas County Code Enforcement Section

-----Original Message-----

From: Kasey <kasey.park@yahoo.com>
Sent: Tuesday, November 30, 2021 10:48 AM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: 11825 SE 118th Drive

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

Hey Kimberly,

Here are some updates from after I talked to you this morning.

So I called back Sunrise Water and talked to Tim Jansen who is the Engineering Manager. He said they don't require anything from my part to run a water line but he doesn't know what the county will want. He also apologized for his department not getting back to me with that answer earlier. Also called Clackamas Environmental Services who is the sewer company and talk to Don Kemp. Don sorta told me the same thing that if the county inspector approves it then they are fine with it and I don't need to do anything additional with them. Don said they work closely with the inspectors if they have questions.

I will send you the documents tomorrow after I go to the DMV and receive them.

Thanks for your understanding and help with all this again!

Kasey Park
971.227.5937

From: [Benthin, Kim](#)
To: ["Kasey"](#)
Subject: RE: 11825 SE 118th Drive
Date: Monday, December 6, 2021 10:50:00 AM

Kasey

It appears that the 'water and sewer people' are deferring to the Building Codes Division to provide you an estimate of the permit costs for providing utilities to the unpermitted structure. You might contact the Building Codes Division for a permit estimate.

I thought that there was more to converting a tiny home to an RV than just filling out paperwork. I googled "How to turn a tiny home into an RV in Oregon" and found there may be a few steps. Hopefully your contractor has the information you need.

Kimberly Benthin

Code Enforcement Specialist
Clackamas County Code Enforcement Section

From: Kasey <kasey.park@yahoo.com>
Sent: Friday, December 3, 2021 8:01 AM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: 11825 SE 118th Drive

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

Hey Kimberly,

So I have been working on this non stop for the last couple days.

I went into the DMV to register the tiny home into an RV. But I got some wrong info again from people. This process and trying to get correct info is by far the worst thing I have ever experienced in my life. The DMV wants me to either bring the tiny home in so they can give it a quick glance to see if it has a vin# yet or not which it doesn't yet. Or I have to get a hold of the builder to see if they can give me an MCO. I'm trying to get a hold of the builder and he is suppose to call me back today with more info. So I'm waiting on that.

Also when I talked to the Water and Sewer people I told them I will be hooking up an RV and need to know what they would charge for running a line out to it so I could get water and sewer anytime I needed. They both told me that I would just have to get a permit from the county.

Let me know if you have anymore questions and I'll let you know what I find out from the builder about getting a vin# so I could switch it to an RV.

Thanks,

Kasey Park
971.227.5937





Citation No. 21387-1

Case No. V0038721

ADMINISTRATIVE CITATION

Date Issued: January 6, 2022

Name and Address of Person(s) Cited:

Name: Dung Phuong Nguyen
Mailing Address: 11825 SE 118th Dr
City, State, Zip: Clackamas, OR 97015

Date Violation(s) Confirmed: On the 15th day of September, 2021, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 11825 SE 118th Dr., Clackamas, OR 97015

Legal Description: T2S, R2E Section 03AA, Tax Lot 01415

Law(s) Violated

- 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)
- 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, Sections 315, 839, 833

WAIVED

Description of the violation(s):

- 1) The occupation and placement of the structure on wheels remains on the subject property without proper plumbing, electrical and placement or building permits

Maximum Civil Penalty \$1000.00 Fine \$100.00

- 2) The structure on wheels on the property does not have land use authorization.

Maximum Civil Penalty \$2500.00 Fine \$75.00

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

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

Citation issued by: Kimberly Benthin
Telephone No.: 503-742-4457

Date: January 6, 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 Notice 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.

WAIVED

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 # : V0038721





Citation No. 21387-2

Case No. V0038721

ADMINISTRATIVE CITATION

Date Issued: March 14, 2022

Name and Address of Person(s) Cited:

Name: Dung Phuong Nguyen
Mailing Address: 11825 SE 118th Dr
City, State, Zip: Clackamas, OR 97015

Date Violation(s) Confirmed: On the 15th day of September, 2021 and continues to exist on the 14th day of March 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): 11825 SE 118th Dr, Clackamas, OR 97015

Legal Description: T2S, R2E Section 03AA, Tax Lot(s) 01415

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, E)
- Chapter 9.03 of CCC Excavation and Grading, Section
- Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.060 (A,B,C)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Sections 315, 839, 833

WAIVED

Description of the violation(s):

- 1) The occupation and placement of the structure on wheels remains on the subject property without proper plumbing, electrical and placement or building permits.

Maximum Civil Penalty \$1000.00 Fine \$500.00

- 2) The structure on wheels on the property does not have land use authorization.

Maximum Civil Penalty \$2500.00 Fine \$400.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$900.00. 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: March 14, 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 Notice 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.

WAIVED

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 No. : V0038721





Clackamas County Official Records
Sherry Hall, County Clerk

2022-059744

11/21/2022 09:05:01 AM

D-D Cnt=1 Stn=7 LISA
\$10.00 \$16.00 \$10.00 \$62.00

\$98.00

Until a change is requested,
all tax statements shall be sent to Grantor:

Kasey Park as PR for the Estate of
Dung Phuong Nguyen
11825 SE 118th Dr
Clackamas, OR 97015

After recording return to Grantee:

Kasey Park
11825 SE 118th Dr
Clackamas, OR 97015

DEED OF PERSONAL REPRESENTATIVE

Kasey Park, the duly appointed, qualified, and acting Personal Representative of the estate of Dung Phuong Nguyen, deceased, Clackamas County probate number 21PB08559, Grantor, hereby conveys to Michael Winstead, Grantee, an undivided one-quarter interest and to Samuel Winstead, Grantee, an undivided one-quarter interest and to Kasey Park, Grantee, an undivided one-half interest in the following described real property located at 11825 SE 118th Dr., Clackamas, OR 97015 as tenants in common:

22E03AA01415 00424776


Lot 15, TANYA PARK, in the County of Clackamas and State of Oregon.

This property is free from encumbrances except for those of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

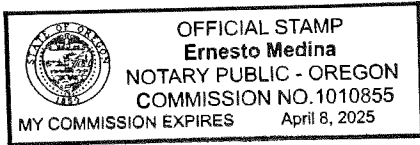
The true consideration for this conveyance is \$ NONE (Estate distribution).

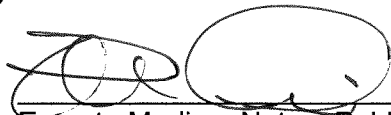
DATED: 11/10/2022.


Kasey Park, Personal Representative
of the Estate of Dung Phuong Nguyen, Grantor

State of Oregon)
) ss.
County of Washington)

On this 10 day of November, 2022, personally appeared the above-named Kasey Park and acknowledged the above instrument to be her voluntary act and deed as Personal Representative of the estate of Dung Phuong Nguyen.




Ernesto Medina, Notary Public
4900 SW Griffith Dr. Ste. 131
Beaverton, Oregon 97005
My commission expires: April 8, 2025

Benthin, Kim

From: Benthin, Kim
Sent: Friday, January 20, 2023 3:16 PM
To: 'Kasey'
Subject: In the matter of V0038721 - Dung Phuong Nguyen - Jan 24 - 10:30 am Code Enforcement Hearing

Hello Mr. Park,

I don't know if you were planning to attend the hearing on January 24th or not. It is being cancelled. The County recently discovered change in ownership.

Thank you.

Kimberly Benthin
Code Enforcement Specialist

Clackamas County – Transportation & Development

Code Enforcement Section

kimben@clackamas.us

503-742-4457

Development Services Building | 150 Beaver Creek Road | Oregon City OR 97045

Please check the Clackamas County webpage for Clackamas County building hours of operation. The Clackamas County Development Services Building lobby hours are Monday through Thursday 8:00 AM to 4:00 PM. The Development Services Building is closed to the public on Fridays but we are available by phone and email. If you have general questions, you can also contact our main customer service desk at 503-742-4400 or via email at DTDCustomerInfo@clackamas.us

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February 6, 2023

Violation File #V0038721

Kasey Park
Michael Winstead
Samuel Winstead
11825 SE 118th Dr
Clackamas, OR 97015

Subject: Violations of the Clackamas County Building Code Chapter 9.02.040(A,B,C,D,E) and the Clackamas County Zoning and Development Ordinance Title 12 Sections 315, 839, 833 and the Solid Waste and Wastes Management Code Chapter 10.03.060(A,B)

Site Address: 11825 SE 118th Dr., Clackamas OR 97015

Legal Description: T2S2, R2E, Section 03AA, Tax Lot 01415

This letter is in follow up to the ongoing unpermitted occupied wheeled structure (tiny home) installed on the above referenced property.

Recently the County discovered that the ownership of the property has been changed, therefore you are being notified of the violations on the above referenced address.

The utilities that serve the structure are not permitted. Whereas the Building Code may not apply to a structure constructed on wheels, the building code does apply to the connected utilities. Additionally, the Zoning and Development Ordinance (ZDO) applies to all uses and structures on the property, and the ZDO **does not allow** for occupied structures on wheels without authorization.

The subject property is zoned Urban Low Density Residential Section 315, R-10. In this zone, Accessory Dwelling Units (ADU), Guest Houses and non-habitable accessory structures are allowed subject to the standards and permit requirements set forth in Sections 315, 839 and 833 respectively of the ZDO. If you wish, it may be possible to convert the structure on wheels into an ADU or Guest Home and meet all requirements of the Building Code and the Zoning and Development Ordinance.

In order to abate the code violations, please use **one of the following** options to gain compliance for the structure/vehicle **not later than March 8, 2023**.

1. If you wish to convert the structure on wheels into a structure such as a Guest House, ADU or a non-occupied accessory structure:
 - a. Please submit, or have your professional submit, building permit application(s), technically complete plans and appropriate fee(s) to convert it into a structure that meets the development standards of the Zoning and Development Ordinance and meets Building Code requirements for inhabiting.
 - b. If it is found that need for additional information to complete the plan review; it is requested that the required information be submitted not later than 15 days of the request.
 - c. The permit(s) must have the fee(s) paid in full within ten days of your being notified they are due by Building Codes.
 - d. Please schedule all inspections so that all inspections including the final inspections may be successfully obtained not later than 30 days of the date of receipt of your issued permit(s).

Or:

2. It may be possible to convert the structure on wheels into a structure that is exempt from the building code, however it cannot be inhabited. The size and use of the structure determines its eligibility for exemption. The exempt structure must still meet the requirements and standards of the ZDO.

Or:

3. Demolish the structure on wheels. And obtain building permits to code compliantly decommission the utilities, connected to the structure on wheels. All required inspections must be successfully obtained and all remaining debris must be removed within 30 days.

Or:

4. Remove the structure on wheels from the property. And obtain building permits to code compliantly decommission the utilities connected to the structure on wheels. All required inspections must be successfully obtained within 30 days.

Or:

5. If the structure on wheels is registered to someone at the subject property address, and licensed with the State of Oregon Department of Motor Vehicles as a *recreational vehicle* it may remain on site **in one of the following options**:
 - a. Obtain permits to decommission the plumbing and electrical utilities connected to the recreational vehicle and it may be stored on site, but not occupied.
 - b. If you wish to occupy the recreational vehicle you must *first* obtain land use authorization. If you wish to explore options you may contact the Planning and Zoning Division.

Or:

6. If the structure on wheels is code compliantly disconnected from utilities, and it is not occupied and it is not a currently licensed and operable vehicle it may be a violation of the Solid Waste and Wastes Management Code Chapter 10.03. If you wish to store it on site; it must not be stored in a manner that causes a violation of the Solid Waste and Wastes Management Code. Call me for an inspection to confirm it is in compliance.

Building permit document submittals are subject to the review and approval of the Planning and Zoning Division. If you have questions regarding the standards and requirements, or additional options or paths of compliance available to you please contact the Planning and Zoning Division at 503-742-4500 or by email at zoninginfo@clackamas.us

Building permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>. For additional questions concerning these permit requirements or the online submittal process, you may contact the Building Codes Division at 503-742-4240, via email at bldservice@clackamas.us. You may also stop by our offices at 150 Beaver Creek Rd., Oregon City, OR 97045, on Monday, Tuesday and Wednesdays between the hours of 8:00 a.m. and 4:00 p.m. The Development Services Building is closed to the public on Wednesdays and Fridays but we are available by phone and email. If you have general questions, you can also contact our main customer service desk at 503-742-4400 or via email at DTDCustomerInfo@clackamas.us.

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

Thank you for your prompt attention to this matter.

A handwritten signature in black ink, appearing to read 'Kimberly Benthin', is written over a light gray rectangular background.

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.

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/nondiscrimination를 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.





Citation No. 21387-3

Case No. V0038721

ADMINISTRATIVE CITATION

Date Issued: March 20, 2023

Name and Address of Person(s) Cited:

Name: Kasey Park, 1/2 interest
Name: William Winstead 1/4 interest
Name: Samuel Winstead 1/4 interest
Mailing Address: 11825 SE 118th Dr
City, State, Zip: Clackamas. OR 97015

Date Violations Confirmed: On the 6th day of February, 2023, the persons cited committed or allowed to be committed, the violations of law described below, at the following address:

Address of Violation(s): 11825 SE 118th Dr., Clackamas. OR 97015
Legal Description: T2S, R2E Section 03AA, Tax Lot 01415

Law(s) Violated

- 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,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

Description of the violation(s):

1) The occupation and placement of the structure on wheels remains on the subject property without proper plumbing, electrical and placement or building permits.

Maximum Civil Penalty \$1000.00 Fine \$500.00

2) The structure on wheels on the property does not have land use authorization.

Maximum Civil Penalty \$2500.00 Fine \$400.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$900.00. 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: March 20, 2023
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 # : V0038721