



NOTICE OF HEARING

July 18, 2022

Mathias & Julie Pitzl
31725 SE Judd Rd
Eagle Creek, OR 97022

RE:: County of Clackamas v. Mathias & Julie Pitzl
File: V0004820

Hearing Date: September 8, 2022

Time: This item will not begin before 10:00 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 Diane Bautista, Code Compliance Specialist for Clackamas County at (503) 742-4459, 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 integritypaintinginc@hotmail.com. Please contact Diane Bautista 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 DianeBau@clackamas.us or 150 Beavercreek 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 Diane Bautista at 503-742-4459 **within 3 calendar days of receipt of the notice of hearing packet.**

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

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

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

Department of Transportation and Development

Nondiscrimination Policy:

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

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

¡LE DAMOS LA BIENVENIDA! Spanish

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

ДОБРО ПОЖАЛОВАТЬ! Russian

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

欢迎! Chinese (Mandarin)

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

CHÀO MỪNG! Vietnamese

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

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

환영합니다. Korean

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

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

COUNTY OF CLACKAMAS,

Petitioner,

v.

MATHIAS PITZL and
JULIE PITZL,

Respondents.

File No: V0004820

COMPLAINT AND REQUEST FOR HEARING

I, Diane Bautista, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondent's place of residence is: 31725 SE Judd Rd., Eagle Creek, OR 97022.

2.

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

31725 SE Judd Rd., Eagle Creek, OR 97022, also known as T2S, R4E, Section 29A, Tax Lot 00101,
and is located in Clackamas County, Oregon.

3.

On or about the 16th day of June, 2022 Respondents violated the following laws, in
the following ways:

- a. Respondents violated the Clackamas County Building Code, Title 9.02 by failing to
obtain required permits and final approved inspections. This violation is a Priority 1
violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violations was given to Respondents in the following manner: Citation and Complaint #2000048-3 in the amount of \$500.00 was mailed via first class mail on June 16, 2022. A copy of the notice document is attached to this Complaint as Exhibit E, and incorporated by this reference.

6.

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

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to immediately abate the violations 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 the Board of County Commissioners. Said range for a Building Code Title 9.02 Priority 1 violation being \$750.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code.

and

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 14th day of July, 2022.



Diane Bautista
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

MATHIAS PITZL and
JULIE PITZL,

Respondents.

File No.: V0004820

STATEMENT OF PROOF

History of Events and Exhibits:

February 3, 2020	Clackamas County received a complaint regarding an agriculturally exempt structure that was converted to habitable space without permits.
February 5, 2020 Exhibit A	Research was conducted by County staff that showed that AG permit AG016707 was obtained for horses and electrical permit E0640507 was issued and received final approved inspections for new service to the AG structure.
May 20, 2020 Exhibit B	Correspondence was sent to the Respondents with a deadline of June 20, 2020 to return the structure back to an agricultural use and obtain electrical and plumbing permits as required.
June 18, 2020 Exhibit C	The County received an email from Respondent Matt Pitzl that the space was being used to record music and watch movies and that plumbing had been installed.
May 27, 2021 Exhibit D	I sent an email to the Respondents stating that this violation had been assigned to me and requesting to conduct a site inspection and verify the AG structure was being used for agricultural uses and that the required permits were obtained.
June 16, 2022	I reviewed the County permitting system and no permits had been obtained. There has been no contact from the Respondents since email on June 18, 2020.
June 16, 2022 Exhibit E	Citation 2000048-3 was issued for an agriculturally exempt structure being used for non-agricultural uses and failure to obtain required plumbing permits and final approved inspection and was sent via first class mail. Citation mailed first class mail was not returned. Citation has not been paid.
July 14, 2022	The County referred this matter to the Code Enforcement Hearings Officer.

If the Compliance Hearings Officer affirms the County's position by a preponderance of the evidence, the County may request a Continuing Order in this matter recommending the following:

- The Respondents be ordered to bring the property into compliance with the Building Code within 30 days of the date of the Continuing Order by returning the structure back to an agricultural use and obtaining required permits and receive final approved inspections within 30 days of the permits being issued and allow a site inspection to confirm.
- Code Enforcement to confirm compliance of the above items and the County will submit a post hearing status report. The report will be sent to the Compliance Hearings Officer and to the Respondents.
- The report may include the following recommendations:
- The imposition of civil penalties for the building code violations of up to \$1,000.00 for date cited of June 16, 2022. For a total amount due of \$1,000.00
- Payment for Citation No. 2000048-3 issued on June 16, 2022 for \$500.00. For a total amount due of \$500.00.
- The administrative compliance fee to be imposed from June 2020 until the violations are abated. As of this report the total is \$1,875.00.
- The County requests the Hearings Officer to permanently prohibit the Respondents from violating this law in the future.
- If the Respondents fail to comply with the Hearings Officer's Continuing Order the County will request the Hearings Officer to issue a Final Order and will also request the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.

Clackamas County
Department of Transportation & Development - Building Codes Division
9101 SE Sunnybrook Blvd., Clackamas, OR 97015
www.co.clackamas.or.us

Permit No: AG016707

Type: Agricultural

Status: ISSUED

Address: 31725 SE JUDD RD CLAC

Description: AG BLDG FOR HORSES

Location:

Parcel: 24E29A -00101

Printed: 09/25/2007

Contact Ph: 503-637-5336

Applied: 09/19/2007

Issued: 09/25/2007

Entered By: JD

APPLICANT :PITZL MATHIAS S & JULIE A 31725 SE JUDD RD EAGLE CREEK, OR 97022 503-637-5336

OWNER :PITZL MATHIAS S & JULIE A 31725 SE JUDD RD EAGLE CREEK, OR 97022

Sec 101.3 1998 State of Oregon Structural Specialty Code

(a) Nonfarm Agricultural Buildings. This chapter applies to nonfarm agricultural buildings. Nonfarm agricultural buildings may be classified by the building official as Group U Division 1 occupancies as specified in Section 312.

(b) Definitions. For the purpose of this chapter, certain terms are defined as follows:

FARM is land used for the primary purpose of obtaining a profit in money by:

Raising, harvesting and selling of crops;

Feeding, breeding, management, sale of, or produce of livestock, poultry, fur-bearing animals, or honeybees;

Dairying and the sale of dairy products;

Animal husbandry;

Preparation and storage of the produce raised for human use and animal use and disposal by marketing or otherwise; or

Any other agricultural or horticultural use.

FARM AGRICULTURAL BUILDING is a structure located on a farm and used in the operation of such farm for:

All uses listed above; and

Storage, maintenance or repair of farm machinery and equipment;

Farm Agricultural Building does not include:

A dwelling;

A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;

A structure regulated by the State Fire Marshal pursuant to ORS Chapter 476;

A structure used (or entered) by the public; or

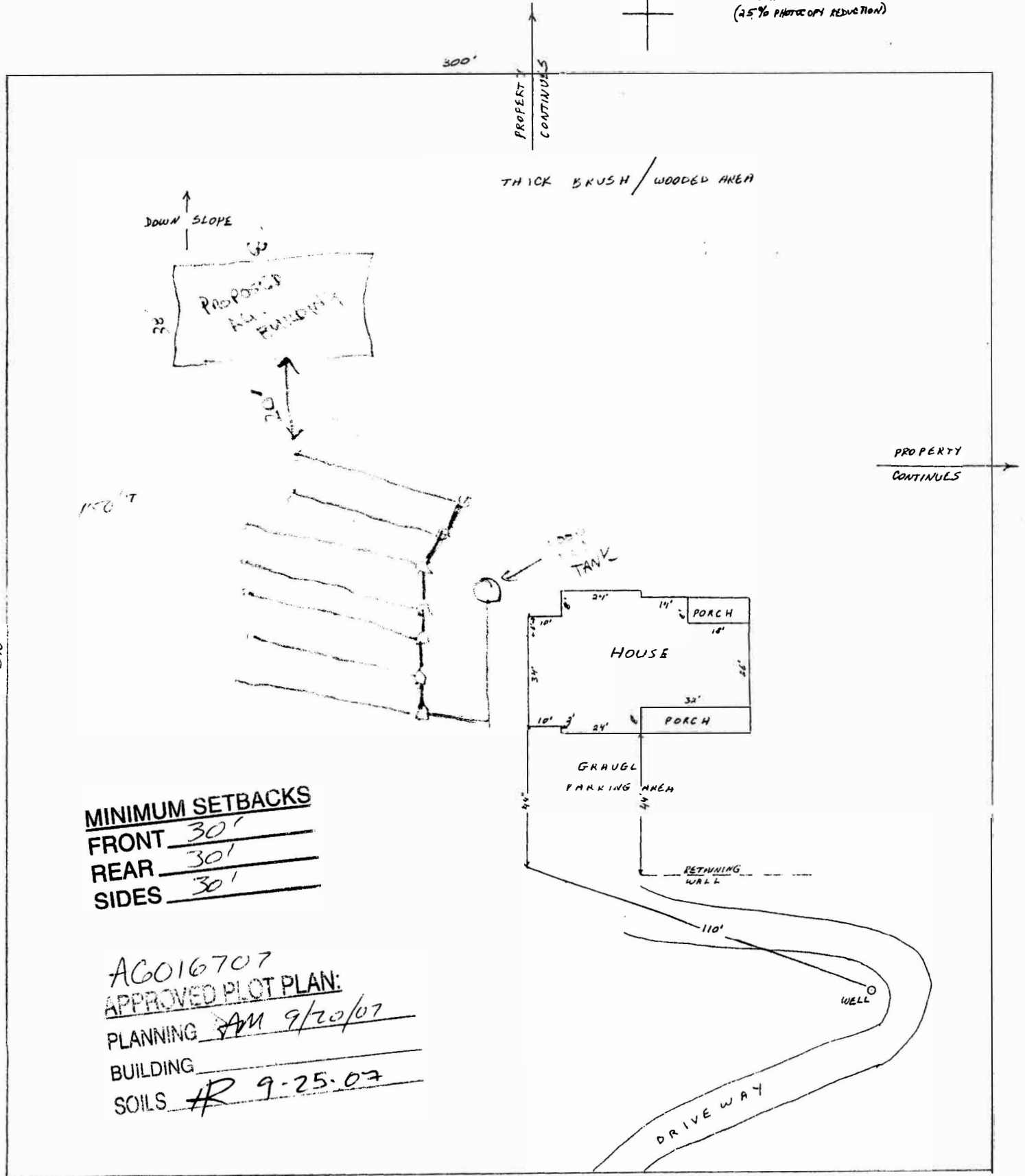
A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder. (ORS 455.315)

Agricultural buildings will be allowed without building permits on 5 acres or larger in areas zoned RA-1, RA-2, RRFF-5, FF-10, EFU, TBR, AG/Forest and FU-10.

TOWNSHIP 2S RANGE 4E SECTION 29A TAX LOT 101
ADDRESS: 31725 SE JUDD RD. EAGLE CREEK, OR 97022

MATT PITZL
(503) 637-5336

SCALE: 1" = 30'
(25% PHOTO COPY REDUCTION)



STO198-99
AS BUILT

owner: Grimes

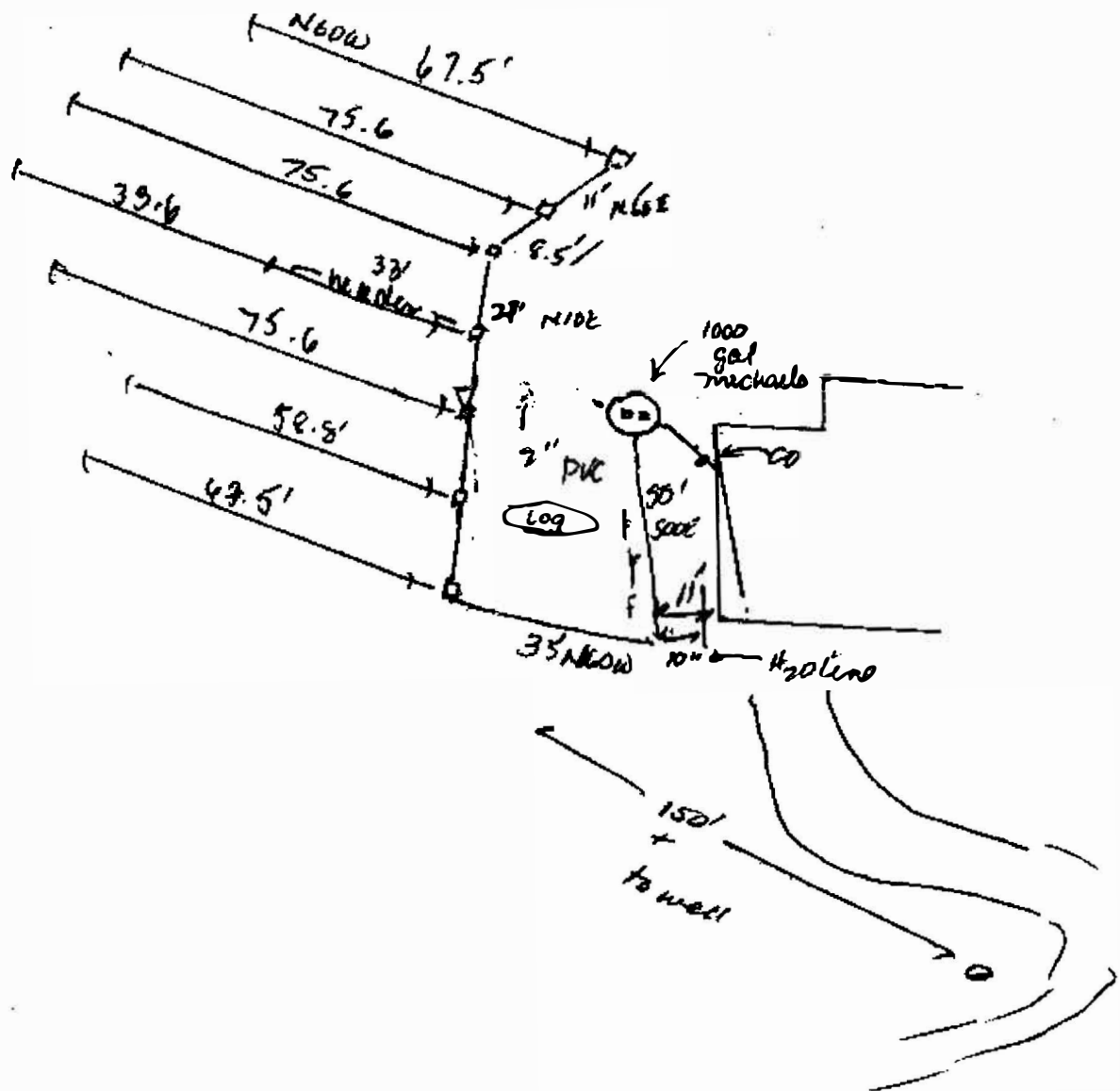
installer: Joms Tractor

inspector: Livingston

N

NTS

6-24-99



Application for Agricultural Building / Equine Facility Exemption

Certain agricultural buildings and equine facilities are exempt from the State of Oregon Structural Specialty Code. A building permit is not required for buildings or structures located on a farm if the building or structure is to be used exclusively for the operation of the farm. Electrical, plumbing and mechanical permits are always required. The following definitions apply:

FARM is land used for the primary purpose of obtaining a profit in money by raising, harvesting, and selling of crops; feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees; dairying and the sale of dairy products; animal husbandry; the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise; or any other agricultural or horticultural use.

FARM AGRICULTURAL BUILDING is a structure located on a farm and used in the operation of such farm for all the uses listed above and for the storage, maintenance or repair of farm machinery and equipment.

FARM AGRICULTURAL BUILDING DOES NOT INCLUDE:

- A dwelling;
- A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;
- A structure regulated by the State Fire Marshal pursuant to ORS 476;
- A structure used by the public; or
- A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder. (ORS 455.315)

EQUINE FACILITY is a building located on a farm and used by the farm owner or the public stabling or training equines, for riding lessons and training clinics.

EQUINE FACILITY DOES NOT INCLUDE:

- A dwelling;
- A structure in which more than 10 persons are present at any one time
- A structure regulated by the State Fire Marshal pursuant to ORS chapter 476; or
- A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder. (ORS 455.315)

AGRICULTURAL BUILDINGS WILL BE ALLOWED WITHOUT BUILDING PERMITS ON FIVE (5) ACRES OR LARGER IN AREAS ZONED RA-1, RA-2, RRFF-5, RRFF-10, EFU, TBR, AG/FOREST AND FU-10

An agricultural building is to be built on the property located at:

31725 SE Judd Rd, Eagle Creek T 2 R 1E SEC 29A TL 10-1

and will be used exclusively for farm use. The proposed structure meets the above definition, and is therefore exempt from the building permit process. (Site plan is required and attached)

I understand this exemption does not exclude me from obtaining applicable mechanical, plumbing and electrical permits:

Julie Pitzel
Print Name

503-637-5336
Phone

31725 SE Judd Rd, Eagle Creek, OR 97022
Address

[Signature]
Owner's Signature

9/19/07
Date

-----Staff Use Only-----

AM 9/20/07
Planning Date

Utilities (if needed)

Date

HR 9-25-07
Soils Date

MA 9-25-07
Building Date

☐ ONWI ☐ Scenic Rivers ☐ Floodplain ☐ PRC ☐ Willamette River Greenway ☐ Erosion Control

Clackamas County
Department of Transportation & Development - Building Codes Division
9101 SE Sunnybrook Blvd., Clackamas, OR 97015

Permit No: E0640507
Type: Electrical
Status: ISSUED

www.co.clackamas.or.us

Applied: 10/03/2007
Approved: 10/03/2007
Final:
Expiration: 03/31/2008

Address: 31725 SE JUDD RD CLAC
Description: NEW SERVICE FOR POLE BUILDING
Location:
Parcel: 24E29A -00101
Printed: 10/03/2007
Contact Ph: 503-637-5336

Entered By: KV
Insp Area:

APPLICANT: PITZL MATHIAS S & JULIE A 31725 SE JUDD RD EAGLE CREEK, OR 97022
503-637-5336

OWNER: PITZL MATHIAS S & JULIE A 31725 SE JUDD RD EAGLE CREEK, OR 97022

SFR/Dup 1st Unit(sqft): 0
Manufactured Dwelling: 0
Temp Srv/Fdr: 0
Misc: 0
Reconnect Only: N

Addt'l Unit: 0
Type: 0
Amps: 0
Type: 0
Low Energy: 0

Circuits w/Service: 10
1st Circ w/o Service: 0
each addt'l: 0
Multi-Fam 0-1000 sqft: 0
addt'l 500 sqft: 0

Service/Feeder
0 - 200 amps: 1
201 - 400 amps: 0
401 - 600 amps: 0
601 -1000 amps: 0
1000+ amps: 0

Inspection Fees: \$0.00
Plan Check Fees: \$0.00
Permit Fees.....: \$140.00
State Surcharge: \$11.20

Total Fees.....: \$151.20
Total Payments: \$151.20
Balance Due....: \$0.00



Department of Transportation & Development
Building Codes Division
9101 SE Sunnybrook Blvd., Clackamas, OR 97015
Phone: (503) 353-4240
Inspection Requests (24 Hrs.): (503) 353-4720

CLACK131 ACCELA COMPUTER SYSTEMS PAGE: 39
09/24/08 7:02 AM INSPECTION WORK SHEETS FOR: 9/24/2008 **G26** TYPE:

ACTIVITY: E0640507 TYPE: OTH STATUS: ISSUED Constr:
ADDRESS: 31725 SE JUDD RD CLAC Balance Due: \$0.00
LOCATION: Contact Phone: 503-637-5336
PARCEL: 24E29A 00101 Occ: Use:
DESCRIPTION: NEW SERVICE FOR POLE BUILDING
APPLICANT: PITZL MATHIAS S & JULIE A hone: 503-637-5336
OWNER: PITZL MATHIAS S & JULIE A hone:
CONTRACTOR: hone:

Inspection Request Information...

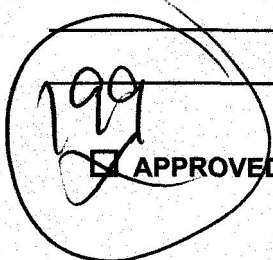
Requestor: VOICE Phone:
Req Time: 12:00:00 P Comments: - 151699-01- Request for Insp. #
Items requested to be inspected... Action Comments Time Ex

00199 Electrical Final

Inspection History

Item	Description	Date	Inspector	Status
00100	Service & Rough-In	11/20/07	DANW	PA
00199	Electrical Final	09/19/08	WILLW	DN

Final Approved



☒ APPROVED

☐ APPROVED
WITH
CORRECTIONS
(REINSPECTIONS
NOT REQ'D)

☐ PARTIAL
APPROVAL ☐ DENIED

☐ ADDITIONAL
FEES
ASSESSED

Inspected By:

Will W. Williams

Date:

9-24-08



Department of Transportation & Development
Building Codes Division
9101 SE Sunnybrook Blvd., Clackamas, OR 97015
Phone: (503) 353-4240
Inspection Requests (24 Hrs.): (503) 353-4720

626

CLACK131 ACCELA COMPUTER SYSTEMS
09/19/08 7:06 AM INSPECTION WORK SHEETS FOR: 09/19/2008

PAGE: 43
TYPE:

ACTIVITY: E0640507 TYPE: OTH STATUS: ISSUED Constr:
ADDRESS: 31725 SE JUDD RD CLAC Balance Due: \$0.00
LOCATION: Contact Phone: 503-637-5336
PARCEL: 24E29A 00101 Occ: Use:
DESCRIPTION: NEW SERVICE FOR POLE BUILDING
APPLICANT: PITZL MATHIAS S & JULIE A hone: 503-637-5336
OWNER: PITZL MATHIAS S & JULIE A hone:
CONTRACTOR: hone:

Inspection Request Information...

Requestor: VOICE

Phone:

Req Time: 12:00:00 P Comments: -

150575-01- Request for Insp.

Items requested to be inspected... Action Comments

Time Ex

00199 Electrical Final

Inspection History...

00100 Service & Rough-In 11/20/07 DANW PA

1. Reverse polarity on receptacle near table saw
and near cable ties on bench and over
bench. (Blacks & whites reversed)

☐ APPROVED

☐ APPROVED
WITH
CORRECTIONS
(REINSPECTIONS
NOT RE(Q'D))

☐ PARTIAL
APPROVAL

☒ DENIED

☐ ADDITIONAL
FEES
ASSESSED

Inspected By:

W. Whitman

Date:

9-19-08



Department of Transportation & Development
Building Codes Division
9101 SE Sunnybrook Blvd., Clackamas, OR 97015
Phone: (503) 353-4240
Inspection Requests (24 Hrs.): (503) 353-4720

626

CLACK131 ACCELA COMPUTER SYSTEMS
11/20/07 7:06 AM INSPECTION WORK SHEETS FOR: 11/20/2007

PAGE: 94
TYPE:

ACTIVITY: E0640507 TYPE: OTH STATUS: ISSUED Constr:
ADDRESS: 31725 SE JUDD RD CLAC Balance Due: \$0.00
LOCATION: Contact Phone: 503-637-5336
PARCEL: 24E29A 00101 Occ: Use:
DESCRIPTION: NEW SERVICE FOR POLE BUILDING
APPLICANT: PITZL MATHIAS S & JULIE A
OWNER: PITZL MATHIAS S & JULIE A
CONTRACTOR:

hone: 503-637-5336
hone:
hone:

Inspection Request Information...

Requestor: VOICE

Phone:

Req Time: 12:00:00 P Comments: -

076333-01* Request for insp.#

Items requested to be inspected... Action Comments

Time Ex

00100 Service & Rough-In

Inspection History...

00100 Service & Rough-In 11/19/07 WILLW DN

Previous corrections
Complete



☒ APPROVED
WITH
CORRECTIONS
(REINSPECTIONS
NOT REQ'D)



☒ PARTIAL
APPROVAL
100

☐ DENIED

☐ ADDITIONAL
FEES
ASSESSED

Inspected By:

Date:

11/20/07



Department of Transportation & Development
Building Codes Division
9101 SE Sunnybrook Blvd., Clackamas, OR 97015
Phone: (503) 353-4240
Inspection Requests (24 Hrs.): (503) 353-4720

625

CLACK131

ACCELA COMPUTER SYSTEMS

PAGE: 98

11/19/07 7:05 AM INSPECTION WORK SHEETS FOR: 11/19/2007

TYPE:

ACTIVITY: E0640307 TYPE: OTH STATUS: ISSUED Constr:
ADDRESS: 31725 SE JUDD RD CLAC Balance Due: \$0.00
LOCATION: Contact Phone: 503-637-5336
PARCEL: 24E29A 00101 Occ: Use:
DESCRIPTION: NEW SERVICE FOR POLE BUILDING
APPLICANT: PITZL MATHIAS S & JULIE A hone: 503-637-5336
OWNER: PITZL MATHIAS S & JULIE A hone:
CONTRACTOR: hone:

Inspection Request Information...

Requestor: VOICE

Phone:

Req Time: 12:00:00 P Comments: -

075857-01 Request for insp. #

Requestor: VOICE

Phone:

Req Time: 12:00:00 P Comments: -

075857-02 Request for insp. #

Items requested to be inspected...

Action Comments

Time Ex

00100 Service & Rough-In

00120 Rough-In/Cover

1. #4 Ground rod conductor required (copper) -
Art 250.66.

2. Direct Burial clamps required on rods. Art 40.3.

Service & Cover not Approved

☐ APPROVED

☐

APPROVED
WITH
CORRECTIONS
(REINSPECTIONS
NOT REQ'D)

☐

PARTIAL
APPROVAL

☒

DENIED

☐

ADDITIONAL
FEES
ASSESSED

Inspected By:

Will Whitman

Date:

11-19-07



Electrical Permit Application

Clackamas County

9101 SE Sunnybrook Blvd., Clackamas, OR 97015

Phone: (503) 353-4400, FAX: (503) 353-4741, Internet address: www.co.clackamas.or.us

Land Use Approval:

Permit No.:

Date:

TYPE OF WORK

- ☒ New construction ☐ Addition/alteration/replacement
☐ Other:

CATEGORY OF CONSTRUCTION

- ☐ 1- and 2-family dwelling ☐ Commercial/industrial ☐ Accessory building
☐ Multi-family ☐ Master builder ☒ Other: AG. BUILDING

JOB SITE INFORMATION AND LOCATION

Job no.: Job address: 31725 SE Judd Road

City/State/ZIP: EGAN CREEK, OR 97022

Suite/bldg./apt. no.: Project name:

Cross street/directions to job site:

Subdivision: Lot no.:

Tax map/parcel no.:

DESCRIPTION OF WORK

NEW SERVICE TO POLE BARN

☒ PROPERTY OWNER

☐ TENANT

Name: MATT PITZEL

Address: (SAME AS JOB SITE)

City/State/ZIP:

Phone: (503) 637-5336

Fax: (503) 742-0863

Owner installation: This installation is being made on property that I own, which is not intended for sale, lease, rent, or exchange.

Owner signature: [Signature] Date: 10/3/07

☐ APPLICANT

☐ CONTACT PERSON

Business name:

Contact name:

Address:

City/State/ZIP:

Phone: ()

Fax: ()

E-mail:

CONTRACTOR

Business name:

Address: *Number of inspections allowed per permit.

City/State/ZIP:

Phone: ()

Fax: ()

E-mail:

CCB lic. no.:

Electrical lic. no.:

City or metro lic.:

Supervising electrician signature, required:

Print name: MATT PITZEL Date: 10/3/07

Authorized signature: [Signature]

Print name:

Date:

PLAN REVIEW

- ☐ Fire pump ☐ Building over three stories
☐ Emergency system ☐ Service or feeder 600 amps or over
☐ Addition of new motor load of 100HP or more ☐ Commercial-use agricultural buildings
☐ Health care facilities ☐ Installation of 75 KVA or larger separately derived system
☐ Hazardous locations ☐ "A," "E," "I-2," "I-3" occupancies
☐ Recreational vehicle parks ☐ Service or feeder 400 amps or more where the available fault current exceeds 10,000 amps at 150 volts or less to ground, or exceeds 14,000 amps for all other installations
☐ Marinas and boatyards
☐ Floating buildings
☐ Six or more residential units
☐ Supply over 600 volts nominal

FEE SCHEDULE

Description	Qty.	Fee	Total	*
Residential single- or multi-family dwelling unit. Includes attached garage.				
1,000 sq. ft. or less		138.00		4
Ea. add'l 500 sq. ft. or portion		27.60		
Limited energy, residential (with above sq. ft.)		55.20		2
Limited energy, multi-family residential (with above sq. ft.)		55.20		2
Services or feeders installation, alteration, and/or relocation				
200 amps or less		82.50		2
201 amps to 400 amps		109.25		2
401 amps to 600 amps		164.45		2
601 amps to 1,000 amps		247.25		2
Over 1,000 amps or volts		453.10		2
Temporary services or feeders installation, alteration, and/or relocation				
200 amps or less		48.30		2
201 amps to 400 amps		102.40		2
401 amps to 599 amps		138.00		2
Branch circuits - new, alteration, or extension, per panel				
A. Fee for branch circuits with above service or feeder fee, each branch circuit		5.75		2
B. Fee for branch circuits without service or feeder fee, first branch circuit		46.00		2
Each add'l branch circuit		5.75		
Miscellaneous (services or feeder not included)				
Each manufactured or modular dwelling, service, and/or feeder		55.20		2
Reconnect only		55.20		1
Pump or irrigation circle		55.20		2
Sign or outline lighting		55.20		2
Signal circuit(s) or limited-energy panel, alteration, or extension. Describe:		55.20		2
Each additional inspection over allowable in any of the above				
Per inspection		62.00		
Investigation fee				
Other:				
ELECTRICAL PERMIT FEES				
Subtotal				
Plan review (25% of permit fee)				
State surcharge (8% of permit fee)				
TOTAL PERMIT FEE				

This permit application expires if a permit is not obtained

EXHIBIT A - PAGE 10 OF 10

CCP-PW117 (Rev. 10/05)

within 180 days after it has been accepted as complete



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

VIOLATION NO: V0004820

May 20, 2020

Mathias S & Julie A Pitzl
31725 SE Judd Rd.
Eagle Creek, OR 97022

SUBJECT VIOLATION(S) OF:

- 1. CLACKAMAS COUNTY ZONING AND DEVELOPMENT CODE ORDINANCE
TITLE 12.406.04 – USES PERMITTED**
- 2. CLACKAMAS COUNTY BUILDING CODE AND ENFORCEMENT OF THE
COUNTY BUILDING CODE ORDINANCE TITLE 9.02.040**

SITE ADDRESS: 31725 SE Judd Rd., Eagle Creek, OR 97022

LEGAL DESCRIPTION: T2S, R4E, SECTION 29A, TAX LOT 00101

ZONING: TBR (Timber)

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

1. Maintaining a secondary residence within and agricultural exempt building

On February 3, 2020 Clackamas County Code Enforcement received a complaint. On February 5, 2020 a Clackamas County Code representative sent a letter of allegation. No further contact has occurred.

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

UNPERMITTED CONSTRUCTION

There is a secondary residence in an agriculturally exempt building. Changing the use of an agricultural building is a violation of Clackamas County Code Title 9.02.040 since the initial construction of this building was exempt from the structural building code. To abate these violations you must complete one of the following **no later than June 20, 2020:**

1. ORS 215.760 does not allow the changing of an agricultural exempt building from agricultural to another use in an agriculture or timber zone. A use of a residence is not listed as an agricultural use as defined in ORS 455.315. Therefore you are required to return the structure back to an agricultural use and obtain a site inspection to confirm the violation has been abated.
 - a. If you wish to maintain any of the electrical and plumbing in the building you must obtain plumbing and electrical permits:

- 1) The permit must be picked up within ten (10) days of being notified that the permit is ready.
 - 2) Schedule all inspections so that final inspections may be obtained no later than 45 days from the date of the permit being issued.
- b. If you wish to remove the plumbing and electrical work you must properly remove the electrical and cap the plumbing and obtain permits consistent with 2.a.1) & 2) above for this work.

CONTACT INFORMATION

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

Building Department (Permits) – If you have questions regarding the permit process and other permitting questions please call the Building Department (Permitting) at 503-742-4240

Planning Department – If you have questions regarding the planning approval process or other planning related questions please call the Planning Department at 503-742-4500


During the COVID event our offices are closed, however staff is working to assist you and may be reached online and by telephone. Permits are being accepted and issued online and Inspections are also occurring during this time. Once the COVID event is over and our offices open you may stop by the Planning, Permitting, and Code Enforcement Offices at the Development Services Building located at 150 Beavercreek Road, Oregon City. The lobby is open between the hours of 8 a.m. and 4 p.m. Monday through Thursday and 8 a.m. to 3 p.m. on Fridays.

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

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

ITEMS INCLUDED IN THIS PACKET

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



Shane Potter
Code Enforcement Specialist
Clackamas County Code Enforcement

REQUIRED NOTICE OF FINES AND PENALTIES

It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. Failure to resolve those violations may result in one or more of the following: (1) a citation and fine, (2) assessment of a \$75 per month administrative compliance fee, and (3) referral of this matter to the County Code Enforcement Hearings Officer.

Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.

Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered the County may file and record the order for payment in the County Clerk Lien Road.

Also, be advised that non-compliance with a Hearing Officer's Order may result in the matter being referred to County Counsel; for legal action in Circuit Court which may result in additional penalties or other sanctions.

Finally, recurrence of abated violations may result in the issuance of a citation without prior notice.

ORS 215.760

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

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

Bautista, Diane

From: IntegrityPainting Inc <integritypaintinginc@hotmail.com>
Sent: Thursday, June 18, 2020 11:50 AM
To: Potter, Shane
Subject: Violation No: V0004820

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

Hi Shane,

I own the residence at 31725 SE Judd Rd. Eagle Creek, OR 97022.

I received a letter stating that I had built a residence in my Ag building.
I don't feel this space qualifies as a residence. There are no bedrooms or closets.
We use the space to record some music and occasionally watch movies.

The whole building received an electrical permit but I did run some plumbing to the space.
I would like to try to get this plumbing permitted. This will be a unique situation because the plumbing is already in.

Since your offices are closed, can I apply for this permit online? Please advise.

Thank you,

Matt Pitzl
President

> **Integrity Painting, Inc.**
> **Integrity Construction Group**
 dba: Integrity Roofing Co

Office: 503-742-0863 <> Fax: 503-742-0865
Visit us on the web at: www.integritypainting.biz

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

[Spam Email](#)
[Phishing Email](#)

Bautista, Diane

From: Bautista, Diane
Sent: Thursday, May 27, 2021 7:55 AM
To: 'IntegrityPainting Inc'
Cc: Potter, Shane
Subject: RE: Violation No: V0004820
Attachments: 20-05-20 - V0004820 - Violation Letter.pdf

Good morning,

Your violation file has been reassigned to me. Can you please let me know when we can schedule a site inspection to confirm the agricultural building is being used for AG uses only and any modifications have received permits. I have attached the violation letter from Shane for your review.

Thank you.

From: Potter, Shane
Sent: Monday, April 12, 2021 8:47 AM
To: 'IntegrityPainting Inc' <integritypaintinginc@hotmail.com>
Subject: RE: Violation No: V0004820

Hi Matt,

I was just reviewing your file and show that there was still a plumbing permit to obtain. I also realize you may have decided not to do a plumbing permit since the barn has to remain in ag exemption. Please let me know which direction you are going.

Sincerely,

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

From: Potter, Shane
Sent: Friday, October 16, 2020 3:11 PM
To: 'IntegrityPainting Inc' <integritypaintinginc@hotmail.com>
Subject: RE: Violation No: V0004820

Hi Matt,

I just realized I had not responded to your question below. You will not be able to use any of the building as usable space as it is an agricultural building. Per ORS 215.760 you would not be able to change it from an agricultural building to an accessory structure. You may always talk with planning and building regarding this issue to see if there are any other options available.

Planning – 503-742-4500
Permitting – 503-742-4240

Sincerely,

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

From: IntegrityPainting Inc <integritypaintinginc@hotmail.com>
Sent: Thursday, September 3, 2020 3:27 PM
To: Potter, Shane <SPotter@clackamas.us>
Subject: Re: Violation No: V0004820

Hi Shane,

As far as I know, all of the electrical in the building has been permitted and signed off. I will pull a plumbing permit no later than next week and see if the work I have done out there is to code.

If I can get everything properly permitted is it possible to add this area as useable space? I would love to meet someone on site to discuss. If not, I will need to know exactly what you need me to do to meet criteria.

Matt Pitzl
President

> **Integrity Painting, Inc.**
> **Integrity Construction Group**
 dba: Integrity Roofing Co

Office: 503-742-0863 <> Fax: 503-742-0865
Visit us on the web at: www.integritypainting.biz

From: Potter, Shane <SPotter@clackamas.us>
Sent: Tuesday, September 1, 2020 3:17 PM
To: IntegrityPainting Inc <integritypaintinginc@hotmail.com>
Subject: RE: Violation No: V0004820

Hi Matt,

I had sent this last email on June 19 and I had not heard anything further. Just as a recap you had stated that you had used a portion of the agricultural building for a music area. Per the state requirements an agricultural building cannot be used for any purpose other than the agricultural use it is intended for. You were going to make contact with the

permitting department to see if there were any other options you could do. I just checked there records and there is no permits on file. Please let me know how you intend to address this. If you are vacating the use and removing any structures you built within the barn we will need to get an inspector out there to confirm it is not in violation. Please let me know how you would like to proceed.

Sincerely,

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

From: Potter, Shane
Sent: Friday, June 19, 2020 11:41 AM
To: 'IntegrityPainting Inc' <integritypaintinginc@hotmail.com>
Subject: RE: Violation No: V0004820

Hi Matt,

You can reach permitting by calling 503-742-4240.

However the issue with regards to the use you are currently using the barn would not be allowed. The barn is an agricultural building and therefore only agricultural type uses are allowed. You may contact Clackamas County Planning (503-742-4500) to discuss options if you would like.

From: IntegrityPainting Inc <integritypaintinginc@hotmail.com>
Sent: Thursday, June 18, 2020 11:50 AM
To: Potter, Shane <SPotter@clackamas.us>
Subject: Violation No: V0004820

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

Hi Shane,

I own the residence at 31725 SE Judd Rd. Eagle Creek, OR 97022.

I received a letter stating that I had built a residence in my Ag building.
I don't feel this space qualifies as a residence. There are no bedrooms or closets.
We use the space to record some music and occasionally watch movies.

The whole building received an electrical permit but I did run some plumbing to the space.
I would like to try to get this plumbing permitted. This will be a unique situation because the plumbing is already in.

Since your offices are closed, can I apply for this permit online? Please advise.

Thank you,

Matt Pitzl
President

>Integrity Painting, Inc.
>Integrity Construction Group
 dba: Integrity Roofing Co

Office: 503-742-0863 <> Fax: 503-742-0865
Visit us on the web at: www.integritypainting.biz

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

[Spam Email](#)
[Phishing Email](#)



Citation No. 2000048-3

Case No. V0004820

ADMINISTRATIVE CITATION

Date Issued: June 16, 2022

Name and Address of Person(s) Cited:

Name: Mathias and Julie Pitzl
Mailing Address: 31725 SE Judd Road
City, State, Zip: Eagle Creek, OR 97022

Date Violation(s) Confirmed: On the 16th day of June, 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): 31725 SE Judd Rd., Eagle Creek, OR 97022

Legal Description: T2S, R4E Section 29A, Tax Lot(s) 00101

Law(s) Violated:

☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A) and (C)

Description of the violation(s):

- 1) Agriculturally exempt structure being used for non-agricultural uses and failure to obtain required plumbing permits and final approved inspection.

Maximum Civil Penalty \$1,000.00

Fine \$500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$500.00. 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: Diane Bautista
Telephone No.: 503-742-4459

Date: June 16, 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: _____