



NOTICE OF HEARING

April 24, 2023

Tanya Penner
8705 SE 307th Ave
Boring, OR 97009

RE:: County of Clackamas v. Tanya Penner
File: V0019222

Hearing Date: May 23, 2023

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

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

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



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

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

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

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

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

TANYA PENNER,

Respondent.

File No(s): V0019222

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents' place of residence is: 8705 SE 307th Ave., Boring, OR 97009

2.

The address or location of the violations of law alleged in this Complaint is: 8705 SE 307th Ave., Boring, OR 97009 also known as T1S, R4E, Section 29B, Tax Lot 01601, and is located in Clackamas County, Oregon.

3.

On or about the 7th day of June, 2022, Respondents violated the following laws, in the following ways:

Respondents violated Section 12.316.03 of the Clackamas County Zoning and Development Ordinance (ZDO) by operating a commercial business without land use approval on the above referenced property. Said property is zoned RRF-5 (Rural Residential Farm Forest 5 Acre) District.

This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violations was given to Respondents in the following manner: Administrative Citation No. 2200192 - 1 in the amount of \$400.00 was mailed first class mail on August 23, 2022. A copy of the notice document is attached to this Complaint as Exhibit I, and incorporated by this reference.

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

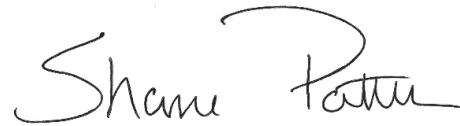
1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to immediately abate the violation and bring the property at issue into compliance with all laws, and permanently enjoining respondents from violating these laws in the future;

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondents for each violation within the range established by Board of County Commissioners. Said range for a Priority 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; and

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

DATED this 13th day of April, 2023

A handwritten signature in black ink that reads "Shane Potter". The signature is written in a cursive style with a large, sweeping initial "S".

Shane Potter,
Code Enforcement Specialist
for Clackamas County

COUNTY OF CLACKAMAS,

Petitioner,

v.

TANYA PENNER,

Respondent.

File No.: V0019222

STATEMENT OF PROOF

History of Events and Exhibits:

| | |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| May 2, 2022 Exhibit A | Clackamas County received a complaint alleging a business operating at this location without land use approval. |
| May 11, 2022 Exhibit B | Correspondence was mailed first class mail to the Respondent. |
| June 7, 2022 Exhibit C | Research online shows the business registered to this location as Absolute Comfort Heating & Cooling NW Inc. |
| June 7, 2022 Exhibit D | Facts of the alleged violation were reviewed, the violation verified, and Notice of Violation mailed containing a statement of the facts that support the finding a violation exists on the property. The Notice of Violation was mailed via first class mail. Mail was not returned. |
| June 13, 2022 Exhibit E | Clackamas County Code Enforcement Specialist (CES) Shane Potter performed a site visit showing company vehicles parked on site. Photos were taken. |
| July 20, 2022 Exhibit F | CES Potter received an email from Rob Baird who stated they just sent a zoning application in and wanted to know how to pay the fee. CES Potter provided the contact information for the Clackamas County Planning and Zoning Division and explained he would need to submit the application to them along with payment. |
| August 17, 2022 Exhibit G | CES Potter asked the Clackamas County Planning and Zoning Division if an application had been made since none were seen on our computer system. Melissa Ahrens a Clackamas County |

| | |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Planner responded back that there has not been a home occupation application submitted for the property. |
| August 23, 2022 Exhibit H | CES Potter performed as search on the internet finding the Absolute Comfort Heating and Cooling NW, Inc. website showing the business is located at this address. |
| August 23, 2022 Exhibit I | Citation #2200192 – 1 for operating a business without land use approval was sent via first class mail. The first class mail was not returned. This citation has not been paid. |
| September 19, 2022 Exhibit J | After receiving continued complaints CES Potter performed a site visit and did not find any vehicles on site during this site visit. Photos were taken. |
| March 22, 2023 Exhibit K | A review of the internet shows the business remains registered to this site and the website continues to show this location. |
| March 28, 2023 | The County referred this matter to the Code Enforcement Hearings Officer. |

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

- Vacate the use at this location, or
- Submit the appropriate land use applications within 30 days of the Hearing Officers decision and obtain land use approval to maintain the use on site.
 - If the Planning and Zoning Division determines that the application is incomplete the Respondent will have 30 days to provide a completed application to the Planning and Zoning Division.
 - If land use approval is granted all conditions of approval must be met.

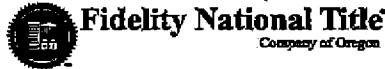
The County will submit a Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondent. The report may include the following recommendations:

- Payment of Citation #2200192 – 1 for \$400.00.
- Imposition of civil penalties of up to \$2,500.00
- The administration compliance fee to be imposed from July 2022 and continue to accrue until compliance is achieved. As of the date of this report the total administration compliance fee is \$675.00.
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.

- The County would also ask that reimbursement be ordered for any expense the County incurs in collection of these monies.



RECORDING REQUESTED BY:



10200 SW Greenburg Rd, Suite 110
Portland, OR 97223

AFTER RECORDING RETURN TO:

Tanya Penner
8705 SE 307th Avenue
Boring, OR 97009

SEND TAX STATEMENTS TO:

Tanya Penner
8705 SE 307th Avenue
Boring, OR 97009

00152293 and 14E29B /01601
8705 SE 307th Avenue, Boring, OR 97009

Clackamas County Official Records
Sherry Hall, County Clerk

2020-058809

07/27/2020 11:41:01 AM

D-D Cnt=1 Stn=73 LESLIE
\$10.00 \$16.00 \$10.00 \$62.00

\$98.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

BARGAIN AND SALE DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Tanya Penner, formerly known as Tanya Baird, Trustee of the Tanya Baird Revocable Living Trust, UAD June 11, 2020, Grantor, conveys to

Tanya Penner, Grantee, the following described real property, situated in the County of Clackamas, State of Oregon,

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance No Dollars And No/100 Dollars (\$0.00). (See 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.

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

Dated: 7/22/2020

Tanya Baird Revocable Living Trust, UAD June 11, 2020

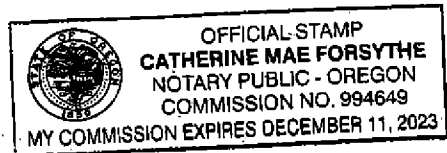
By: Tanya Penner
Tanya Penner formerley known as
Tanya Baird, Trustee

State of Oregon
County of Clackamas

This instrument was acknowledged before me on 7/22/2020 by Tanya Penner, formerly known as Tanya Baird, as Trustee for Tanya Baird Revocable Living Trust, UAD June 11, 2020.

Catherine Mae Forsythe
Notary Public - State of Oregon

My Commission Expires: 12-11-2023



45142020106-10
Fidelity National Title of Oregon

EXHIBIT "A"
Legal Description

A tract of land in the Northwest quarter of Section 29, Township 1 South, Range 4 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the intersection of the North line of said Section 29 with the Southwesterly line of Mt. Hood Loop Highway; thence South 89°58' West along the North line of said Section 29 a distance of 330 feet; thence South 0°02' East 429 feet to the Northwest corner of that tract described in Deed to Amos H. Porter recorded April 27, 1954 in Book 480, Page 685, Deed Records; thence South along the West line of said Porter Tract 36 feet to the Southwest corner thereof; thence North 89°58' East along the South line of said Porter Tract 47.04 feet to the true point of beginning of the tract to be described; thence continuing North 89°58' East along said South line 568.09 feet to a point on the Southwesterly line of said Mt. Hood Loop Highway; thence South 31°32'50" East along said Southwesterly line 8.79 feet to the West line of Epperson-Kelly Road; thence South 0°05'30" West along said West line 148.51 feet; thence South 89°58' West 572.36 feet; thence North 0°02' West 156 feet to the true point of beginning.

14E29B 01601

00152293



May 11, 2022

Tanya Penner
8705 SE 307th Ave
Boring, OR 97009

**Subject: Alleged Violations of the Zoning and Development Ordinance,
Title 12, Section 316 of the Clackamas County Code**

Site Address: 8705 SE 307th Ave, Boring, OR 97009
Legal Description: T1S, R4E, Section 29B, Tax Lot 01601

It has come to the attention of Clackamas County Code Enforcement that Absolute Comfort Heating and Cooling may be operating from the above referenced property without land use approval.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 316 of the Clackamas County Code.

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

E-mail address is SPotter@clackamas.us

Telephone number is 503-742-4465

**Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that 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.*

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¡LE DAMOS LA BIENVENIDA! Spanish

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ДОБРО ПОЖАЛОВАТЬ! Russian

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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

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Business Name Search

[New Search](#) [Printer Friendly](#)

Business Entity Data

05-11-2022
08:16

| Registry Nbr | Entity Type | Entity Status | Jurisdiction | Registry Date | Next Renewal Date | Renewal Due? |
|---------------------|-------------------------------------------|---------------|--------------|---------------|-------------------|--------------|
| 396279-97 | DBC | ACT | OREGON | 12-08-2006 | 12-08-2022 | |
| Entity Name | ABSOLUTE COMFORT HEATING & COOLING NW INC | | | | | |
| Foreign Name | | | | | | |

[New Search](#) [Printer Friendly](#)

Associated Names

| Type | PPB | PRINCIPAL PLACE OF BUSINESS | | |
|---------------|-------------------|-----------------------------|-------|-----------------------------------------|
| Addr 1 | 8705 SE 307TH AVE | | | |
| Addr 2 | | | | |
| CSZ | BORING | OR | 97009 | Country UNITED STATES OF AMERICA |

Please click [here](#) for general information about registered agents and service of process.

| Type | AGT | REGISTERED AGENT | Start Date | 02-17-2021 | Resign Date | |
|---------------|-------------------|------------------|------------|----------------|--------------------------|--|
| Name | ROBERT | BAIRD | | | | |
| Addr 1 | 8705 SE 307TH AVE | | | | | |
| Addr 2 | | | | | | |
| CSZ | BORING | OR | 97009 | Country | UNITED STATES OF AMERICA | |

| Type | MAL | MAILING ADDRESS | | |
|---------------|-------------------|-----------------|-------|-----------------------------------------|
| Addr 1 | 8705 SE 307TH AVE | | | |
| Addr 2 | | | | |
| CSZ | BORING | OR | 97009 | Country UNITED STATES OF AMERICA |

| Type | PRE | PRESIDENT | | Resign Date | |
|---------------|-------------------|-----------|-------|----------------|--------------------------|
| Name | ROBERT | BAIRD | | | |
| Addr 1 | 8705 SE 307TH AVE | | | | |
| Addr 2 | | | | | |
| CSZ | BORING | OR | 97009 | Country | UNITED STATES OF AMERICA |

EXHIBIT C PAGE 1 OF 3

| | | | | | | |
|---------------|-------------------|-----------|-------|--|--------------------|--------------------------|
| Type | SEC | SECRETARY | | | Resign Date | |
| Name | ROBERT | | BAIRD | | | |
| Addr 1 | 8705 SE 307TH AVE | | | | | |
| Addr 2 | | | | | | |
| CSZ | BORING | OR | 97009 | | Country | UNITED STATES OF AMERICA |

[New Search](#) [Printer Friendly](#) **Name History**

| Business Entity Name | Name Type | Name Status | Start Date | End Date |
|-------------------------------------------|------------------|--------------------|-------------------|-----------------|
| ABSOLUTE COMFORT HEATING & COOLING NW INC | EN | CUR | 12-08-2006 | |

Please [read](#) before ordering [Copies](#).

[New Search](#) [Printer Friendly](#) **Summary History**












| Image Available | Action | Transaction Date | Effective Date | Status | Name/Agent Change | Dissolved By |
|-------------------------------------------------------------------------------------|----------------------------|-------------------------|-----------------------|---------------|--------------------------|---------------------|
|  | AMENDED ANNUAL REPORT | 11-18-2021 | | FI | | |
|  | REINSTATEMENT AMENDED | 02-17-2021 | | FI | Agent | |
| | ADMINISTRATIVE DISSOLUTION | 02-04-2021 | | SYS | | |
|  | AMENDED ANNUAL REPORT | 12-18-2019 | | FI | | |
|  | AMENDED ANNUAL REPORT | 11-14-2018 | | FI | | |
|  | AMENDED ANNUAL REPORT | 01-17-2018 | | FI | | |
|  | AMENDED ANNUAL REPORT | 01-03-2017 | | FI | | |
|  | AMENDED ANNUAL REPORT | 11-09-2015 | | FI | | |
|  | REINSTATEMENT AMENDED | 10-02-2015 | | FI | | |
| | ADMINISTRATIVE DISSOLUTION | 02-06-2015 | | SYS | | |
|  | REINSTATEMENT AMENDED | 03-10-2014 | | FI | | |
| | ADMINISTRATIVE DISSOLUTION | 02-08-2013 | | SYS | | |
|  | REINSTATEMENT AMENDED | 02-16-2012 | | FI | | |
| | | 02-04-2011 | | SYS | | |

EXHIBIT C PAGE 2 OF 3

| | | | | | | |
|-----------------------------------------------------------------------------------|-------------------------------|------------|--|-----|-------|--|
| | ADMINISTRATIVE DISSOLUTION | | | | | |
|  | REINSTATEMENT AMENDED | 12-18-2009 | | FI | | |
| | ADMINISTRATIVE DISSOLUTION | 02-06-2009 | | SYS | | |
| | AMENDED ANNUAL REPORT | 02-07-2008 | | FI | | |
| | ARTICLES OF INCORPORATION | 12-08-2006 | | FI | Agent | |

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please contact : corporation.division@sos.oregon.gov

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June 7, 2022

Violation No.: V0019222

Tanya Penner
8705 SE 307th Ave.
Boring, OR 97009

CLACKAMAS COUNTY CODES VIOLATED:

1. CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE TITLE 12.316.03 – USES PERMITTED – Operating Absolute Comfort Heating & Cooling without land use approval
2. CLACKAMAS COUNTY BUILDING CODE TITLE 9.02.040(A) – Change of use for building(s) being used as commercial

SITE ADDRESS: 8705 SE 307th Ave., Boring, OR 97009

LEGAL DESCRIPTION: T1S, R4E, SECTION 29B TAX LOT(S) 01601

A phone conversation with Robert on May 20, 2022 confirmed that the business is not ran from this location but there is parking of vehicles in the shop and employees pick the vehicles up in the morning and drop them off in the afternoon/evening.

BUSINESS OPERATING WITHOUT LAND USE APPROVAL - PLANNING & ZONING DIVISION

The subject property is zoned RRFF-5 (Rural Residential Farm Forest 5 Acre). The commercial activities being conducted is in violation of Clackamas County Zoning and Development Code Ordinance Title 12.316.03. Please complete one of the following **not later than: July 7, 2022**

1. Relocate the business to another location. The activity being relocated and all associated activities must be removed from the site. You will need to obtain a site visit from your Code Enforcement Specialist to confirm the use has been removed. You will need to comply with the Building Permit/Inspection(s) Required section later in this report for any construction requiring a permit that may have been done as a result of the change.

OR;

2. If you wish to continue to operate the business from this location you will need to work with the Clackamas County Planning and Zoning Division to determine the process you will need to take to come into compliance.
 - a. We first recommend contacting the Planning and Zoning Division at 503-742-4500 or by email at zoninginfo@clackamas.us to discuss the business(es) and determine if a storing company vehicles and having employees pick them up and drop them off daily can meet the criteria for a Home Occupation.

- b. By the deadline listed above the respondent must have begun the application process with Planning and Zoning to submit the Home Occupation permit application pursuant to Clackamas County Zoning and Development Ordinance Title 12.822 – Home Occupations. You may be required to attend a pre-application conference prior to submitting the formal land use application.
 - i. If, after submittal, you are notified that the application is deemed incomplete you have no more than thirty (30) days to submit the required information/documents requested.
 - ii. If you obtain approval from the Planning and Zoning Division you must comply with all conditions of approval and uses related within the approval. You will then need to address the criteria in the Building Permit(s)/Inspection(s) Required section later in this report.
 - iii. If you do not obtain approval through the land use process you will be required to either comply with #1 above or bring the property back to its originally approved status.
3. If the respondent wishes to explore other options to compliance please contact the Planning and Zoning Division at the contact information listed in this section.

BUILDING PERMIT(S)/INSPECTION(S) REQUIRED – BUILDING CODES DIVISION

If the use is officially changed from a residential activity to a commercial activity. Such a change may require a permit. Performing work without the benefit of required permits and/or inspections constitutes a violation. To abate these violations you must complete the following **no later than: If permits are required and land use is obtained to store commercial vehicles in the barn a change of use for the barn may be required. This will need to take place within 30 days of being approved.**

1. You must submit the permit application(s) and technically complete plans and pay the appropriate fee(s) as requested by the Building Code Division. If you have questions about the submittal documents and/or permit applications please contact the Building Codes Division at 503-742-4240 or by email at bldservice@clackamas.us.
 - a. If it is determined that a permit application is incomplete for review by the Building Codes Division you will be required to submit the missing materials within thirty (30) days of being notified of the incomplete application.
 - b. The permit(s) must have the fees paid in full within ten (10) days of being notified by the Building Codes Division.
 - c. Schedule all inspections so that final inspections may be obtained not later than forty-five (45) days of the date of receipt of your approved permit(s).
2. If the respondent wishes to explore other options to compliance please contact the Building Codes Division at the numbers listed above.

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

If you have questions concerning permit requirements, online submittal process, or land use process, please contact the department listed above at the phone number or email listed, or stop by the offices located at 150 Beaver Creek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. or Friday 8:00 a.m. to 3:00 p.m.

If you choose to come to the Development Services Building please bring a copy of this correspondence in order for us to provide the highest level of customer service.

ITEMS INCLUDED IN THIS PACKET

- Violation Letter
- Required Notice of Fines and Penalties

A handwritten signature in black ink that reads "Shane Potter". The signature is written in a cursive style with a large, sweeping initial "S".

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

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.











From: [Potter, Shane](#)
To: ["Rob Baird"](#)
Subject: RE: 8705 se 307th ave
Date: Wednesday, July 20, 2022 3:21:44 PM
Attachments: [image002.jpg](#)

Hi Rob,

You will want to contact planning at 503-742-4500 or by email at zoninginfo@clackamas.us to submit the application. They would explain to you how to submit the application and pay for it.

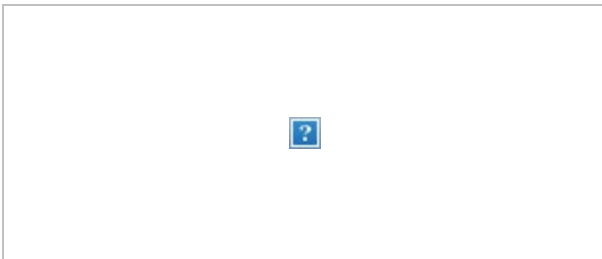
Sincerely,

Shane Potter
Code Enforcement Specialist

spotter@clackamas.us

503-742-4465

Office Hours: 7:30 a.m. to 4:00 p.m



From: Rob Baird <rob主229@gmail.com>
Sent: Wednesday, July 20, 2022 3:13 PM
To: Potter, Shane <SPotter@clackamas.us>
Subject: 8705 se 307th ave

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

Shane is just sent zoning app how do I pay the fee?
Thanks,
Rob

From: [ZoningInfo](#)
To: [Potter, Shane](#)
Subject: RE: 8705 SE 307th Ave
Date: Wednesday, August 17, 2022 3:06:45 PM
Attachments: [image003.jpg](#)
[image004.jpg](#)

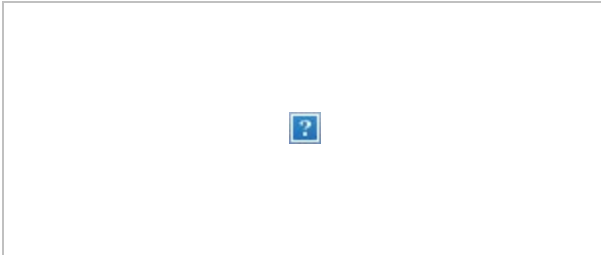
Hey Shane, I don't see any home occ application submitted for that property.

Melissa

Melissa Ahrens
Senior Planner

Clackamas County Planning and Zoning Division
150 Beaver Creek Road
Oregon City, OR 97045
MAhrens@co.clackamas.or.us
Direct Ph: 503-742-4519 | Fax: 503-742-4550

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



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

From: Potter, Shane <SPotter@clackamas.us>
Sent: Wednesday, August 17, 2022 3:04 PM
To: ZoningInfo <ZoningInfo@clackamas.us>
Subject: 8705 SE 307th Ave

Hi I am trying to find out if the address above has submitted an application for a home occ. They sent an email in July saying they were submitting it then and I checked today and still do not see it there. Can you confirm if it has or has not been applied for yet?

Sincerely,

Shane Potter
Code Enforcement Specialist

Clackamas County – Transportation & Development

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Tina Fegel

Awesome company, great service!! Goes above and beyond!! 😊

[Read More \(/testimonials/\)](/testimonials/)

Finance Available

LOOKING FOR FINANCING OPTIONS?

[Apply For Finance \(/apply-for-financing/\)](/apply-for-financing/)

Calculate Your Savings



You Are Saving
\$0.00
 5 Year Savings

Cents per kWh

Select Tons

My current SEER

10



Compare with

10



Costs based on 2,800 annual cooling hours
 Developed By CI Web Group

Maintenance Plan

Annual Agreement
MAINTENANCE

EXHIBIT H PAGE 2 OF 5

[Sign Up For Maintenance Plan \(/maintenance-plan/\)](/maintenance-plan/)

Featured Manufacturer

Heating & Air Conditioning
Amana
AMERICA'S BRAND FOR COMFORT



Sign Up for Newsletter

Submit



503-956-5550
OR CCB# 179444

EXHIBIT H PAGE 3 OF 5

8705 SE 307th Ave.
Boring, OR 97009
(<https://goo.gl/maps/krY1RipyppQ11Xqk9>)
(503) 956-5550
(tel:5039565550)

We Accept



(<https://www.facebook.com/absolutecomforthvac/>)

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Website Designed & Developed By:  **CI WEB GROUP** (<https://www.ciwebgroup.com/>)
REGULATORY • STRATEGY • NETWORK • SUPPORT



(/employment-application/)

()
Contact ()
()



(<https://ciweb.ciwebgroup.com/v/absolutecomfortpdx>)

Let's Talk!

Thanks for stopping by! We're here to help, please don't hesitate to reach out.

Leave details ()

My Account ()

Call us Today 503-95... (<https://ciweb.ciwebgroup.com/site/absolutecomfortpdx/action/b4m6ivlb0j0roz2v?mode=embed>)

Leave Your Details (<https://ciweb.ciwebgroup.com/site/absolutecomfortpdx/action/rfg5uta8zk75aeka?mode=embed>)

Share Document (<https://ciweb.ciwebgroup.com/site/absolutecomfortpdx/action/7o3mjnh9nm09h46k?mode=embed>)

Map to Our Location (<https://ciweb.ciwebgroup.com/site/absolutecomfortpdx/action/to4bqm9be49b2wiq?mode=embed&transparent=true>)



Citation No.: 22-00192 - 1

Case No.: V0019222

ADMINISTRATIVE CITATION

Date Issued: August 23, 2022

Name and Address of Person(s) Cited:

Name: Tanya Penner
Mailing Address: 8705 SE 307th Ave.
City, State, Zip: Boring, OR 97009

Date Violation(s) Confirmed: August 19, 2022, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 8705 SE 307th Ave., Boring, OR 97009

Legal Description: T1S, R4E SECTION 29B, Tax Lot(s) 01601

Law(s) Violated

Title 12 and 13 of CCC Zoning and Development Ordinance, Section 12.316.03

Description of the violation(s):

- 1) Operating a commercial business without land use approval

Maximum Civil Penalty \$2,500.00

Fine \$400.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of [Click or tap here to enter text..](#) If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75.00 monthly administrative fee is being assessed.

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

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

Date: August 23, 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: _____







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Tina Fegel

Awesome company, great service!! Goes above and beyond!! 😊

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You Are Saving
\$0.00
5 Year Savings

Cents per kWh

19

Select Tons

2

My current SEER

10



Compare with

10



Costs based on 2,800 annual cooling hours
Developed By CI Web Group

Maintenance Plan

Annual Agreement

MAINTENANCE

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Your Name

Email Address

Submit



8705 SE 307th Ave.

Boring, OR 97009

(<https://goo.gl/maps/krY1RipyppQ11Xqk9>)

(503) 956-5550

(tel:5039565550)

We Accept



(<https://www.facebook.com/absolutecomforthvac/>)

Website Designed & Developed By:  **CI WEB GROUP** (<https://www.ciwebgroup.com/>)
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(/employment-application/)

()
Contact ()
()



(<https://ciweb.ciwebgroup.com/v/absolutecomfortpdx>)

Let's Talk!

Thanks for stopping by! We're here to help, please don't hesitate to reach out.

Leave details ()

My Account ()

Call us Today 503-95... (<https://ciweb.ciwebgroup.com/site/absolutecomfortpdx/action/b4m6ivlb0j0roz2v?mode=embed>)Leave Your Details

(<https://ciweb.ciwebgroup.com/site/absolutecomfortpdx/action/rfg5uta8zk75aeka?mode=embed>)Share Document

(<https://ciweb.ciwebgroup.com/site/absolutecomfortpdx/action/7o3mjnh9nm09h46k?mode=embed>)Map to Our Location

(<https://ciweb.ciwebgroup.com/site/absolutecomfortpdx/action/to4bqm9be49b2wiq?mode=embed&transparent=true>)



BUSINESS DETAIL

Licensee : **ABSOLUTE COMFORT HEATING & COOLING NW INC**
 License No. : 179444
 Date First Licensed : 11/28/2007
 Entity Type : Corporation
 Endorsement Type :
 Residential Specialty Contractor
 Workers' Compensation/Independent Contractor Status : Nonexempt

Address : 8705 SE 307THAVE BORING OR 97009
 License Status: Active
 Expiration Date: 2/16/2024
 Phone : (503) 956-5550

ADDITIONAL BUSINESS LICENSES AND CERTIFICATIONS

CERTIFIED LEAD-BASED PAINT RENOVATION (LBPR) CONTRACTOR LICENSE: NO
Required to bid and work on pre-1978 residential structures.

OTHER BUSINESS INFORMATION

WORKERS' COMPENSATION INSURANCE INFORMATION

| <u>Coverage</u> | <u>Carrier</u> | <u>Policy No.</u> |
|-------------------|----------------|-------------------|
| Employee | SAIF | 100042422 |
| Personal Election | None | None |

The CCB does not receive automatic notification of changes to workers' compensation coverage status. Current Oregon coverage status can be confirmed through the [Oregon Workers' Compensation Division](#).

LIABILITY INSURANCE INFORMATION ([History](#))

| <u>Company</u> | <u>Amount</u> | <u>Expiration Date</u> |
|------------------------------------------|----------------|------------------------|
| AMERICAN FAMILY MUTUAL INSURANCE COMPANY | \$1,000,000.00 | 5/30/2024 |

SURETY BOND INFORMATION ([History](#))

| <u>Type</u> | <u>Company</u> | <u>Amount</u> | |
|-------------|------------------------|---------------|----------------------------|
| Residential | WESTERN SURETY COMPANY | \$15,000.00 | Continuous until cancelled |
| Commercial | None | None | None |