



NOTICE OF HEARING

April 10, 2023

Don Carpenter
PO Box 573
Brightwood, OR 97067

RE:: County of Clackamas v. Don Carpenter
File: V0030622

Hearing Date: May 11, 2023

Time: This item will not begin before 10:30 am however it may begin later depending on the length of preceding items.

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

Enclosed you will find the following:

1. Notice of Rights;
2. Copy of Exhibits which have been submitted by the County

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

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

You may contact Jennifer Kauppi, Code Compliance Specialist for Clackamas County at (503) 742-4759, 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.



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 donc.electric@gmail.com. Please contact Jennifer Kauppi 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 JKauppi@clackamas.us or 150 Beaver Creek Rd, Oregon City, Oregon 97045, no later than 4 work days prior to the hearing. Staff will number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

If you are unable to participate in a hearing through the Zoom platform please contact Jennifer Kauppi at 503-742-4759 **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.

DON CARPENTER,

Respondent.

File No: V0030622

COMPLAINT AND REQUEST FOR HEARING

I, Jennifer Kauppi, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondent's mailing address is: PO Box 573, Brightwood, OR 97067

2.

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

68108 E Emigrant Trl, Welches, OR 97067 also known as T2S, R7E, Section 32DA, Tax Lot 06000, and is located in Clackamas County, Oregon.

3.

On or about the 28th day of February, 2023 the Respondent violated the following laws, in the following ways:

- a. Respondent violated the Clackamas County Building Code, Section 9.02.040 by failing to obtain approved permits and approved final inspections for the remodel of a single family residence without permits. 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 violation was given to Respondent in the following manner: Administrative Citation #2200306 in the amount of \$500.00 was mailed via first class mail on February 28, 2023. A copy of the notice document is attached to this Complaint as Exhibit D, and incorporated by this reference.

6.

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

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

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the Board of County Commissioners. Said range for a Building Code violation being \$750.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code

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

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

and

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

DATED THIS 10 day of April, 2023.

Jennifer Kauppi

Jennifer Kauppi
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

DON CARPENTER,

Respondent.

File No.: V0030622

STATEMENT OF PROOF

History of Events and Exhibits:

July 29, 2022	Clackamas County received a complaint regarding the remodel of a cabin without permits.
August 1, 2022 Exhibit A	Correspondence was sent to the Respondent regarding the alleged violation.
August 1, 2022 Exhibit B	I researched the County records and found no permits had been applied for. I found the listing in 2019 of the original cabin onsite. I was able to locate and Airbnb listing of the property and found the cabin had significant remodeling done to the structure including structural, electrical, plumbing and mechanical. I also found tax assessor record notes from June 18, 2020 that stated a full remodel had occurred. In addition, they noted that the MLS listing did not mention a bathroom or septic. This is confirmed in the assessor records.
August 4, 2022	I spoke with the Respondent on the phone and he did state that work had been done on the cabin.
August 4, 2022 Exhibit C	Correspondence was sent to the Respondent with a deadline of October 4, 2022 to abate the violation.
February 28, 2023 Exhibit D	I reviewed County records and found no permits had been applied for. Citation 2200306 for \$500.00 for the Priority 1 violation was sent first class mail. The citation was not returned to the County and was paid.
March 15, 2023	The Respondent called to make the payment on the citation. He told me he had the information ready to submit but had not made it into the County yet to apply for the permits.
April 10, 2023	I reviewed County records and found no permits had been applied for. I referred this matter to the Hearings Officer.
April 20, 2023 Exhibit E	The Respondent submitted permit B0214723 to the County for the remodel of the cabin. The permit submittal is incomplete as the plans require an architect or engineer to approve the plans and submit calculations.

April 24, 2023
Exhibit F

I email the Respondent regarding the submittal and the plan review comments that were made. The Respondent did receive the comments and state that he had a call into an engineer to look things over. I clarified with the Respondent what is required to be submitted for the plans. I resent a copy of the plan review comments to the Respondent.

If the Compliance Hearings Officer affirms the County's position that a violation of the Building Code, Title 9.02.040 exists, the County may request a Continuing Order in this matter recommending the following:

- The Respondent be ordered to bring the property into compliance with the Building Code within 45 days of the date of the Order by submitting the required engineering information based on the plan review comments for the remodel of the cabin. The Respondent shall be ordered to respond to all additional requests for plan review information within 10 days of being notified. The Respondent to pay for all applicable permits within 10 days of being notified payment is due and all inspections including approval final inspections shall be obtained within 60 days of permits being issued.
- Code Enforcement to confirm compliance of the above item and 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:
- The imposition of civil penalties for the Building Code violation of up to \$1,000.00 for date cited February 28, 2023.
- The administrative compliance fee to be imposed from August, 2022 until the violation is abated. As of this report the total is \$600.00
- The County requests the Hearings Officer to permanently prohibit the Respondent from violating this law in the future.
- If the Respondent fails 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.



August 1, 2022

Don Carpenter
PO Box 573
Brightwood, OR 97011

Subject: Alleged Violation of the Building Code, Chapter 9.02.040 of the Clackamas County Code

Site Address: 68108 E Emigrant Trl, Welches, OR 97067
Legal Description: T2S, R7E, Section 32DA, Tax Lot 06000

It has come to the attention of Clackamas County Code Enforcement that the original cabin on the property was removed and a new cabin may have been built without the benefit of permits.

This may constitute a violation of the Building Code, Chapter 9.02.040 Clackamas County Code.

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

E-mail address is JKauppi@clackamas.us

Telephone number is 503-742-4759

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오.



After recording return to:
Don Carpenter
PO Box 573
Brightwood, OR 97011

Until a change is requested all tax
statements shall be sent to the
following address:
Don Carpenter
PO Box 573
Brightwood, OR 97011

File No.: 7000-3263152 (srm)
Date: June 18, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records **2019-043497**
Sherry Hall, County Clerk
07/26/2019 09:52:01 AM
D-D Cnt=1 Stn=73 LESLIE
\$10.00 \$16.00 \$10.00 \$62.00 **\$98.00**

FIRST AMERICAN 3263152-20

STATUTORY WARRANTY DEED

Cooper J. Maixner, Grantor, conveys and warrants to **Don Carpenter**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

LOTS 1 AND 2 IN BLOCK 7, GREENWOOD PARK, IN THE COUNTY OF CLACKAMAS, STATE OF OREGON.

Subject to: 27E32DA06000 00736056

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

The true consideration for this conveyance is **\$30,000.00**. (Here comply with requirements of ORS 93.030)

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

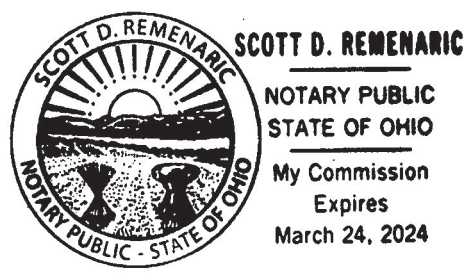
Dated this 21st day of July, 2019.

[Signature]
Cooper J. Maixner

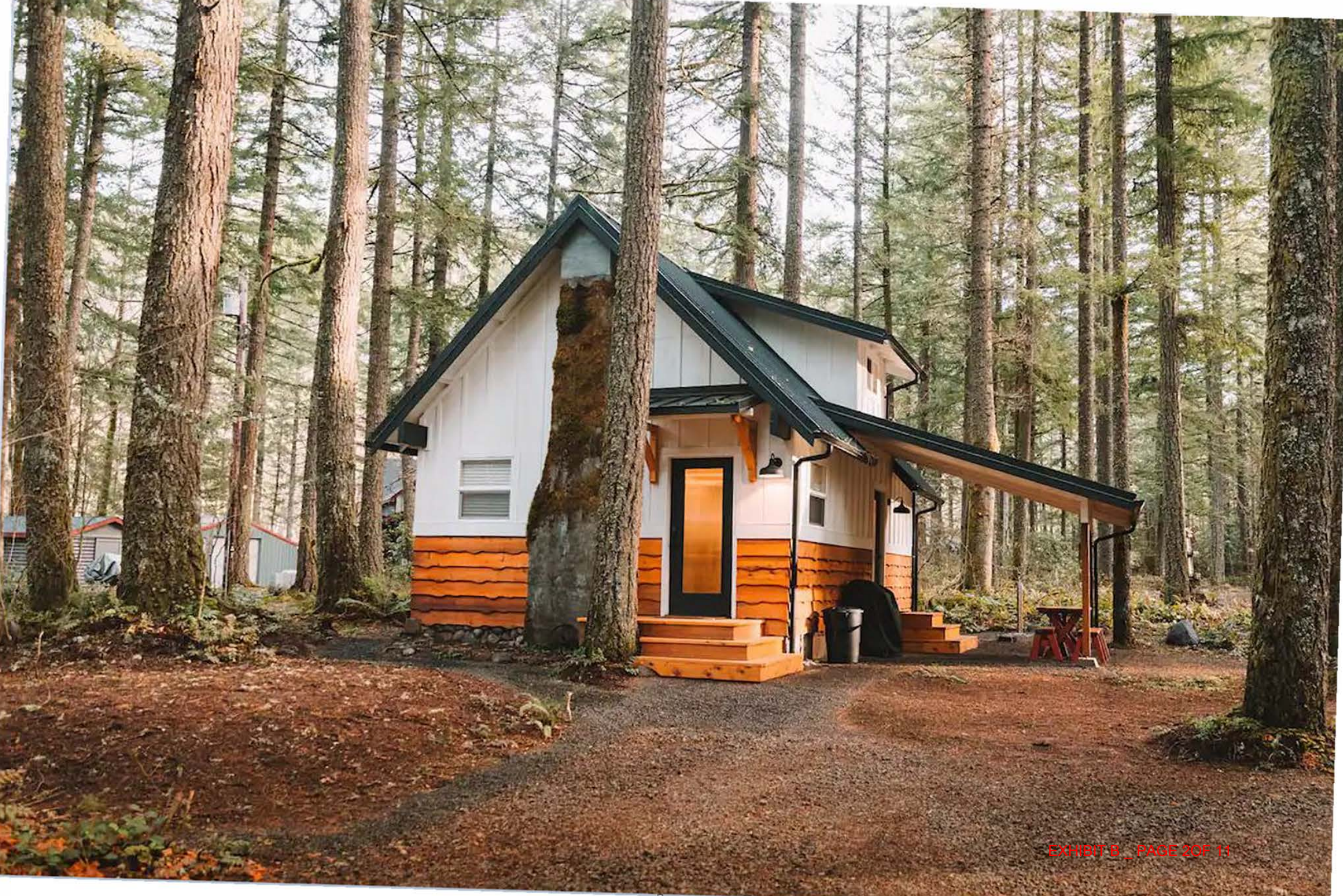
STATE OF SDR Oregon Ohio)
County of SDR Glackamas Ashland)ss.

This instrument was acknowledged before me on this 21st day of July, 2019 by **Cooper J. Maixner**.

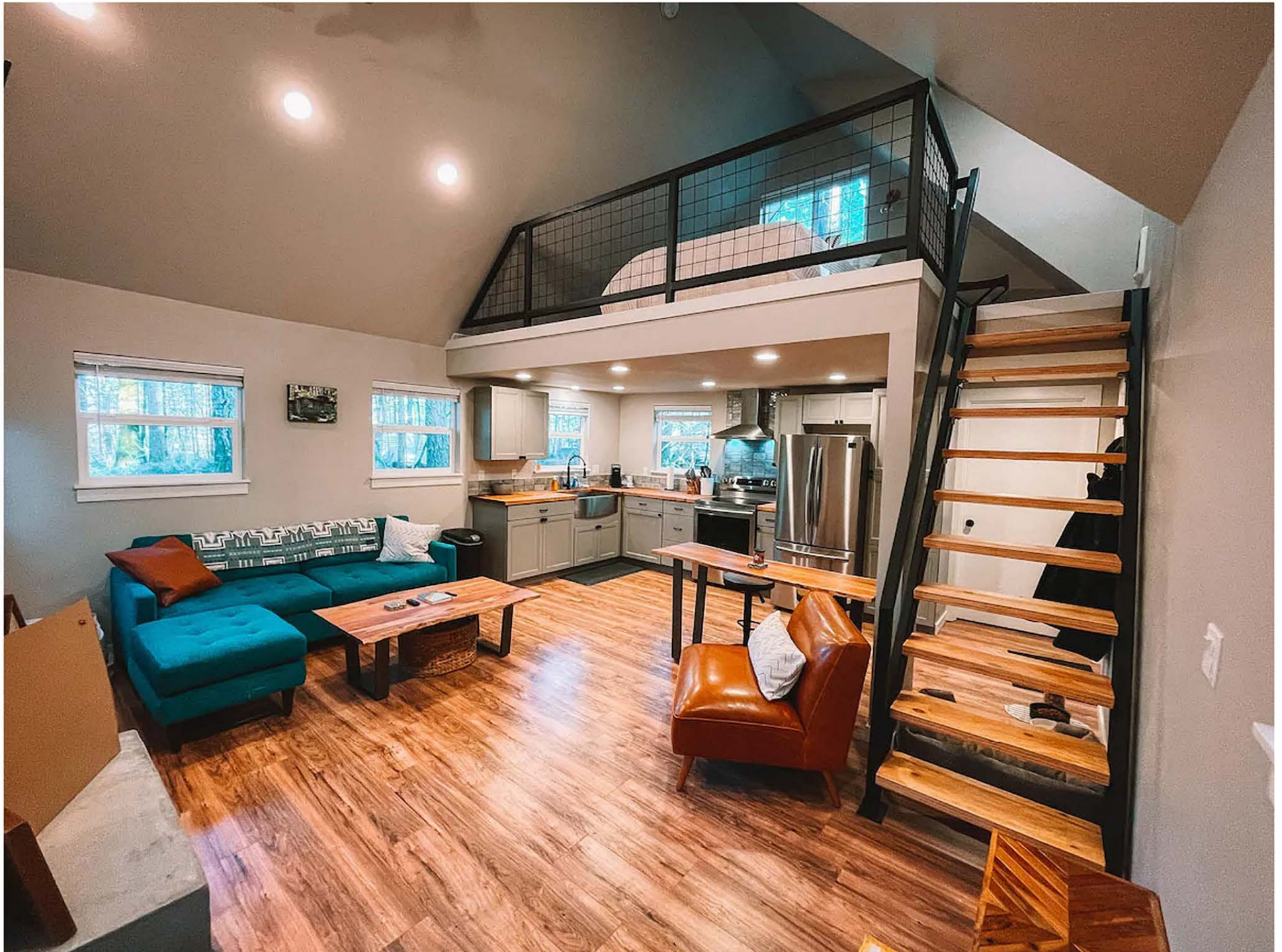
[Signature]
SDR
Notary Public for SDR Oregon Ohio
My commission expires: 3-24-24

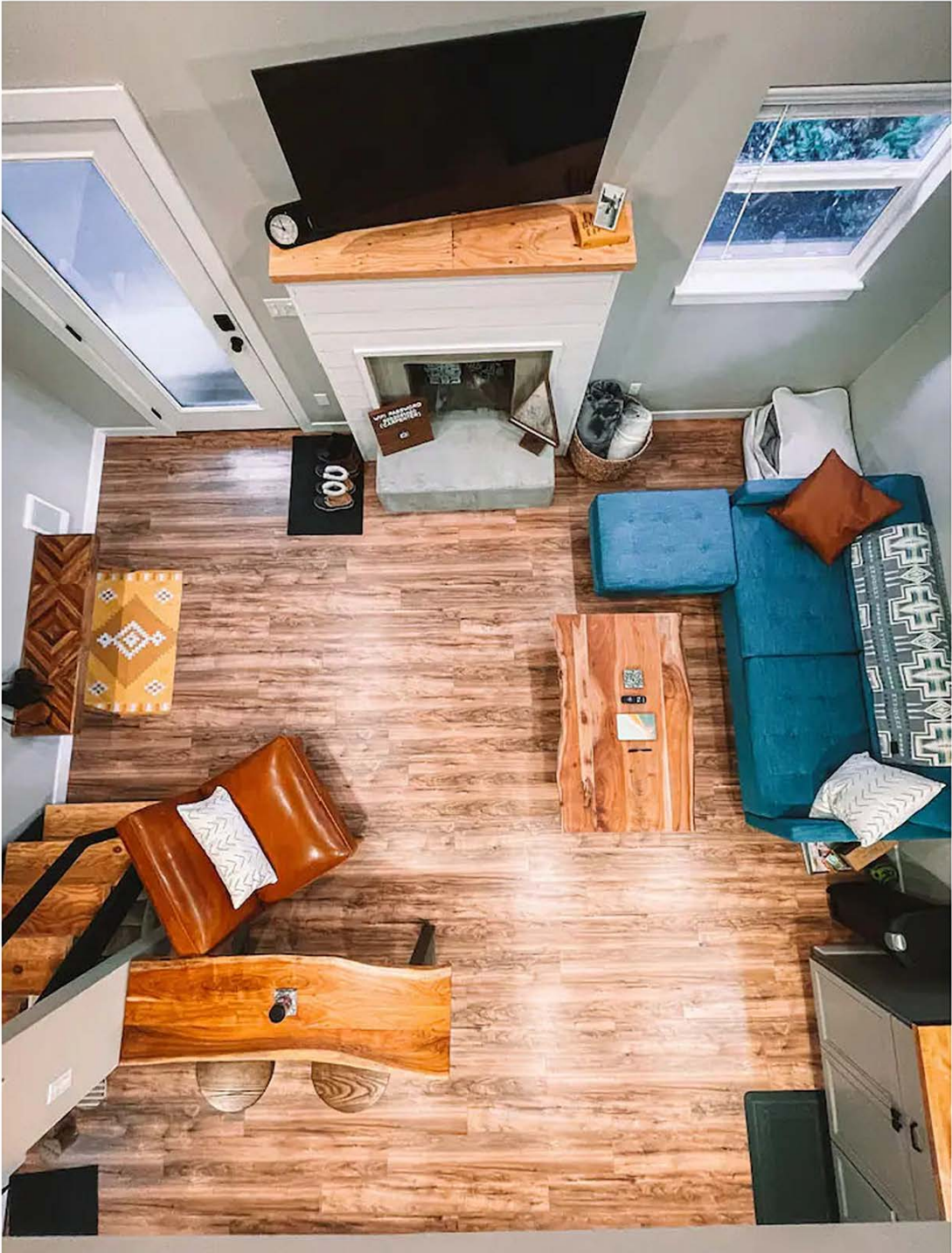




















IMPROVEMENT DATA

Cnpy (Upper)

240

PHYSICAL CHARACTERISTICS

Style: 31 Houses built 1950 to 1954
Occupancy: Single family

Story Height: 1.0
Finished Area: 424
Attic: None
Basement: None

ROOFING

Material: Asphalt shingles
Type: Gable
Framing: Std for class
Pitch: Not available

FLOORING

Sub and joists 1.0
Softwood-standard 1.0

EXTERIOR COVER

Composition siding 1.0

INTERIOR FINISH

Plywood 1.0

ACCOMMODATIONS

Finished Rooms 1
Bedrooms 1
Fireplaces: 1

HEATING AND AIR CONDITIONING

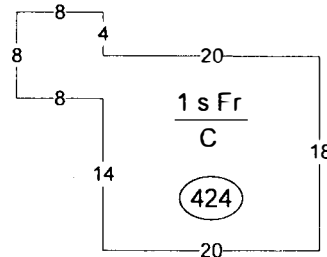
Lower Full Part
/Bsmt 1 Upper Upper

PLUMBING

TOTAL # 0

REMODELING AND MODERNIZATION

Amount Date



Construction	Base Area	Floor Area	Sq Ft	Finished	Value
1 Wood frame w/sn	424	1.0	424	58870	

424 Crawl --- 0

TOTAL BASE 38870

Row Type Adjustment 1.00%
SUB-TOTAL 38870

0 Interior Finish 0
0 Ext Lvg Units 0
0 Basement Finish 0
Fireplace(s) 2690
Heating 0
Air Condition 0
Frame/Siding/Roof 0

No Plumbing 0

Sub-TOTAL ONE UNIT 41560
Sub-TOTAL 0 UNITS 41560

Exterior Features Description Value
Garages
0 Integral 0
0 Att Garage 0
0 Att Carports 0
0 Bsmt Garage 0
Ext Features 0

Sub-TOTAL 41560
Quality Class/Grade 3

GRADE ADJUSTED VALUE 63170

(LCM: 100.00)

SPECIAL FEATURES

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Story Hgt	Const Type	Grade	Year Const	Eff Year	Cond	Base Rate	Feat- ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
D :MAS	2690	D	DWELL	1.00	3		1950	1985	AV	0.00	Y	0.00	424	63170	21	0	188	100	23810
01 CNPY//		01	CNPY//	0.00	2		2019	2019	AV	0.00	N	0.00	246	5300	0	0	110	100	5830

Data Collector/Date

Appraiser/Date

Neighborhood

Supplemental Cards

99 11/01/1989

Neigh 16118 AV

TOTAL IMPROVEMENT VALUE

99640

EXHIBIT B _ PAGE 10 OF 11



2020

27E32DA06000

Site Address: 68108 E EMIGRANT TRL

Owner: CARPENTER DON

WLAND: 65,822 WIMPS: 42,210 WTOTAL: 108,032

ProVal Values as of: 11/7/2019

Notes to Appraiser:

Account #: 00736056

Prop. Class: 801

Exempt:

Nbrhd: 16118

Related
Parcels:

Permit Nbr	Jurisdiction	Permit Type	Issued Date	Values	Work Description
				Job / Contr	
E0528219	COUNTY	Building Electrical	10/08/19	0 / 0	Installed 200amp service on east side of cabin.

6/11/20 #85 office - Planning Dept Records. No inspections performed, not expired.
MLS Sult 7/2019 - Fixer. Pics show poor condition.

6/18/20 #85 Drive By - Full Remodel - New Roof Joists, siding, windows/Doors,
Canopy. New layout, new door & window locations. Attic?
Added to Chimney or Chimney Repairs.
Septic? - MLS does not mention Bath or Septic.
Cont Remod 100% for 1/1/20 no need to send letter per T.C.

PV /DB

HW

1/14/20



August 4, 2022

Don Carpenter
PO Box 573
Brightwood, OR 97011

SUBJECT: Violation of the Clackamas County Building Code, Title 9.02.040 (B), (C), (D), (E)

VIOLATION: V0030622

SITE ADDRESS: 68108 E Emigrant Trl, Welches, OR 97067

LEGAL DESCRIPTION: T2S, R7E, Section 32DA, Tax Lot 06000

This letter serves as notice of a violation of the Clackamas County Code. The violations include:

- Remodel to an existing cabin without permits

VIOLATIONS & HOW TO RESOLVE

On August 4, 2022 I spoke with you on the phone and confirmed that a remodel to the exterior and interior of the existing cabin had occurred without the benefit of permits. The remodel included an addition of a second story which includes a loft style bedroom, patio cover, bathroom and kitchen upgrades. The structural, electrical, plumbing and mechanical work to the cabin without permits constitutes a violation of Clackamas County Code Title 9.02.040 (B), (C), (D), (E). In order to abate the violation(s), you must complete the following **no later than October 4, 2022:**

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s). **The structural work that was done to the cabin may require you to hire an architect or an engineer to submit your drawings. Please contact the building department for further clarification.** Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>
 - You must respond to additional information for plan review within 10 days of being notified.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

CONTACT INFORMATION

Building – If you have questions concerning permitting requirements please contact the building department at 503-742-4240 or on-line at bldservice@clackamas.us.

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beaver Creek Road, Oregon City. The lobby is open between the hours of 8:00 a.m. to 4:00 p.m. Monday through Thursday. **The lobby is closed to the public on Friday, however, staff is available by phone and email.**

If you have any questions my direct telephone number is 503-742-4759 and my email is jkauppi@clackamas.us.

Jennifer Kauppi

Code Enforcement Specialist
Clackamas County Code Enforcement

Important Notices

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



Citation No. 2200306

Case No. V0030622

ADMINISTRATIVE CITATION

Date Issued: February 28, 2023

Name and Address of Person(s) Cited:

Name: Don Carpenter
Mailing Address: PO Box 573
City, State, Zip: Brightwood, OR 97011

Date Violation(s) Confirmed: On the 28 day of February, 2023, 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): 68108 E Emigrant Trl, Welches, OR 97067

Legal Description: T2S, R7E Section 32DA, Tax Lot(s) 06000

Law(s) Violated:

Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (B), (C), (D), (E)

Description of the violation(s):

- 1) Failure to obtain approved permits and approved final inspections for a remodel to a single family residence.

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: Jennifer Kauppi
Telephone No.: 503-742-4759

Date: February 28, 2023
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____

RECEIPT

Clackamas County
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK RD.
OREGON CITY, OR 97045

Application: V0030622
Application Type: CodeEnforcement/Violation/NA/NA
Address: 68108 E EMIGRANT TRL
WELCHES, OR 97067

Receipt No. 1379696

Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments	Payor
Credit Card		\$500.00	3/15/2023	JENNIFERK	CARPENTER DON	CARPENTER DON
		<u>\$500.00</u>				

Owner Info.: CARPENTER DON
PO BOX 573
BRIGHTWOOD, OR 97011

Work Description: ALLEGED - CABIN BUILT W/OUT PERMITS

Plan Review - Review Comments Report

Project Name: **B0214723**

Workflow Started: **4/20/2023 10:57:41 AM**

Report Generated: **04/26/2023 07:25 AM**

REVIEW COMMENTS

REF #	CYCLE	REVIEWED BY	TYPE	FILENAME	DISCUSSION	STATUS
1		Coordinator Sheri Yoakum 4/24/23 8:43 AM	Comment Please see in the Document folder - our policy and procedure on Construction without Permits. "Where construction work has been performed without benefit of a building plan review/permit(s) and/or inspections, plans shall be submitted showing conformance with the life safety provisions of the code and the construction shall be evaluated for structural soundness and conformance to the applicable codes by an Oregon licensed Architect or Engineer. This evaluation along with drawings of the as-build condition shall be present to the Clackamas County Building Codes Division stamped, signed and dated by an architect or engineer."			Unresolved

Kauppi, Jennifer

From: Kauppi, Jennifer
Sent: Wednesday, April 26, 2023 7:34 AM
To: 'Don Carpenter'
Subject: RE: B0214723/V0030622 - 68108 E Emigrant Trl

Don,

Regarding the plans that you submitted. An architect or engineer that is licensed in the State of Oregon needs to submit stamped calculations for the cabin based on their inspection of the structure and the plans you submitted.

I just want to make sure that is clear. It is not simply looking at your plans and saying they're ok.

If you have any further questions about the requirements, please contact the Building Department permit staff at 503-742-4240.

Thank you
Jennifer

From: Don Carpenter <donc.electric@gmail.com>
Sent: Monday, April 24, 2023 11:06 AM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: Re: B0214723/V0030622 - 68108 E Emigrant Trl

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

Hi, I saw the message and have a call into an engineer to look things over. I have noticed septic systems for a lot of the old mountain cabins show the bedrooms and 0 bath and I'm assuming it was prior to them keeping track of such things.
Don

Sent from my iPhone

On Apr 24, 2023, at 10:35 AM, Kauppi, Jennifer <JKauppi@clackamas.us> wrote:

Don,

Hello. It looks like you got the permit process started on April 20 which is great news. Unfortunately the submittal is incomplete as the work that was done to the cabin will require an engineer or an architect to stamp your plans and submit their stamped calculations. The permit staff submitted this response to you in your tasks for the building permit.

Also, I was reviewing the tax assessor records for the old cabin and property. The assessor noted that the original cabin did not have a septic system on the property. I am having the septic department review their records and will let you know what they find. If a septic system was installed without

permits, I recommend contacting our Septic Department right away to determine what you will need to do to start the process of legalizing the system.

You can provide an update to the hearings officer on where you're at with obtaining the additional information during the hearing.

The Septic Department number is 503-742-4740.

Thank you

Jennifer Kauppi – Code Enforcement Specialist

Code Enforcement

Department of Transportation and Development

150 Beavercreek Rd.

Primary Phone: 503-742-4759

www.clackamas.us

Hours: M-F from 7:30 a.m. until 4:00 p.m.

Lobby hours 8:00 a.m. until 4:00 p.m. Monday, Tuesday, and Thursday

<image003.jpg>