



NOTICE OF RESET HEARING

November 17, 2021

Gina Fontaine
3535 SE Hillside Dr
Milwaukie, OR 97267

RE:: County of Clackamas v. Gina Fontaine
File No(s). V0014821

Hearing Date: January 13, 2022

Time: This item will not begin before 10:00 am, however it may begin later depending on the length of preceding items.

Location: Department of Transportation & Development
Development Services Building - DSB 115 Auditorium
150 Beaver Creek Road
Oregon City, OR 97045

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 may contact Kimberly Benthin, Code Compliance Specialist for Clackamas County at (503) 742-4457, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures
CC: Carl Cox -Compliance Hearings Officer



NOTICE OF HEARING

November 8, 2021

Gina Fontaine
3535 SE Hillside Dr
Milwaukie, OR 97267

RE:: County of Clackamas v. Gina Fontaine
File: V0014821

Hearing Date: December 9, 2021

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 Kimberly Benthin, Code Compliance Specialist for Clackamas County at (503) 742-4457, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

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

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



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Clackamas County is abiding by social distancing requirements during the coronavirus pandemic, so your hearing will be conducted virtually using the Zoom platform.

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 gbearagogo@gmail.com. Please contact Kimberly Benthin if you are unable to find the email.

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

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

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

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

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

Department of Transportation and Development

Nondiscrimination Policy:

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

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

¡LE DAMOS LA BIENVENIDA! Spanish

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

ДОБРО ПОЖАЛОВАТЬ! Russian

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

欢迎! Chinese (Mandarin)

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

CHÀO MỪNG! Vietnamese

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

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

환영합니다. Korean

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

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

COUNTY OF CLACKAMAS,

Petitioner,

v.

GINA M. FONTAINE,

Respondent.

File No.: V0014821

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents' place of residence is: 3535 SE Hillside Dr., Milwaukie, OR 97267

2.

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

3535 SE Hillside Dr., Milwaukie OR 97267, also known as T2S, R1E, Section 13DB, Tax Lot 02801, and is located in Clackamas County, Oregon.

3.

On or about the 12th day of July, 2021 Respondent violated the following laws, in the following ways:

- a. Respondent violated Chapter 9.02 of the Clackamas County Code Application and Enforcement of the Clackamas County Building Code, Sections 9.02.020(D) and 9.02.040(A,E) by constructing retaining walls without the benefit of permits or

inspections. This is a Priority 3 violation pursuant to the Clackamas County Violation Priorities.

- b. Respondent violated Chapter 9.03 of the Clackamas County Code Excavation and Grading Section 9.03.020 by excavating, grading and filling of a slope on the above referenced property. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities

4.

On or about the 3rd day of August 2021, the Respondent violated the following laws, in the following ways:

- a. Respondent violated Chapter 9.02 of the Clackamas County Code Application and Enforcement of the Clackamas County Building Code, Sections 9.02.020(D) and 9.02.040(A,E) by constructing retaining walls without the benefit of permits or inspections. This is a Priority 3 violation pursuant to the Clackamas County Violation Priorities.
- b. Respondent violated Chapter 9.03 of the Clackamas County Code Excavation and Grading Section 9.03.020 by excavating, grading and filling of a slope on the above referenced property. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

5.

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

6.

Notice of the violation was given to Respondent(s) in the following manner:

Administrative Citation #21148-1 in the amount of \$150.00 was mailed first class mail on July 12, 2021. A copy of the notice document is attached to this Complaint as Exhibit 4, and incorporated by this reference.

7.

Notice of the violation was given to Respondent(s) in the following manner:

Administrative Citation #21148-2 in the amount of \$800.00 was mailed first class mail on August 8, 2021. A copy of the notice document is attached to this Complaint as Exhibit 5, 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 Respondent to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondent from violating these laws in the future;
2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the Board of County Commissioners.
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 8th day of November, 2021.

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

Kimberly Benthin
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

GINA M. FONTAINE,

Respondent.

File No.: V0014821

STATEMENT OF PROOF

History of Events and Exhibits:

April 15, 2021	The County received a complaint of retaining walls, fill and excavation on a slope.
April 19, 2021 Exhibit: 1	Correspondence was mailed to the Respondent regarding the alleged violation.
April 21, 2021	In response to the receipt of the correspondence the Respondent phoned County staff and left a message explaining she was confused and wanted to know what this was about.
April 22, 2021	Code Enforcement Specialist (CES) Kimberly Benthin returned the Respondent's call and left a voice mail message. Over the next few days voice mail messages were exchanged.
April 28, 2021	CES Benthin and Respondent spoke on the telephone and discussed the many factors related to permitting retaining walls, including slope, surcharge, and fill. We agreed to have a building inspector meet the Respondent on site in order that we could have a shared understanding of the requirements for the site. Respondent asked if possible to have the inspection on May 3 rd because she had an engineer group scheduled to be on site on that date.
May 3, 2021 Exhibit: 2	Building Inspector (Insp.) Travis Wright met the Respondent on site and determined it was in violation, and requires permits. Insp. Wright's report was emailed to the Respondent.
May 11, 2021 Exhibit: 3	A violation notice was mailed to the Respondent on this date, requesting permits be submitted not later than June 28, 2021 for the unpermitted work.
May 11, 2021	CES Benthin telephoned the Respondent to advise that a violation notice was placed in the mail. Respondent asked what exactly is the violation? It was explained that the Insp. Wright determined that the retaining walls require permitting and the Respondent will need to address the excavation

and grading on the slope. Respondent spoke about the property lines and stated it is obvious that a sliver of cement needs to come down because it is over the property line. The enforcement process, timelines, fines and fees were discussed. CES Benthin explained that if the violation can be remedied timely and cooperatively that it is possible for the administrative compliance fees to be waived. The Respondent expressed appreciation for that and stated she would get back to work on the permits.

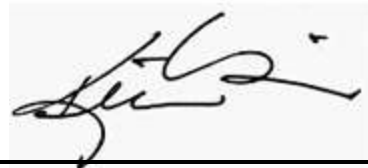
July 12, 2021 Exhibit: 4	Citation # 21148-1 was issued for a Priority 1 \$100.00 grading violation and a Priority 3 building code violation of \$50.00 was issued to the Respondent.
August 3, 2021 Exhibit: 5	Citation # 2114821-2 was issued for a Priority 1 \$500.00 grading violation and a Priority 3 building code violation of \$300.00 to the Respondent.
September 1, 2021 Exhibit: 6	Insp. Wright emailed the Respondent regarding the progress on resolving the violation. The Respondent replied sharing a response from an engineer she received on June 17, 2021. Respondent stated information was forwarded to engineer Don Sherman and he should be in the office next week.
October 25, 2021 Exhibit: 7	James Reyes sent an email to CES Benthin and Insp. Wright explaining that the engineer, Don Sherman had stopped by the house and taken measurements. Insp. Wright replied reminding James that a permit is also required and nothing has been submitted for that work.
November 2, 2021 Exhibit: 8	Respondent sent an email to Insp. Wright and CES Benthin explaining that the engineer had just left and will be getting back to her on the calculations. Insp. Wright replied and asked that once she receives the engineering to submit for a building permit.
November 8, 2021	This file was prepared to be set for hearing.

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:

- Submit building permit application(s), technically, fully complete set of plans and appropriate fee(s).
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - 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). Note: Additional time to complete the work may be necessary due to weather delays. However, erosion and silting concerns must be addressed.
- 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 of up to \$3500.00 for each of Chapter 9.03 Excavation and Grading violations, and up to \$1000.00 for each violation of Chapter 9.02 Application and Enforcement of the Clackamas County Building Code for each date cited on July 12, 2021, and August 3, 2021, for a possible total of \$9,000.00
- The administrative compliance fee to be imposed from May 2021, until the violation is abated. As of the date of this report the total is \$450.00.
- The payment of Citation # 21148-1 for \$150.00 and Citation # 21148-2 for \$800.00, for at total of \$950.00
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- If the Compliance Hearings Officer imposes penalties, fines and fees. The County would also ask the Hearings Officer to order reimbursement for any expense the County incurs in collection of those monies, per Clackamas County Code Chapter 2.07.090(6)
- 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.

DATED THIS 8th day of November 2021.



Kimberly Benthin
Code Enforcement Specialist
FOR CLACKAMAS COUNTY



April 19, 2021

Gina Fontaine
3535 SE Hillside Dr
Milwaukie, OR 97267

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

Site Address: 3535 SE Hillside Dr, Milwaukie OR 97267
Legal Description: T2S, R1E, Section 13DB, Tax Lot 02801

It has come to the attention of Clackamas County Code Enforcement that construction of a patio deck/retaining wall may have been placed without the benefit of permits.

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

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

E-mail address is kimben@clackamas.us

Telephone number is 503-742-4457

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

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¡LE DAMOS LA BIENVENIDA! Spanish

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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.

오.

From: [Wright, Travis](#)
To: [Benthin, Kim](#)
Subject: FW: County of Clackamas - Here is your report
Date: Monday, May 3, 2021 3:00:02 PM
Attachments: [InspectionReport.pdf](#)

From: Wright, Travis <TWright@clackamas.us>
Sent: Monday, May 3, 2021 11:35 AM
To: Wright, Travis <TWright@clackamas.us>
Cc: gbearagogo@gmail
Subject: County of Clackamas - Here is your report

Dear

Here is the report for V0014821

Please contact your Clackamas agency representative if you have any questions.

Sincerely,

The County of Clackamas

Note: This is an unattended mailbox. We regret that we are unable to respond to e-mail sent to this address.

Sent from my iPhone

Clackamas County

150 Beavercreek Rd
Oregon City, OR 97045

Tel: Inspection: 503-742-4720

Location:
3535 SE HILLSIDE DR MILWAUKIE OR 97267

Inspection Date:
Mon, 03 May 2021

Record Type:
Code Enforcement - Violation

Record ID:
V0014821

Inspection Type:
270 Miscellaneous/Consultation

Inspector:
Travis Wright

Inspector Phone:
503-347-9224

Inspector Email:
TWright@clackamas.us

Result:
In Violation

Submit Time:
Mon, 03 May 2021 11:34:AM

Comments:
Earth retained with site built stem walls and without permit also portions are over over property line R105.1 R102.2

Owners are cooperative and they are coming out today to assess

May 11, 2021

Violation File: V0014821

Gina M. Fontaine
3535 SE Hillside Dr.
Milwaukie OR 97267

Subject: Violations of the Clackamas County Building Code Chapter 9.02.02 and 9.02.040(A,E) and Chapter 9.03.020

Site Address: 3535 SE Hillside Dr. Milwaukie OR 97267

Legal Description: T2S, R1E, Section 12DB, Tax Lot 02801

It has come to the attention of Clackamas County Code Enforcement that construction is of unpermitted retaining walls and deck is occurring on the above referenced property. Recently, an inspection occurred and it was confirmed that permits are required. This is a violation of Chapter 9.02 and 9.03 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code, and Excavation and Grading.

During our telephone conversation on April 28, 2021 Ms. Fontaine mentioned that she was meeting on site with individuals from an engineering firm. Your professionals will know the permitting process and what needs to be accomplished. Please understand that the violation will not be abated until all related permits are obtained and receive all inspections including the final approved inspection.

In order to abate the violations, please complete the following **not later than June 28, 2021**:

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s).
 - 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).

If your design professional cannot meet the deadline stated above for permit submittal please contact me for a reasonable extension. Additionally there may be items to address (such as a land survey) that may cause delays in completing the work. Please

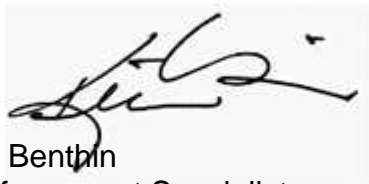
keep me in the loop so that we can cooperatively and timely resolve the violations on site.

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

If you have any questions concerning the building permit requirements, please contact the Building Codes Division at 503-742-4240. Or, you may stop by our offices at 150 Beavercreek Road, Development Services Building, Oregon City. The lobby is currently open between the hours of 9:00 a.m. and 3:00 p.m. Monday through Thursday. Staff will answer phones and emails Monday – Thursday 7:30 to 4:00p.m. and on Fridays 8:00 a.m. to 3:00 p.m.. Please check the website for changes to the building hours.

The public is encouraged to take advantage of the services available online, by phone or by email.

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

A handwritten signature in black ink, appearing to read 'Kimberly Benthin', is positioned above the printed name and title.

Kimberly Benthin
Code Enforcement Specialist
Code Enforcement Section

Important Notices

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



Citation No. 21148-1

Case No. V0014821

ADMINISTRATIVE CITATION

Date Issued: July 12, 2021

Name and Address of Person(s) Cited:

Name: Gina M. Fontaine
Mailing Address: 3535 SE Hillside Dr.
City, State, Zip: Milwaukie OR 97267

Date Violation(s) Confirmed: On the 12th day of July, 2021, 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): 3535 SE Hillside Dr., Milwaukie OR 97267

Legal Description: T2S, R1E Section 13DB, Tax Lot(s) 02801

Law(s) Violated

- ☐ Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section
- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Sections 9.02.020(D) and 9.02.040, (A,E)
- ☒ Chapter 9.03 of CCC Excavation and Grading, Section 9.03.020
- ☐ Chapter 10.03 of CCC Solid Waste and Wastes Management, Section
- ☐ Title 12 and 13 of CCC Zoning and Development Ordinance, Section

Description of the violation(s):

- 1) No permit application or documents have been submitted for the construction of the retaining walls on site. The work remains unpermitted and without the benefit of inspections.

Maximum Civil Penalty \$1000.00 Fine \$50.00

- 2) No permit application or documents have been submitted for the excavation, grading and fill on site. Nor has the work received inspections required for this construction.

Maximum Civil Penalty \$3500.00 Fine \$100.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$150.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: July 12, 2021
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

You have been cited for the violations(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 Beavercreek Rd.
Oregon City, OR 97045
2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above or sent to codeenforcement@clackamas.us.

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____
City, State, Zip

Contact Number: _____ Email: _____

Violation File # :



Citation No. 21148-2

Case No. V0014821

ADMINISTRATIVE CITATION

Date Issued: August 3, 2021

Name and Address of Person(s) Cited:

Name: Gina M. Fontaine
Mailing Address: 3535 SE Hillside
City, State, Zip: Milwaukie, OR 97267

Date Violation(s) Confirmed: On the 12th day of July, 2021 and continues to exist on the 3rd day of August 2021, 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): 3535 SE Hillside Dr., Milwaukie OR 97267

Legal Description: T2S, R1E Section13DB, Tax Lot(s) 02801

Law(s) Violated:

- ☐ Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section
- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Sections 9.02.020(D) and 9.02.040(A,E)
- ☒ Chapter 9.03 of CCC Excavation and Grading, Section 9.03.020
- ☐ Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.060 (A,B,C)
- ☐ Title 12 and 13 of CCC Zoning and Development Ordinance, Section

Description of the violation(s):

- 1) No permit application or documents have been submitted for the construction of the retaining walls on site. The work remains unpermitted and without the benefit of inspections.

Maximum Civil Penalty \$1000.00

Fine \$300.00

- 2) No permit application or documents have been submitted for the excavation, grading and fill on site. Nor has the work received inspections required for this construction.

Maximum Civil Penalty \$3500.00

Fine \$500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$800.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: August 8, 2021
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 Beavercreek Rd.
Oregon City, OR 97045
2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above or sent to codeenforcement@clackamas.us

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____

Violation File No. : V0014821

From: [Wright, Travis](#)
To: [gina fontaine](#)
Cc: [Benthin, Kim](#)
Subject: RE: Gina 3535 SE Hillside DR
Date: Thursday, September 2, 2021 5:11:27 AM

Thanks Gina

Travis Wright
Building Inspector / Commercial Building Plans Examiner / Fire and Life Safety Plans Examiner
Clackamas County Building Codes Division
150 Beavercreek Road, Oregon City, Oregon 97045
(503) 347-9224
twright@clackamas.us

My normal work hours are: 7:00am – 3:30pm

From: gina fontaine <gbearagogo@gmail.com>
Sent: Wednesday, September 1, 2021 3:26 PM
To: Wright, Travis <TWright@clackamas.us>; Benthin, Kim <KimBen@clackamas.us>
Cc: Benthin, Kim <KimBen@clackamas.us>
Subject: Fwd: Gina 3535 SE Hillside DR

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

Hi Travis and Kim, Thank you for the communication today Travis. I am forwarding my initial contact with Mary Wiser an engineer with Cardno. While ensuring everything is up to code with the backyard, I have reached out to the listed engineering groups with no avail at this time. A draft has been sent to Don Sherman Engineers in Portland and am told he will be back in the office next.

I will keep you both informed! Have a great day you two, Gina Fontaine

Begin forwarded message:

From: Mary Wiser <mary.wiser@cardno.com>
Subject: RE: Gina 3535 SE Hillside DR
Date: June 17, 2021 at 3:20:07 PM PDT
To: gina fontaine <gbearagogo@gmail.com>

Good Afternoon Gina-

First of all, I want to thank you for your hospitality. It was really great getting to know you and walking around your beautiful neighborhood, I had so much fun! After our meeting, I brought your project info back with me and presented it to my boss. After some discussions with him, and reviewing the circumstances surrounding what you need, he decided he isn't the best stamping engineer for your project. However, we did compile some recommended contacts for you of some folks that may be able to help, but I would contact Locke Engineers first, to get started:

Locke Engineers: <http://youngmanlocke.com/contact.htm>

Scott Hardman with Hardman Geotechnical Services: <https://www.hgsi.rocks/>

S&F Land Services (Surveyor) : <https://sflands.com/home/contact/>

I hope these contacts can help, and best of luck getting everything resolved!

Mary Wiser

SENIOR CIVIL PROJECT DESIGNER

CARDNO

Office +1 503 419 2500 Direct +1 503 200 3221

Address 6720 S Macadam Ave Suite 150, Portland, Oregon 97219

Email mary.wiser@cardno.com Web www.cardno.com

This email and its attachments may contain confidential and/or privileged information for the sole use of the intended recipient(s). All electronically supplied data must be checked against an applicable hardcopy version which shall be the only document which Cardno warrants accuracy. If you are not the intended recipient, any use, distribution or copying of the information contained in this email and its attachments is strictly prohibited. If you have received this email in error, please email the sender by replying to this message and immediately delete and destroy any copies of this email and any attachments. The views or opinions expressed are the author's own and may not reflect the views or opinions of Cardno.

From: gina fontaine <gbearagogo@gmail.com>

Sent: Wednesday, June 9, 2021 3:34 PM

To: Mary Wiser <mary.wiser@cardno.com>

Subject: Gina 3535 SE Hillside DR

From: [Wright, Travis](#)
To: [James Reyes](#)
Cc: [Benthin, Kim](#)
Subject: RE: V0014821 3535 se hillside drive
Date: Tuesday, October 26, 2021 5:50:22 AM

James,

I haven't seen anything although a building permit would be required and should be submitted with his calculations for review as well as other drawings showing the items that were installed. ORSC R105.1 and County Code Title 9 sections 9.02.240 and 9.03

Thanks,

Travis Wright
Building Inspector / Commercial Building Plans Examiner / Fire and Life Safety Plans Examiner
Clackamas County Building Codes Division
150 Beavercreek Road, Oregon City, Oregon 97045
(503) 347-9224
twright@clackamas.us

My normal work hours are: 7:00am – 3:30pm

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

From: James Reyes <reyesjames221@gmail.com>
Sent: Monday, October 25, 2021 6:01 PM
To: Wright, Travis <TWright@clackamas.us>
Subject: 3535 se hillside drive

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

Travis, Gina said that she wasn't sure if you and Kim received her email from 2weeks ago. Don Sherman stopped by the house, took measurements, and asked questions about the wall. He also acknowledged receipt of the drawings and the pictures of the build. He is working on the calculations and will get back to us ASAP. I also gave him the receipts from a accessible concrete (7 yds concrete), site one conveyors, Portland rock and gravel (10 yds 3/4 minus and 4 yds sand) and Home Depot (drain tile) Let me know if you and Kim need more information. Thanks James

Sent from my iPhone

From: [Wright, Travis](#)
To: [gina fontaine](#); [Benthin, Kim](#)
Subject: RE: 3535 SE Hillside Dr Milwaukie
Date: Wednesday, November 3, 2021 6:16:04 AM

Gina,

Good morning.

Thanks for moving forward on this and once you have the engineering please submit for a building permit.

Thanks and have a great day

Travis Wright
Building Inspector / Commercial Building Plans Examiner / Fire and Life Safety Plans Examiner
Clackamas County Building Codes Division
150 Beaver Creek Road, Oregon City, Oregon 97045
(503) 347-9224
twright@clackamas.us

My normal work hours are: 7:00am – 3:30pm

From: gina fontaine <gbearagogo@gmail.com>
Sent: Tuesday, November 2, 2021 11:16 PM
To: Wright, Travis <TWright@clackamas.us>; Benthin, Kim <KimBen@clackamas.us>
Subject: 3535 SE Hillside Dr Milwaukie

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

Hi Travis and Kim, Don Sherman of Sherman Engineering Inc just left and he said he will work on the calculations and get back to me as soon as possible. I will contact you as soon as I hear anything.....Thank you for patience and understanding.

Have a great day,

Gina Fontaine

From: [Benthin, Kim](#)
To: ["Gina Fontaine"](#)
Cc: [James Reyes](#); [Wright, Travis](#)
Subject: RE: File V0014821
Date: Tuesday, November 16, 2021 2:24:00 PM

Gina,

The information that you have compiled below is an example of information you can provide to the Hearings Officer. The County cannot set aside a hearing for a file that isn't close to being abated.

Since, you have a scheduling conflict with the December 9th date, we can reschedule it for January 13, 2021.

Kimberly Benthin
Code Enforcement Specialist
Clackamas County Code Enforcement Section

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

From: gina fontaine <gbearagogo@gmail.com>
Sent: Monday, November 15, 2021 4:09 PM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: Gina Fontaine <gbearagogo@gmail.com>; James Reyes <reyesjames221@gmail.com>; Wright, Travis <TWright@clackamas.us>
Subject: File V0014821

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

Dear Kim and Clackamas County,

I am emailing to request the hearing be postponed or set aside. I have diligently been pursuing professional structural engineers. Please see the chronological list:

10 May 21	Contacted Mary Wiser Cardno Engineers
21 May 21	Mary Wiser consult on property
18 Jun 21	Cardno unable to accept project
21 Jun 21	Contacted Locke Engineerings and Robertson Engineering Groups left messages to both groups
28 Jun 21	Left second message to both groups
9 Jul 21	Greg Locke from Locke Engineering unable to accept due to time constraints and lack of staffing
14 Jul 21	Robertson unable to accept project due to staffing shortage
19 Jul 21	Sketchup Pro drawings completed
3 Aug 21	Sent initial drawing to Don Sherman of Don Sherman Engineering, Inc. and T. Wright of Clackamas County
5 Aug 21	Contact Sherman Engineering, left message
6 Aug 21	Sherman Engineerings requested information to be place on job board as Mr Sherman on vacation for 2 weeks
1 Sep 21	Follow up from Travis Wright Clackamas County requesting project status
10 Sep 21	Sent additional pictures and information to Sherman Engineerings
15 Oct 21	Don Sherman from Engineering consult on property and given copy sales receipt concrete
25 Oct 21	Project status sent to Travis Wright Clackamas County
26 Oct 21	Travis Wright requesting copy of contract if available
10 Nov 21	Contract signed between Don Sherman Engineering and Gina Fontaine

As of 10 November 2021 Don Sherman and I are in contract and I am waiting for calculations, drawing, and permits from Mr Sherman. Please let me know if I have overlooked a step as I am seriously working hard in good faith to

get this violation resolved without a hearing. This pandemic with the work environment situation has made this a tremendous challenge, as I have felt this and the engineers have stated so. I apologize to you and Clackamas County for any inconvenience and look forward to resolution of this project.

I, additionally have a scheduling conflict with 9 December 2021 and am hoping for a postponement or setting aside this proceeding.

Thank you for your consideration and patience with this matter,

Gina Fontaine
503.867.6300

From: [gina fontaine](#)
To: [Wright, Travis](#); [Benthin, Kim](#)
Subject: 3535 SE Hillside Dr
Date: Sunday, November 21, 2021 9:54:44 AM

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

Hi Travis and Kim, I am unsure if you received my email from Friday...Don Sherman Engineering was over and he said he will do some calculations.

I'll keep in touch, Gina Fontaine

Summary

From (Envelope) gbearagogo@gmail.com
From (Header) gbearagogo@gmail.com
To twright@clackamas.us KimBen@clackamas.us
CC -
Subject 3535 SE Hillside Dr
Sent Sun, 21 Nov 2021 - 12:54:36
Processed Sun, 21 Nov 2021 - 12:54:36

ticket 125166: Outlook

Hi Kim, thank you for using the help desk. Your ticket (125166) has been resolved.

Please confirm the resolution.

This ticket will automatically move to a Closed status in 1 day)

Please fill out our survey at the following link:

<http://web.clackamas.us/surveys/satisfaction/ts/>

503)655-8346

Hours: 7:00AM - 6:00PM M-F

Was your issue resolved? [Yes](#) [No](#)

[Add Note](#)

On 11/22/21, at 9:41 am, Sterling Fischer wrote:

Hi Kim,

We received the email on Sunday and it was processed and sent to you at that time. The only thing I think of is the email was started as a draft on 10-20 and sent out on Sunday 11-21. I don't see the mail being held up in our system anywhere.

2021-11-22_9-36-27.jpg (25.8 KB)

From: [gina fontaine](#)
To: [Benthin, Kim](#)
Subject: Re: 3535 SE Hillside Dr
Date: Friday, January 7, 2022 10:24:29 AM

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

Kim, yes ;). It's paid. Thank you, Gina

On Jan 7, 2022, at 9:47 AM, Benthin, Kim <KimBen@clackamas.us> wrote:

Gina,

The applicant is responsible for completing the permit. There were emails sent as courtesy reminders. Even the violation notice I sent to you stated that fees must be paid.

I have noted that you were in the DSB lobby today to make payment. That is great news.

Kimberly Benthin

Code Enforcement Specialist

Clackamas County Code Enforcement Section

From: gina fontaine <gbearagogo@gmail.com>

Sent: Thursday, January 6, 2022 4:35 PM

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

Subject: Re: 3535 SE Hillside Dr

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

Dear Kim, neither one of us have received a request from Clackamas county and was never requested from the county when the paper work was turned in. This part was not our fault and we done as instructed. Gina
On Thu, Jan 6, 2022 at 4:19 PM Benthin, Kim <KimBen@clackamas.us> wrote:

Gina,

Currently, the permit application #B0739221 is waiting on payment.

The applicant, James Reyes, was sent an email by Clackamas County Building Codes on December 17, 2021, noting that the upload of documents was completed.

Then on December 28, 2021 the applicant was sent an email noting that the task of making the intake payment must be completed by January 4, 2022.

A second email was sent to the applicant on January 5th noting the intake payment was past due. Today at 10:11 a.m. a third email was sent to the applicant noting that the intake payment remains past due.

It is true that the review of the permit documents may take 5 to 6 weeks. However, the review will **not begin** until such time as the Building Department receives the payment.

The next step is to make the intake payment. The hearing will be held as scheduled because the violation is not abated until the permit(s) is/are issued and all required inspections are successfully completed.

Kimberly Benthin

Code Enforcement Specialist

Clackamas County Code Enforcement Section

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

From: gina fontaine <gbearagogo@gmail.com>

Sent: Thursday, January 6, 2022 2:22 PM

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

Cc: James Reyes <reyesjames221@gmail.com>

Subject: [3535 SE Hillside Dr](#)

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

RE: V0014821

Dear Kim,

The permit request was officially submitted on 17 December 2021. As you are aware this was quite an ordeal to find, secure and get drawings from a licensed structural engineer. The Clackamas County Code department informs us that it will take approximately 5 to 6 weeks to get approved.

In light of the permit request and initiation of the abatement process, we are assuming the hearing status to be changed. Please inform us of the next step.

Thank you and have a great day,

Gina Fontaine

From: [Benthin, Kim](#)
To: ["James Reyes"](#)
Cc: ["gina fontaine"](#)
Subject: RE: 3535 SE Hillside Dr
Date: Friday, January 7, 2022 9:45:00 AM
Attachments: [image001.png](#)

James,

The emails are from the software system from 'Avolve' you may not find them searching for Clackamas County. You can also log into your account and access the tasks assigned to you to complete for your permit(s). When logged in you can also view the progress of the permit. The emails from Avolve are simply a courtesy reminder.

If you have additional questions I recommend you read the instructions on the County website.
<https://www.clackamas.us/development-direct>

Kimberly Benthin

Code Enforcement Specialist
Clackamas County Code Enforcement Section

From: James Reyes <reyesjames221@gmail.com>
Sent: Thursday, January 6, 2022 4:34 PM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: gina fontaine <gbearagogo@gmail.com>
Subject: Re: 3535 SE Hillside Dr

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

Kim. I am not in receipt of any email from clackamas county per your request
I am attaching a string search on my email. Can you please confirm the email of record. Thanks
james
Reyesjames221@gmail.com



Sent from my iPhone

On Jan 6, 2022, at 4:19 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Gina,

Currently, the permit application #B0739221 is waiting on payment. The applicant, James Reyes, was sent an email by Clackamas County Building Codes on December 17, 2021, noting that the upload of documents was completed. Then on December 28, 2021 the applicant was sent an email noting that the task of

Benthin, Kim

From: James Reyes <reyesjames221@gmail.com>
Sent: Monday, January 10, 2022 3:02 PM
To: Benthin, Kim
Cc: gina fontaine
Subject: Re: 3535 SE Hillside Dr

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

Hi kim and gina

I just received a call from Markus mead. He has requested the drawings, stated that it more than likely will not need a permit, will email us and the county in a couple of days. I am sending him the drawings now
Thanks james

Sent from my iPhone

On Jan 10, 2022, at 2:30 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Thank you James.

I appreciate your keeping me in the loop.

Kimberly Benthin

Code Enforcement Specialist

Clackamas County Code Enforcement Section

From: James Reyes <reyesjames221@gmail.com>
Sent: Monday, January 10, 2022 1:34 PM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: gina fontaine <gbearagogo@gmail.com>
Subject: Re: 3535 SE Hillside Dr

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

Hi Kim.

There was a request from your staff that I contact oak grove water district to review the plans in case I need a permit from them

I was there at 12:40 today. However Markus mead was not available. I left him a voice

Mail with the permit number. His bum said that he will contact me by the end of the day. I just wanted to keep you in the loop

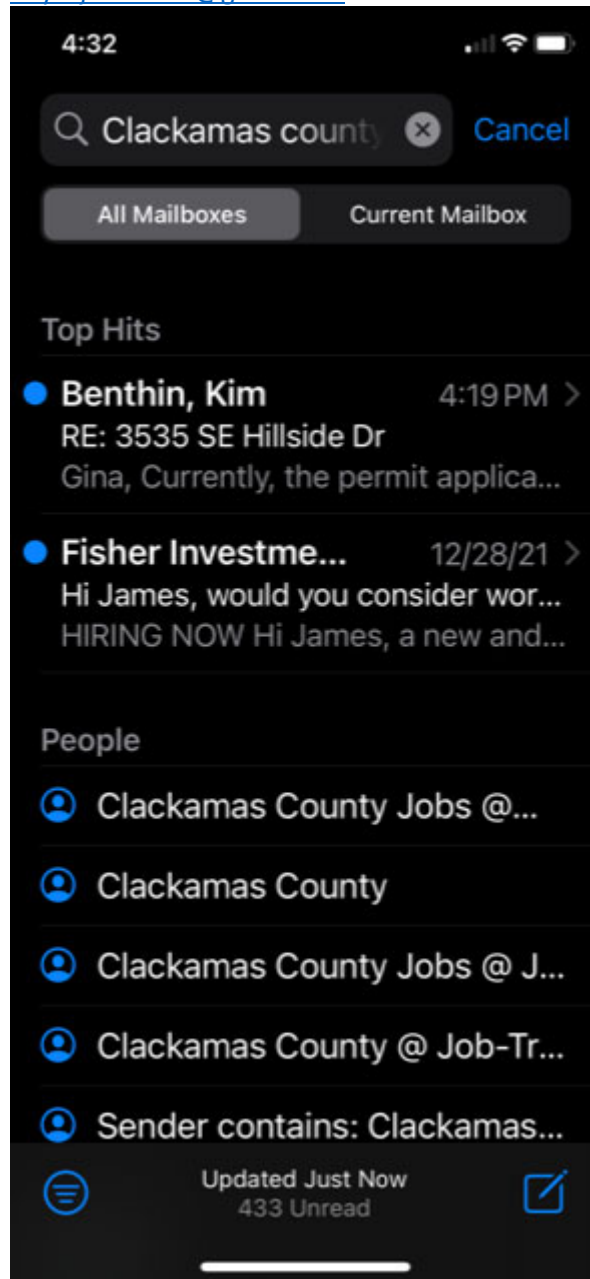
Thanks james

Sent from my iPhone

On Jan 6, 2022, at 4:34 PM, James Reyes <reyesjames221@gmail.com> wrote:

Kim. I am not in receipt of any email from clackamas county per your request
I am attaching a string search on my email. Can you please confirm the email of
record. Thanks james

Reyesjames221@gmail.com



Sent from my iPhone

Benthin, Kim

From: James Reyes <reyesjames221@gmail.com>
Sent: Monday, January 10, 2022 3:10 PM
To: markus@olwsd.org
Cc: Gia Fontaine; Benthin, Kim
Subject: 3535 SE Hillside Drive, B0739221
Attachments: Site wall design.eml; S1 - Reyes Site retain walls P21-0318 12-13-21.pdf

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

Markus, thank you for such a. I am enclosing the drawings per your request. Please let me know if you have or need further information.

Thanks, James

Benthin, Kim

From: Don Sherman <donpsberman@gmail.com>
Sent: Monday, December 13, 2021 8:43 AM
To: James Reyes
Subject: Re: Site wall design
Attachments: S1 - Reyes Site retain walls P21-0318 12-13-21.pdf

Here is an updated drawing without the setback notes.

Regards,
Don

On Sat, Dec 11, 2021 at 8:59 AM James Reyes <reyesjames221@gmail.com> wrote:

Thanks for information don. I appreciate your prompt response. Could you please alter the plans to read gina fontaine as the owner. I also am curious if the 5' offset language is necessary on there as it is in dispute with the county.

Sent from my iPhone

On Dec 10, 2021, at 11:50 AM, James Reyes <reyesjames221@gmail.com> wrote:

Don I need a couple of clarification

- 1) owner is gina fontaine
 - 2) does the language of 5' setback have to on there? Maybe remove as the neighbors are well over this in multiple points. The permit approved deck next door is about 3' over this setback
- Thanks james

Sent from my iPhone

On Dec 10, 2021, at 10:56 AM, Don Sherman <donpsberman@gmail.com> wrote:

I do not do the submitting. You will need to go and fill out an application for the permit and pay a fee then provide the drawings. They may need more than one copy. You may also be able to do the submittal online. Otherwise, Clackamas blueprint on Hwy 224 is a good place to get prints, as Kinkos will charge much more.

Regards,
Don

On Fri, Dec 10, 2021 at 10:09 AM James Reyes <reyesjames221@gmail.com> wrote:

Wow. Thanks don. Do we submit the drawings for permit or did you do that piece. If not we will get them over to clackamas county

Sent from my iPhone

> On Dec 9, 2021, at 4:30 PM, Don Sherman <donpsherman@gmail.com>
wrote:

>

>

> James,

> I was able to justify your as-built walls. Here are the drawings and
calculations for submission. We will need to see if they want any more
information about the materials.

> Regards,

>

> --

> Don P Sherman, PE

> Sherman Engineering, Inc.

> 3151 NE Sandy Blvd Ste. 100

> Portland, OR 97232

> (503) 230-8876

--

Don P Sherman, PE

Sherman Engineering, Inc.

3151 NE Sandy Blvd Ste. 100

Portland, OR 97232

(503) 230-8876

--

Don P Sherman, PE

Sherman Engineering, Inc.

3151 NE Sandy Blvd Ste. 100

Portland, OR 97232

(503) 230-8876

From: [James Reyes](#)
To: [Benthin, Kim](#)
Cc: [gina fontaine](#)
Subject: Re: 3535 SE Hillside Dr
Date: Tuesday, January 11, 2022 12:35:47 PM
Attachments: [image001.png](#)
[Screen Shot 2022-01-11 at 11.57.13 AM.png](#)
[Screen Shot 2022-01-11 at 11.57.26 AM.png](#)

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

Dear Kim, we are including screenshots from the request for Oak Water and the sign off from Oak Lodge Water. Also the task lists from Development Direct. I have no open tasks and are awaiting direction from your office. I am unaware of any other tasks to complete. As far as I know we are waiting for the permit....if you see or know of anything else we need to complete please let me know.

Thank you,
James

On Tue, Jan 11, 2022 at 11:12 AM Benthin, Kim <KimBen@clackamas.us> wrote:

Good morning Mr. Reyes,

Yes, the hearing is scheduled to be held via zoom at 10am on Thursday January 13, 2022. I appreciate the progress made on the permit submittal, however, until all required permits are issued and receive all required inspections the violation is not resolved. There are many more steps that need to be successfully completed to attain compliance.

I will make sure that the Compliance Hearings Officer is aware of your progress. You and Ms. Fontaine will have the opportunity to provide testimony at the hearing.

The information of the Zoom Hearing was provided to Ms. Fontaine when she received the notice for the Hearing.

You can also join the Hearing by clicking on the docket information posted on the Code Enforcement page.

You can find it here: <https://www.clackamas.us/meetings/codeenforcement/hearings/2022-01-13>

Kimberly Benthin

From: [James Reyes](#)
To: [Benthin, Kim](#)
Cc: [gina fontaine](#)
Subject: Re: 3535 SE Hillside Dr
Date: Tuesday, January 11, 2022 12:35:47 PM
Attachments: [image001.png](#)
[Screen Shot 2022-01-11 at 11.57.13 AM.png](#)
[Screen Shot 2022-01-11 at 11.57.26 AM.png](#)

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

Dear Kim, we are including screenshots from the request for Oak Water and the sign off from Oak Lodge Water. Also the task lists from Development Direct. I have no open tasks and are awaiting direction from your office. I am unaware of any other tasks to complete. As far as I know we are waiting for the permit....if you see or know of anything else we need to complete please let me know.

Thank you,
James

On Tue, Jan 11, 2022 at 11:12 AM Benthin, Kim <KimBen@clackamas.us> wrote:

Good morning Mr. Reyes,

Yes, the hearing is scheduled to be held via zoom at 10am on Thursday January 13, 2022. I appreciate the progress made on the permit submittal, however, until all required permits are issued and receive all required inspections the violation is not resolved. There are many more steps that need to be successfully completed to attain compliance.

I will make sure that the Compliance Hearings Officer is aware of your progress. You and Ms. Fontaine will have the opportunity to provide testimony at the hearing.

The information of the Zoom Hearing was provided to Ms. Fontaine when she received the notice for the Hearing.

You can also join the Hearing by clicking on the docket information posted on the Code Enforcement page.

You can find it here: <https://www.clackamas.us/meetings/codeenforcement/hearings/2022-01-13>

Kimberly Benthin

Code Enforcement Specialist

Clackamas County Code Enforcement Section

From: James Reyes <reyesjames221@gmail.com>
Sent: Tuesday, January 11, 2022 10:41 AM
To: Benthin, Kim <KimBen@clackamas.us>
Cc: gina fontaine <gbearagogo@gmail.com>
Subject: Re: 3535 SE Hillside Dr

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

Good morning Kim

In light of the progress of our permit, Could you please confirm if the hearing is still going forward. If so, could you please give me a time and location? I have the opportunity to work overtime that day and would like to plan my schedule. Thanks james

Sent from my iPhone

On Jan 10, 2022, at 3:02 PM, James Reyes <reyesjames221@gmail.com> wrote:

Hi kim and gina

I just received a call from Markus mead. He has requested the drawings, stated that it more than likely will not need a permit, will email us and the county in a couple of days. I am sending him the drawings now

Thanks james

Sent from my iPhone

On Jan 10, 2022, at 2:30 PM, Benthin, Kim

[illegible]

Code Enforcement Specialist

Clackamas County Code Enforcement Section

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Sent: Tuesday, January 11, 2022 10:41 AM
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**DEVELOPMENT
DIRECT**

clackamas-or-us.avolvecloud.com

B0739221 - ProjectDox

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how to print screen on an imac - Google Search

3535 SE Hillside Drive, B0739221 - reyesjames221@gmail.com - Gmail

Project: Enter project name

All Tasks Logout ?

Files Status Info Reports Discuss Reviews

B0739221: Building - Residential New - 21E13DB02801 - 3535 SE HILLSIDE MILWAUKIE

Main Contact: James Reyes

Refresh Save Settings

ACTION	TASK	PROJECT	GROUP	STATUS	PRIORITY	DUE DATE	CREATED	OVERDUE	PRIORITY	Show	records
	▼ Contains...	▼ Contains...	▼ Contains...	▼ Contains...	▼ Contains...	▼ On...	▼ On...		▼	▼ Contains...	

0 - 0 of 0 records

◀ Prev 1 Next ▶ ➡

Workflows

Refresh

NAME	COORDINATOR GROUP	STATE	INTEGRATION MODE	VERSION	STARTED	COMPLETED
B0739221 - Building Residential Template - 12/17/2021 2:09:09 PM	Coordinator	Active	Production	Integrated Version 2 (Applicant Payment Elavon 5 11 21) (Version 1)	12/17/21 2:09 PM	

1 - 1 of 1 records

◀ Prev 1 Next ▶ ➡

