



NOTICE OF HEARING

July 8, 2024

David & Shannon Gibb
7187 S Seven Oaks Ln.
Canby, OR 97013

RE:: County of Clackamas v. David & Shannon Gibb
File: V0021518

Hearing Date: August 13, 2024

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

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

Enclosed you will find the following:

1. Notice of Rights
2. Copy of Complaint and Request for Hearing

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

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

You may contact Andrea Hall, Code Compliance Specialist for Clackamas County at (503) 742-4467, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

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

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



You must have access to the internet or to a telephone line to use the Zoom platform, a copy of the link is provided below.

If you would like to present evidence at the Hearing please email or mail your evidence to Andrea Hall at 150 Beaver Creek Rd, Oregon City, Oregon 97045, **no later than 4 working 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 Andrea Hall at 503-742-4467 **within 3 calendar days of receipt of the Notice of Hearing**.

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

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

Zoom invite

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://clackamascounty.zoom.us/j/86812930315?pwd=dcH5wR4xI3bGYjRlUz8YSEaYmFtfgbn.1>

Passcode: 043114

Or One tap mobile:

+12532158782,,86812930315# US (Tacoma)

+13462487799,,86812930315# US (Houston)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 408 638 0968 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 205 0468 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 876 9923 or +1 646 931 3860

Webinar ID: 868 1293 0315

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.

DAVID & SHANNON GIBB,

Respondents.

File No: V0021518

COMPLAINT AND REQUEST FOR HEARING

I, Andrea Hall, Senior Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondents David & Shannon Gibb mailing address is: 7187 S Seven Oaks Ln.,
Canby, OR 97013.

2.

The address or location of the violation(s) of law alleged in this Complaint is:
7187 S Seven Oaks Ln., Canby, OR 97013, also known as T4S, R1E, Section 17CB , Tax Lot 700,
and is located in Clackamas County, Oregon.

3.

On or about the 29th day of April 2022 and the 15th day of August, 2022 the Respondents
violated the following laws, in the following ways:

- a. Chapter 9.02.040(A)(E) of the Clackamas County Code as it pertains to the Application
and Enforcement of the Clackamas County Building Code. 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 Respondents in the following manner: Violation Notice and Citation and Complaint #1800215. A copy of the notice document is attached to this Complaint as Exhibits B & C, and incorporated by this reference.

6.

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

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

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondents for each violation, within the range established by the Board of County Commissioners. Said range for the Priority 1 violation being \$750.00 to \$1000.00 per occurrence as provided by Appendix B to the Clackamas County Code;

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

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

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

DATED THIS 28th day of June, 2024.



Andrea Hall
Senior Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

DAVID & SHANNON GIBB,

Respondents.

File No.: V0021518

STATEMENT OF PROOF

History of Events and Exhibits:

- | | |
|--------------------------------|---|
| April 25, 2018
Exhibit A | In response to a complaint, the County sent a letter to the Respondents alleging that a construction company was operating from the property and that accessory buildings had been constructed without the benefit of a permit or inspections. |
| November 6, 2019 | The County spoke with David Gibb who indicated that he constructed the larger building on his property in 2006 for his horses, he didn't know he needed an approved exemption. David also stated that the business no longer operates from the property. |
| April 29, 2022
Exhibit B | After a review of County records revealed that an application to either permit or exempt the structure has not been submitted to the County, a violation notice was mailed to the Respondents with a deadline of May 30, 2022 to submit the required information. |
| August 15, 2022
Exhibit C | After a review of County records revealed that no applications had been submitted to the County, citation number 1800215 was issued to the Respondents in the amount of \$500.00. This citation was sent first class mail and was paid on September 15, 2022. |
| September 2, 2022
Exhibit D | The County sent the Respondents an email with links to the agricultural exemption forms along with information on how to contact the County for assistance in submitting an application. |
| June 28, 2024 | The County referred this matter to the Code Enforcement Hearings Officer. |

If the Hearings Officer affirms the County's position that a violation of the Clackamas County Building Code exists on the subject property, the County would request a Continuing Order be issued requiring the Respondents to submit an application for an agricultural exemption within 30 days of the date of the Continuing Order.

The County will submit a timely 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 \$1000.00 but waiving \$500.00 to be in compliance with ORS 455.895
 - The administrative compliance fee calculated at \$75.00 per month from April 2022 totals \$1950.00, however, the County is requesting a reduced administrative compliance fee of \$375.00 as a reasonable estimate of the cost of this enforcement matter.
-
- 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 Respondents from violating these laws in the future.



April 25, 2018

David and Shannon Gibb
7187 S. Seven Oaks Lane
Canby, OR 97013

**Subject: Alleged Violations of the Zoning and Development Ordinance,
Title 12, Section 401 and the Building Code, Chapter 9.02.040
of the Clackamas County Code**

Site Address: 7187 S. Seven Oaks Ln., Canby, OR 97013
Legal Description: T4S, R1E, Section 17CB, Tax Lot 00700

It has come to the attention of Clackamas County Code Enforcement that DLG Construction may be operating from the above referenced property without land use approval. In addition, accessory buildings may have been constructed without the benefit of permits.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 401 and the Building Code, Chapter 9.02.040 of the Clackamas County Code.

Please contact Andrea Hall, Code Enforcement Coordinator, within ten (10) days of the date of this letter in order to discuss this matter.

E-mail address is Andreaahal@clackamas.us

Telephone number is 503-742-4467

**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.*



April 29, 2022

David & Shannon Gibb
7187 S Seven Oaks Lane
Canby, OR 97013

Subject: Violation of the Clackamas County Code V0021518

Site Address: 7187 S Seven Oaks Lane, Canby, OR 97013
Legal Description: T4S, R1E, Section 17CB, Tax Lot 700

It has come to the attention of the Clackamas County Code Enforcement Section that an accessory building was constructed on the above referenced property without the benefit of permits and inspections or an agricultural exemption. This constitutes a violation of Chapter 9.02.040(A)(E) of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

Additionally, it appears, based on information from the Oregon Secretary of State's Office, DLG Construction has listed the principal place of business as the subject property. Operating a home based business without land use approval is a violation of Section 401.04 of the Clackamas County Zoning and Development Ordinance. Please contact the County within ten (10) days of the date of this letter to determine the level of commercial activity on the property.

In order to abate the Building Code violation, please submit the building or agricultural exemption permit application, technically complete plans and appropriate fees to the Clackamas County Building Codes Division no later than **May 30, 2022**. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>. The permit must have the fees paid in full within ten days of being notified the permit is ready. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued. Once a permit or exemption has been issued, any applicable trade permits such as plumbing or electrical can be issued.

If you have any questions concerning these permit requirements or the online submittal process, please contact the Building Codes Division at 503-742-4240, via email at bldservice@clackamas.us or, you may stop by our offices at 150 Beaver Creek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and Friday 8:00 a.m. to 3:00 p.m.

Please feel free to contact me if you have any questions. My direct telephone number is 503-742-4467 or email andreaahal@clackamas.us .

Thank you for your prompt attention to this matter.



Andrea Hall
Clackamas County
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. 1800215

Case No. V0021518

ADMINISTRATIVE CITATION

Date Issued: August 15, 2022

Name and Address of Person(s) Cited:

Name: David Gibb
Name: Shannon Gibb
Mailing Address: 7187 S Seven Oaks Lane
City, State, Zip: Canby, OR 97013

Date Violation(s) Confirmed: On the 15th day of August, 2022, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 7187 S Seven Oaks Lane, Canby, OR 97013

Legal Description: T4S, R1E Section 17CB, Tax Lot(s) 700

Law(s) Violated:

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

Description of the violation(s):

- 1) Persons cited failed to obtain a permit and an approved final inspection or to obtain an agricultural exemption for an accessory building on the property.

Maximum Civil Penalty \$1000.00

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: Andrea Hall
Telephone No.: 503-742-4467

Date: August 15, 2022
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____
City, State, Zip

Contact Number: _____ Email: _____

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.

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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: David L. Hodel Date: 9-1-2022

Address: 7187 S. Seven oaks Ln Canby, OR 97013

Contact Number: 503-849-2051 Email: dauidg3153@gmail.com

RECEIPT

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

Application: V0021518
Application Type: CodeEnforcement/Violation/NA/NA
Address: 7187 S SEVEN OAKS LN
CANBY, OR 97013

Receipt No. 1367865

Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments	Payor
Check	6258	\$500.00	9/15/2022	ANDREAH	Payment for citation number 1800215	David Gibb
		\$500.00				

Owner Info.: GIBB DAVID L & SHANNON D
7187 S SEVEN OAKS LN
CANBY, OR 97013

Work Description: OPERATING DLG CONSTRUCTION W/OUT LAND USE APPROVAL, (2) ACCESSORY STRUCTURES BUILT W/OUT PERMITS

From: [Hall, Andrea](#)
To: ["davidg3153@gmail.com"](mailto:davidg3153@gmail.com)
Subject: 7187 S Seven Oaks Lane
Date: Friday, September 2, 2022 2:15:00 PM
Attachments: [image001.jpg](#)

Hi David,

Thank you for taking the time to speak with me this afternoon. As we discussed, you believe you would qualify for an agricultural exemption for the accessory building on your property. Here are the links to the application for your review. Please review the Documentation section of the application carefully as you will need to supply one of the 4 options along with your application.

<https://dochub.clackamas.us/documents/drupal/f1b41147-123f-4792-8636-7e3e804c5a8d>
<https://dochub.clackamas.us/documents/drupal/1a7622eb-757f-4993-b952-aedba78b88fe>

This is the house bill that now allows other types of storage in agricultural buildings. With regard to your application, I would focus on the agricultural uses, just wanted to let you know that other storage is allowed.

<https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/HB2611>

Permits are now accepted only online, you will need to create an account and upload documents. <https://clackamas-or-us.avolvecloud.com/Portal/Login/Index/Clackamas-County-OR> If you need help, please call 503-742-4400 and you can schedule a time to come in and a staff person will help you.

Please let me know if you have any questions. I hope you have a nice weekend.

Andrea Hall
Clackamas County
Senior Code Enforcement Specialist
andreaahal@clackamas.us
503-742-4467

PLEASE NOTE: Beginning Friday, August 5th 2022, the County lobby will be CLOSED on Fridays to **in-person** customer service. Staff is still available by phone or email from 8 am – 4 pm.