



## NOTICE OF HEARING

March 2, 2023

Vivid Properties LLC  
16811 Lakeridge Dr  
Lake Oswego, OR 97034

**RE::** County of Clackamas v. Vivid Properties LLC  
**File:** V0054722

**Hearing Date:** March 30, 2023

**Time:** This item will not begin before 12:30 pm 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 20<sup>th</sup> Street, #D-5**  
**Bellevue, WA 98007**
5. **Right to Recess.** If, during the course of the hearing, Respondent or the County requests a recess or postponement, or additional time to present crucial evidence, the Hearings Officer may allow a continuance of the hearing for good cause. The Respondent may also request that the proceeding be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.
6. **Right to Appeal.** The Final Order of the Hearings Officer shall set forth the right of the respondent to appeal any adverse Order. Appeal may be taken pursuant to Section 2.07.130 of the Clackamas County Hearings Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, appellant is responsible for all costs of appeal including preparation of transcript.



**DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

**DEVELOPMENT SERVICES BUILDING**

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

You must have access to the internet or to a telephone line to use the Zoom platform. We have sent you the Zoom invite to [divers@teleport.com](mailto:divers@teleport.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](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), email [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), envíe un correo electrónico a [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), отправьте письмо на адрес эл. почты [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination)，发送电子邮件至 [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), gửi email đến [JKauppi@clackamas.us](mailto: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/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination)을 참조하거나 이메일 [JKauppi@clackamas.us](mailto: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.

VIVID PROPERTIES LLC,

Respondent.

File No: V0054722

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: 16811 Lakeridge Dr., Lake Oswego, OR 97034

2.

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

8615 SE Roots Rd., Clackamas, OR 97015 also known as T2S, R2E, Section 09CC, Tax Lot 01600,

and is located in Clackamas County, Oregon.

3.

On or about the 18<sup>th</sup> day of January, 2023 the Respondent violated the following law,  
in the following way:

- a. Respondent violated the Clackamas County Zoning and Development Ordinance,  
Section 315.03 (A) by failing to establish a primary use for an accessory structure onsite.

This violation is a Priority 4 violation pursuant to the Clackamas County Violation  
Priorities.

4.

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

5.

Notice of the violations was given to Respondent in the following manner: Administrative Citation #2200547 in the amount of \$200.00 was mailed via first class mail on January 18, 2023. A copy of the notice document is attached to this Complaint as Exhibit B, 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 Zoning and Development Ordinance Priority 4 violation being \$100.00 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 2 day of March, 2023.

*Jennifer Kauppi*

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Jennifer Kauppi  
Code Enforcement Specialist  
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

VIVID PROPERTIES LLC,

Respondent.

File No.: V0054722

STATEMENT OF PROOF

History of Events and Exhibits:

- December 5, 2022 Clackamas County opened a file to address the unpermitted accessory structure onsite without a primary use. Case V0032021 was presented at a Code Enforcement Hearing on October 25, 2022. The single family residence onsite had been destroyed by a fire and the accessory structure was unpermitted. A violation of the Zoning and Development Ordinance for no primary use was now present on the property. This was not addressed during enforcement on case V0032021 so a new code enforcement case was opened.
- December 5, 2022 Correspondence was sent to the Respondent regarding the Zoning and  
Exhibit A Development Ordinance violation and was given a deadline of January 16, 2023 to abate the violation. The letter was sent to the Respondent and a copy to the Registered Agent.
- January 18, 2023 I reviewed County records and no permits had been submitted to remove  
Exhibit B the accessory structure or establish a primary use on the property. Citation 2200547 was issued for \$200.00 for the Priority 4 Zoning and Development Ordinance violation. This citation was sent first class mail and was not returned. This citation remains unpaid.
- February 21, 2023 I conducted a site inspection on the subject property. I found the accessory  
Exhibit C structure remained onsite and appeared to be in use. A review of County records found no permits had been applied for either establishing a primary use or removing the accessory structure.
- March 2, 2023 The County referred this matter to the Hearings Officer.



If the Compliance Hearings Officer affirms the County's position that a violation of the Zoning and Development Ordinance, Section 315.03 (A) 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 Zoning and Development Ordinance within 30 days of the date of the order by submitting a complete building permit application to establish a primary use on the subject property. All requests for additional plan review information must be submitted within 10 days of being notified. Once permits are ready to be issued, the Respondent must pay for permits within 10 days of being notified and all required inspections including approved final inspections to be obtained within 6 months of permits being issued.
- If the Respondent chooses to remove the accessory structure, the Respondent must submit to the County a complete demolition permit application within 30 days of the date of order. All requests for additional plan review information must be submitted within 10 days of being notified. The Respondent must pay for the permit within 10 days of being notified the permit is ready to be issued and demolition and removal of the debris must be completed within 30 days from the date of issuance. County staff will conduct a site inspection to confirm demolition is complete and all debris from the demolition has been removed from the subject property to an authorized location.
- Code Enforcement to confirm compliance of the above items and the County will submit a post hearing status report. The report will be sent to the Compliance Hearings Officer and to the Respondent.
- The imposition of civil penalties for the Zoning and Development Ordinance violation of up to \$1,000.00 for date cited January 18, 2023.
- Payment for Citation No. 2200547 issued on January 18, 2023 for \$200.00.
- The administrative compliance fee to be imposed from December, 2022 until the violation is abated. As of this report the total is amount due is \$150.00.
- 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.



December 5, 2022

Vivid Properties LLC  
16811 Lakeridge Dr  
Lake Oswego, OR 97034

Jeff Divers - Registered Agent  
16932 Greentree Ave  
Lake Oswego, OR 97034

**SUBJECT: Violation of Clackamas County Zoning and Development Ordinance,  
Title 12, Section 315.03(A)**

**SITE ADDRESS:** 8615 SE Roots Rd., Clackamas, OR 97015

**LEGAL DESCRIPTION:** T2S, R2E, Section 09CC, Tax Lot 01600

**VIOLATION:** V0054722

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

- Accessory structure without a primary use

### **VIOLATIONS & HOW TO RESOLVE**

#### **Accessory structure without a primary use**

The accessory structure located on the subject property is in violation of the Land Use and Development Ordinance, Title 12, Section 315.03 (A). Because there is not a legally established primary dwelling on the property, an accessory structure would not be allowed to remain on site. In order to abate the violation, you must complete one of the following **no later than January 16, 2023**.

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s) for a single family residence. 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(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).
- Within 30 days of the single family residence permits being issued, please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s) for the accessory structure.
  - You must respond to all requests for additional information in order to complete 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).
- 

**Or:**

- You may abate the violation by submitting an application to demolish the accessory structure.
  - The permit must have the fee(s) paid in full within ten days of your being notified by Building Codes.
  - You must remove debris of the demolished accessory structure to an authorized disposal facility and provide Code Enforcement with dump receipts **within 30 days** from the date the demo permit is issued.

## **CONTACT INFORMATION**

**Planning** – If you have questions concerning land use requirements please contact the Land Use and Planning Department at 503-742-4500 or on-line at [ZoningInfo@clackamas.us](mailto:ZoningInfo@clackamas.us).

**Building** – If you have questions concerning permitting requirements please contact the building department at 503-742-4240 or on-line at [bldservice@clackamas.us](mailto: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. Our buildings are closed to the public on Friday's, however, staff is available from 8:00 a.m. to 3:00 p.m. by phone or email.

If you have any questions my direct telephone number is 503-742-4759 and my email is [JKauppi@Clackmas.us](mailto:JKauppi@Clackmas.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](mailto: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.

RECORDING REQUESTED BY:



1925 NE Stucki Avenue, Ste 153  
Hillsboro, OR 97006

GRANTOR'S NAME:

Charles Thomas Mitchell

GRANTEE'S NAME:

Vivid Properties LLC

AFTER RECORDING RETURN TO:

Order No.: 36262102583-RN

Jeff Divers

Vivid Properties LLC

16811 Lakeridge Drive

Lake Oswego, OR 97034

SEND TAX STATEMENTS TO:

Vivid Properties LLC

16811 Lakeridge Drive

Lake Oswego, OR 97034

APN: 00475159

Map: 22E09CC01600

8615 SE Roots Road, Clackamas, OR 97015

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Charles Thomas Mitchell, Grantor, conveys and warrants to Vivid Properties LLC, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon: **22E09CC01600** **00475159**

Lot 2, Block 25, ROOTS ADDITION TO MARSHFIELD, in the County of Clackamas and State of Oregon, TOGETHER WITH that portion of vacated fourth street adjoining that would attach thereto by Order No. 8704, recorded March 13, 1961, Recorder's fee No. 4529.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED EIGHTY-FIVE THOUSAND AND NO/100 DOLLARS (\$185,000.00). (See ORS 93.030).

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

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

Dated: June 13, 2021

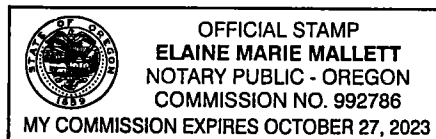
Charles Thomas Mitchell  
Charles Thomas Mitchell

State of Oregon  
County of Clackamas

This instrument was acknowledged before me on 6-15-2021 by Charles Thomas Mitchell.

Elaine M. Mallett  
Notary Public - State of Oregon

My Commission Expires: 10-27-2023



Recorded by TICOR TITLE 36262102583



Citation No. 2200547

Case No. V0054722

# ADMINISTRATIVE CITATION

Date Issued: January 18, 2023

**Name and Address of Person(s) Cited:**

Name: Vivid Properties LLC  
Mailing Address: 16811 Lakeridge Dr  
City, State, Zip: Lake Oswego, OR 97034

Date Violation(s) Confirmed: On the 18th day of January, 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): 8615 SE Roots Rd., Clackamas, OR 97015

Legal Description: T2S, R2E Section 09CC, Tax Lot(s) 01600

**Law(s) Violated:**

Title 12 and 13 of CCC Zoning and Development Ordinance, Section 315.03 (A)

**Description of the violation(s):**

- 1) Failure to establish a primary use for an accessory structure onsite.

Maximum Civil Penalty \$1,000.00

Fine \$200.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$200.00. 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: January 18, 2023  
Department Initiating Enforcement Action: Code Enforcement



