



NOTICE OF HEARING

November 8, 2022

Beavercreek Grange #276
10400 SE Cook Ct, Space 86
Milwaukie, OR 97222

RE:: County of Clackamas v. Beavercreek Grange #276

File: V0051319

Hearing Date: December 7, 2022

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 Diane Bautista, Code Compliance Specialist for Clackamas County at (503) 742-4459, 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

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 jtsbamtoo@gmail.com. Please contact Diane Bautista 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 DianeBau@clackamas.us or 150 Beavercreek 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 Diane Bautista at 503-742-4459 **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.

BEAVERCREEK GRANGE #276,

Respondent.

File No: V0051319

COMPLAINT AND REQUEST FOR HEARING

I, Diane Bautista, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondent's mailing address is: 10400 SE Cook Ct., Space #86, Milwaukie, OR 97222.

2.

The location of the violation(s) of law alleged in this Complaint is: 22041 S. Kamrath Rd., Oregon City, OR 97045, also known as T3S, R2E, Section 26B, Tax Lot 01300, and is located in Clackamas County, Oregon.

3.

On or about the 13th day of October, 2022 Respondent violated the following laws, in the following ways:

- a. Respondent violated the Clackamas County Building Code, Title 9.02 by failing to obtain required permits and approved final inspections for the placement of cargo containers. 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 violations was given to Respondent in the following manner: Citation and Complaint #1900513 in the amount of \$500.00 was mailed via first class mail on October 13, 2022. A copy of the notice document is attached to this Complaint as Exhibit 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 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. Said range for a Building Code Title 9.02 Priority 1 violation being \$750.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code;

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

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

and

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

DATED THIS 8th day of November, 2022.



Diane Bautista
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

BEAVERCREEK GRANGE #276,

Respondent.

File No.: V0051319

STATEMENT OF PROOF

History of Events and Exhibits:

September 9, 2019	Clackamas County received a complaint regarding shipping containers placed without permits.
July 20, 2020 Exhibit A	Correspondence was sent to the Respondent with a deadline of August 20, 2020 to obtain required permits and approved final inspections or remove the containers.
September 2020 – March 2022 Exhibit B	Email correspondence between the Respondent and myself were exchanged to resolve the violation
October 13, 2022 Exhibit C	I reviewed the County permitting system and found that no permits had been obtained and Citation 1900513 was issued for \$500.00 and sent via first class mail. This citation was not returned. This citation has not been paid.
October 27, 2022 Exhibit D	Respondent requested a hearing.
November 8, 2022	The County referred this matter to the Code Enforcement Hearings Officer.

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:

- The Respondent be ordered to bring the property into compliance with the Clackamas County Building Code by obtaining required permits within 60 days of the Continuing Order and final approved inspections within 45 days after permits have been issued or remove the containers within 60 days.
- 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 report may include the following recommendations:
- The imposition of civil penalties for the Building Code violation of up to \$1,000.00 for date cited October 13, 2022.
- Payment for Citation No. 1900513 issued on October 13, 2022 for \$500.00.
- The administrative compliance fee to be imposed from September 2020 until the violation is abated. As of this report the total is \$2,025.00.
- 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.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

July 20, 2020

Beavercreek Grange #276
10400 SE Cook Ct., Space #86
Milwaukie, OR 97222

SUBJECT: Violation of Clackamas County Building Code, Title 9.02.040 (A)

SITE ADDRESS: 22041 S. Kamrath Rd., Oregon City, OR 97045

LEGAL DESCRIPTION: T3S, R2E, Section 26B, Tax Lot 01300

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

- Cargo (shipping) containers placed without permit

VIOLATIONS & HOW TO RESOLVE

Cargo (shipping) containers placed without permits

The placement of shipping containers requires a building permit. Please complete one of the following **no later than August 20, 2020**:

- Please contact the Building Department at 503-742-4240 regarding Plan Review submittal requirements and submit the building permit application and appropriate fee(s).
 - The permit must be picked up within ten days of being notified.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued, **or**;
- Remove the containers and place at a legal location.

CONTACT INFORMATION

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

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beavercreek Road, Oregon City. The lobby is open between the hours of 9:00 a.m. to 2:00 p.m. Monday through Thursday.

ITEMS INCLUDED IN THIS PACKET

1. Violation Letter
2. Required Notice of Fines and Penalties
3. Policies and Procedures for Cargo (Shipping) Containers



Diane Bautista
Code Enforcement Specialist
Clackamas County Code Enforcement

REQUIRED NOTICE OF FINES AND PENALTIES

It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. Failure to resolve those violations may result in one or more of the following: (1) a citation and fine, (2) assessment of a \$75 per month administrative compliance fee, and (3) referral of this matter to the County Code Enforcement Hearings Officer.

Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties 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 Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

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.

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 Road.

Also, be advised that non-compliance with a Hearing 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.

Finally, recurrence of abated violations may result in the issuance of a citation without prior notice.

Bautista, Diane

From: Bautista, Diane
Sent: Tuesday, March 22, 2022 10:12 AM
To: 'Pamela Furlan'
Subject: RE: FW: 22041 S Kamrath Rd

Good morning,

Please contact the building department at 503-742-4240 and they will be able to assist you on how to proceed. You may also come into the lobby and discuss this as well.

Thank you.

From: Pamela Furlan <jtspamtoo@gmail.com>
Sent: Thursday, March 17, 2022 1:16 PM
To: Bautista, Diane <DianeBau@clackamas.us>
Subject: Re: FW: 22041 S Kamrath Rd

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

Hello again. I am so sorry this has not been taken care of yet. I have next week off and this will be my focus. Should I be making an appointment so I can get it in while I am off for Spring Break? I am still at work and I'm hoping this will get to you before you go today as I don't have time to be on the phone, especially if it's a matter of waiting on hold. I will call if I need to but knowing that first would be great! Thank you!

Pam Furlan
Beavercreek Grange
503.320.2245

On Fri, Oct 22, 2021 at 2:10 PM Bautista, Diane <DianeBau@clackamas.us> wrote:

Good afternoon,

So nice to hear from you. If you would like to review the plans and documents you want to submit it would be best to meet with the building department or call them at 503-742-4240. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>.

Thank you for contacting me.

From: Pamela Furlan <jtspamtoo@gmail.com>
Sent: Thursday, October 21, 2021 2:22 PM
To: Bautista, Diane <DianeBau@clackamas.us>
Subject: Re: FW: 22041 S Kamrath Rd

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

Good afternoon,

I am so sorry I have not gotten back to you. I had to find this email, as I had seen it at some point but I think I was at work and couldn't do it at the time, and then forgot about it for a while. I see now that I also missed an email back in April. I am so sorry! It has been a crazy year as for everyone. I am actually off this week due to a potential covid exposure so I finally am making time to look over all of the documents I need to read to figure out how to go forward. I remembered this email and just found it so I am touching base to let you know I am indeed trying to move forward once again. I do have plans for the project and, hopefully, if I continue to test negative, I can come in & talk with you on Monday...or would you rather I email the plans and documents and we can talk on the phone? I should've thought of that before! I do have the plans in a file that I can do so. Like I said, I am just now trying to start again and have to read up just to remember what I had learned before and to get the rest of the information I need. My phone is 503.320.2245 and I am available through Monday. I am due to go back to work on Tuesday and then the time to get in to see you will be more difficult again. I work in a school so I do have a couple of days off in November but I am guessing you may just have the same ones off! Just let me know what is best and if there is more information I need to know to proceed. Thank you!

Pam Furlan

Beavercreek Grange

On Fri, Sep 10, 2021 at 11:07 AM Bautista, Diane <DianeBau@clackamas.us> wrote:

Good morning,

I am following up once again in regards to the shipping containers. Please let me know how you plan to proceed.

Thank you.

From: Bautista, Diane
Sent: Monday, April 12, 2021 11:21 AM
To: 'jtspam@gmail.com' <jtspam@gmail.com>
Subject: FW: 22041 S Kamrath Rd

Good morning,

I am checking in to see what your plans are regarding the shipping containers at the Grange. Can you please let me know how you wish to proceed.

Thank you.

From: Bautista, Diane
Sent: Monday, September 21, 2020 10:52 AM
To: 'Pamela Furlan' <jtspamtoo@gmail.com>
Subject: RE: 22041 S Kamrath Rd

Good morning,

It has been such a difficult time. Of course I will give you more time. No fees are due.

Take care!

From: Pamela Furlan <jtsbamtoo@gmail.com>
Sent: Thursday, September 17, 2020 4:17 PM
To: Bautista, Diane <DianeBau@clackamas.us>
Subject: 22041 S Kamrath Rd

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

Good afternoon Diane.

I had to call Kristi again to get your name as yours is the only business card I didn't get while at the office. My name is Pam Furlan and I am the one now in charge of the building project at the Beavercreek Grange at the address 22041 S Kamrath Rd, Oregon City, OR 97045.

I would like to request another extension for our project. When I took over, I didn't realize I would be going back to work right away. When we (my husband Don and I) came into the office to find out what I need be doing, Kristi was very kind in explaining many things and we appreciate the extension at that time. We moved 2 days later. I worked on some semblance of a plan, spoke with and hired Don Guttridge to draw up the plans and am working on a site plan....Then we were evacuated and so was Mr Guttridge. We are back home now but are not prepared to put the permit application in quite yet. I spoke with Mr. Guttridge but he was still evacuated and not able to get back to the drawing board yet.

Please let me know if an extension is possible under the circumstances and/or if we need to pay any fines or fees as I am also the Treasurer for Beavercreek Grange.

I hope you have remained safe during this very difficult time! Many blessings,

Pam Furlan

Beavercreek Grange

503.320.2245 (mobile, text ok)

[Spam Email](#)
[Phishing Email](#)



Citation No. 1900513

Case No. V0051319

ADMINISTRATIVE CITATION

Date Issued: October 13, 2022

Name and Address of Person(s) Cited:

Name: Beaver Creek Grange #276
Mailing Address: 10400 SE Cook Court, Space #86
City, State, Zip: Milwaukie, OR 97222

Date Violation(s) Confirmed: On the 13th day of October, 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): 22041 S. Kamrath Rd., Oregon City, OR 97045

Legal Description: T3S, R2E Section 26B, Tax Lot(s) 01300

Law(s) Violated:

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

Description of the violation(s):

- 1) Failure to obtain permits for containers placed on site

Maximum Civil Penalty \$1,000.00

Fine \$500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$500.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

Citation issued by: Diane Bautista
Telephone No.: 503-742-4459

Date: October 13, 2022
Department Initiating Enforcement Action: Code Enforcement

Bautista, Diane

From: Pamela Furlan <jtspamtoo@gmail.com>
Sent: Thursday, October 27, 2022 1:31 PM
To: DTD-CodeEnforcement
Cc: Bautista, Diane
Subject: 22041 S Kamrath Rd

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

Beavercreek Grange
22041 S Kamrath Rd
Oregon City OR 97045
Pam Furlan
mailing address: 8502 S Oster Rd, Woodburn, OR 97071
Citation V0051319 - (citation attached)

I am writing to request a hearing regarding the Administrative Citation dated October 13, 2022. While we do not contest the fact that we need to either get the connex boxes permitted or removed, we have been told we would not be charged for the permitting if we are in the process of getting the old building replaced and the storage is temporary, which is the case. **We are a small, non-profit and request that we have a little more time to get this underway without additional fees that will drain what we have to pay all for of the permits and such. I am headin out to put in and pay for the Pre-Application Conference Request Form as good faith that we aren't just putting you off.**

I have done very poorly at keeping in touch regarding the progress, which has been slow, but we are moving forward in our own decisions which can be shown by the minutes of our meetings which are held monthly. We were about to get things into the county last spring when we found out the size of the building we had plans drawn for was going to be unnecessary and we needed to downsize. Those plans and the truss plans we had quoted are now worthless and we had to start from scratch.

I will also drop in to find out where we stand with this and pay for this citation if need be. I am available by phone, text or email at

503-320-2245

jtspamtoo@gmail.com

Thank you.

Pam Furlan

Beavercreek Grange