



## NOTICE OF HEARING

April 28, 2022

David and Wanwalee England Sr  
26663 S Hwy 213  
Mulino, OR 97042

**RE::** County of Clackamas v. David and Wanwalee England Sr  
**File:** V0028619

**Hearing Date:** May 24, 2022

**Time:** This item will not begin before 11:30 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 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 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 WaveyDavey1947@hotmail.com. Please contact Andrea Hall 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 Andreahal@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 Andrea Hall at 503-742-4467 **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.

DAVID ENGLAND SR,

and

WANWALEE ENGLAND,

Respondents.

File No: V0028619

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents David & Wanwalee England's mailing address is: 26663 S Hwy 213,  
Mulino, OR 97042.

2.

The address or location of the violation(s) of law alleged in this Complaint is:  
26663 S Hwy 213, Mulino, OR 97042, also known as T4S, R2E, Section 17DA , Tax Lot 2800, and  
is located in Clackamas County, Oregon.

On or about the 30th day of May, 2019 the Respondents violated the following laws, in the  
following ways:

- a. Chapter 9.02.040 of the Clackamas County Building Code for failing to obtain permits  
and approved final inspections for an addition to the single family dwelling on the  
subject property. This violation is a Priority 1 violation pursuant to the Clackamas

4.

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

5.

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

DATED THIS 27th day of April, 2022.



---

Andrea Hall  
Senior Code Enforcement Specialist  
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,  <div style="text-align: right;">Petitioner,</div>  <div style="text-align: center;">v.</div> DAVID ENGLAND SR.,  and  WANWALEE ENGLAND,  <div style="text-align: right;">Respondents.</div>		File No.:      V0028619          STATEMENT OF PROOF
--	--	---

History of Events and Exhibits:

May 23, 2019 Exhibit A	In response to a complaint, an alleged letter regarding an addition to the single family dwelling on the property was sent to the property owners.
May 30, 2018	I spoke with with Respondent David England on the phone. He indicated he is adding a bedroom and a bathroom, the room is framed, sided and has a roof. Mr. England stated that he has a letter from former Planner Steve Koper that says he does not need building permits. I explained that perhaps the letter was referring to the fact that they did not need any land use approval.
July 26, 2019	Respondent Wanwalee England came into the County to submit a building permit application but was not successful.
April 15, 2020 Exhibit B	A letter was mailed to the Respondents requesting that they submit the appropriate building permit applications to the County.
July 14, 2020	The Respondents came into the County and spoke with former Permit Technician, Stephanie Jacobson, who provided them with a checklist to work from and information on what details need to be on the plans.
July 21, 2021 Exhibit C	A violation notice was mailed to the Respondents with a deadline of August 26, 2021 to submit the building permit applications.
August 3, 2021	Respondent Wanwalee England came into the County to speak with the Building Department regarding the required permits.

September 8, 2021	I met with Mark Liburdi at the County, he is a friend of the Respondents and he is assisting them with abating the violation. We reviewed the letter that Steve Koper sent to the Respondents which states that the house is a legal dwelling and can be remodeled or repaired. Mark said he would meet with the owners to see what they has so far in terms of plans for the project.
September 23, 2021 Exhibit D	A letter from Mark Liburti was sent to Jennifer Hughes, Clackamas County Planning Director indicating that the letter the Respondents received from Steve Koper gave the perception that nothing further was required of them so they proceeded with the remodel.
September 24, 2021 Exhibit E	Mark sent the County a copy of the letter Steve Koper sent to the Respondents. Building Official Matt Rozzell reviewed the letter Mark provided and replied via email that the letter does not exempt the owner from the Building Code.
October 13, 2021 Exhibit F	Mark sent an email indicating that the Respondents have agreed to obtain the required permits for the remodel of their home. Mark had technical questions so I recommended that he come into the County and talk with Building Code staff.
April 21, 2022 Exhibit G	David England emailed a request for a hearing.
April 27, 2022	<p>The matter was referred to the Code Enforcement Hearings Officer.</p> <p>If the Hearings Officer affirms the County's position that a violation exists on the subject property, the County would request a Continuing Order be issued requiring the Respondents to obtain all required building permits within 60 days of the date of the Order and receive approved final inspections within 45 days of the date the permits are issued.</p> <p>The County will submit a timely 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:</p> <ul style="list-style-type: none"> <li>○ The imposition of civil penalties of up to \$1000.00.</li> <li>○ The administrative compliance fee to be imposed from May 2019 until the violation is abated, to date, that total is \$2550.00.</li> </ul>



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.



May 23, 2019

David Sr. and Wanwalee England  
26663 S. Hwy 213  
Mulino, OR 97042

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

Site Address: 26663 S. Hwy 213, Mulino, OR 97042  
Legal Description: T4S, R2E, Section 17DA, Tax Lot 02800

It has come to the attention of Clackamas County Code Enforcement that an addition to a single family residence may have been built without the benefit of permits.

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

Please contact 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](mailto: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.*

## 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 [swilliams@clackamas.us](mailto:swilliams@clackamas.us) or call (503) 742-4696.

### **¡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 [swilliams@clackamas.us](mailto:swilliams@clackamas.us) o llame al 503-742-4696.

### **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 [swilliams@clackamas.us](mailto:swilliams@clackamas.us) или позвоните по телефону 503-742-4696.

### **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 [swilliams@clackamas.us](mailto:swilliams@clackamas.us) 或致电 503-742-4696。

### **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 [swilliams@clackamas.us](mailto:swilliams@clackamas.us) hoặc gọi điện thoại theo số 503-742-4696.

### **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 [swilliams@clackamas.us](mailto:swilliams@clackamas.us), 또는 전화 503-742-4696번으로 연락 주십시오.



**DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

**DEVELOPMENT SERVICES BUILDING**

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

April 15, 2020

David & Wanwalee England  
26663 S Hwy 213  
Mulino, OR 97042

**Subject: Violation of the Clackamas County Code**

Site Address: 26663 S Hwy 213, Mulino, OR 97042  
Legal Description: T4S, R2E, Section 17DA, Tax Lot 2800

As you know, it has come to the attention of the Clackamas County Code Enforcement Section that an addition to the single family dwelling on the above referenced property has been constructed without the benefit of permits or inspections. This is a violation of Chapter 9.02.040(B)(C)(D)(E) of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate the violation, please submit the building permit applications for the addition, technically complete plans and appropriate fees as soon as possible. Although the County is closed to the public, you are able to submit permit applications on-line. Please contact the Building Code Division at 503-742-4240 or by email [bldservice@clackamas.us](mailto:bldservice@clackamas.us) for more information.

The permits 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.

Please feel free to contact me if you have any questions. My direct telephone number is 503-742-4467 or email [andreahal@clackamas.us](mailto:andreahal@clackamas.us).

Thank you for your prompt attention to this matter.

Andrea Hall  
Clackamas County  
Code Enforcement Coordinator

## 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.

The 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 Record.

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.

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



**DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

**DEVELOPMENT SERVICES BUILDING**

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

July 21, 2021

David & Wanwalee England  
26663 S Hwy 213  
Mulino, OR 97042

**Subject: Violation of the Clackamas County Code V0028619**

Site Address: 26663 S Hwy 213, Mulino, OR 97042  
Legal Description: T4S, R2E, Section 17DA, Tax Lot 2800

As you know, it has come to the attention of the Clackamas County Code Enforcement Section that an addition to the single family dwelling on the above referenced property has been constructed without the benefit of permits or inspections. This is a violation of Chapter 9.02.040(B)(C)(D)(E) of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate the violation, please submit the building permit application, technically complete plans and appropriate fees to the Clackamas County Building Codes Division no later than **August 26, 2021**. 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 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.

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](mailto: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.

The permits 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.

Please feel free to contact me if you have any questions. My direct telephone number is 503-742-4467 or email [andreahal@clackamas.us](mailto:andreahal@clackamas.us) .

Thank you for your prompt attention to this matter.

A handwritten signature in blue ink, consisting of a series of fluid, overlapping loops and strokes, positioned above the printed name.

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](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.



9/21/2021

To Jennifer Hughes | Planning Director

Clackamas County Planning and Zoning Division | 150 Beaver Creek Road | Oregon City, OR 97045 | 503-742-4518

SEP 23 2021

Re: David England Violation Number V0028619

Clackamas County  
Planning & Zoning Division

First, I wanted to thank Andera Hall for the time she took to explain to me the nuts and bolts so to speak regarding this violation.

As well, I'd like to say that both David England and I are certainly very aware of the importance of the need for rules and regulations, in order to have and to maintain a civilized and orderly community to live in, one that is safe and secure. That said, at the same time, I also believe we must exercise reasonableness and carefully consider individual circumstances when exercising governmental authority over others. This I came to appreciate working as a Washington State Trooper for 25 years very much.

As this violation pertains to David England, I would like to preface my comments by stating that I am speaking in his behalf, being an advocate for him, a fellow veteran, also retired U.S. Marine.

David England is a medically retired U.S. Marine, a Vietnam veteran, and is both elderly and severely disabled. Coupled with his very limited income, he and his wife (who speaks and understands very little English) live a very modest life, month to month.

This violation is the result of a complaint that was apparently lodged by the Natural Gas Company that he had employed to move the gas service to his home in connection with the home remodel project which he undertook, and which is now the subject of this violation proceedings. An argument with the gas company over the lack of a permit ensued when David England told the gas company that he did not need a permit and had a letter from Clackamas County to prove it.

At this point I would like to reference that letter, which in my humble opinion, is the primary reason we are here where we're at presently!

This letter was sent from the Planning and Zoning Division of Clackamas County, by Steve Koper, who as I understand is no longer is employed by said agency, to David England at said violation address; 26663 S. Hwy 213, Mulino OR.

Said letter was the result of David England's initial inquiry into the feasibility of remodeling his modest home to allow for a little more room to facilitate a better quality of life given his combat related disabilities. The letter that he received from Steve Koper is extremely vague at best and gives the perception that nothing whatsoever needed to be done on the part of the property owner and so David proceeded with the remodel.


Because of the limited income available to David and his wife, they secured financing for the small project via a loan. They are still paying on that loan today.

In retrospect, because of the gravity of the unforeseen consequences which have evolved because of this misunderstanding, as well as all of the grief this has caused David, he regrets ever remodeling his home, even though its purpose was primarily to assist him and his wife with his disabilities. As a matter of fact, David is emphatic about the fact that he would have never tried to even secure financing, nor would he have undertaken the remodel had he known about the complexities of the now existing permitting process.

All of that said, just a line or two in that letter that he received from Steve Koper, making mention of all of the permitting requirements and associated fees, would have been enough to dissuade David from ever even considering the remodel.

Consequently, I/we are requesting that David be allowed to pay for all of the necessary permits, and that photographs that he has that show the quality workmanship and materials that were used for the remodel, be sufficient, and used in lieu of any inspection(s). AS well, we request that all violation fees and penalties be waived.

Respectfully,



Mark Liburdi



EARLY 2019  
STEVE GONE

**Planning and Zoning Division**

Development Services Building

Mike McCallister, Planning Director

150 Beaver Creek Road | Oregon City, OR 97045

phone: (503) 742-4500 | fax: (503) 742-4550 | e-mail: [zoninginfo@co.clackamas.or.us](mailto:zoninginfo@co.clackamas.or.us)

Dave England  
26663 S. Hwy 213  
Mulino, Oregon 97042

SUBJ: Property located at 26663 S. Hwy 213, Mulino, Oregon 97042; also described as T4S, R2E, Section 17DA, Tax Lot 2800;

The above described property is located in the Rural Commercial (RC) zoning district, subject to Section 509 of the Clackamas County Zoning and Development Ordinance (ZDO)

<http://www.clackamas.us/planning/zdo.html>. New single-family residences are prohibited in the RC zoning district.

However, pursuant to Subsection 507.07(B), preexisting legally established dwellings may be allowed to remodel or expand without review and are not subject to Section 1206. A review of our records indicates that the subject parcel contains a lawfully established single-family residence, constructed in approximately 1930.

As such, the preexisting legally established single-family dwelling located on the subject property, could be remodeled, altered, added onto, or replaced without land use review. Continued use of the structure as a residence is also allowed. Finally, as a nonconforming use, the preexisting legally established single-family house would need to be rebuilt within 12-months of the date of destruction or demolition of the structure.

If you have any questions, please contact me at [stevekop@clackamas.us](mailto:stevekop@clackamas.us) or 503-742-4451.

Sincerely,

Steve Koper  
Planning and Zoning Division

**From:** [Rozzell, Matthew](#)  
**To:** [Hall, Andrea](#)  
**Subject:** RE: 26663 S Hwy 213  
**Date:** Friday, September 24, 2021 4:01:20 PM  
**Attachments:** [image001.png](#)

---

Hi Andrea,

I can see how he might have misconstrued this to mean he's okay to remodel. Unfortunately it doesn't mention the building code aspect. I am happy to work with the owner or his representative, but we will still need to go through the process to ensure the remodel complies with the code.

Thanks,

-Matt

---

**From:** Hall, Andrea  
**Sent:** Friday, September 24, 2021 3:20 PM  
**To:** Rozzell, Matthew <MRozzell@clackamas.us>  
**Subject:** 26663 S Hwy 213

Hi Matt,

Attached is the letter from Steve Koper that was given to the property owner.

Thank you,

Andrea

Development Direct is here!! We're excited to launch Development Direct -- our new one-stop digital services hub for Building Codes and Development Engineering. [Click here to learn more.](#)

Development Direct logo



**There will be a free community training online webinar on August 24<sup>th</sup> from 9am to 11am.**  
A link to this training is on the [Coming Soon](#) website.

**From:** [Hall, Andrea](#)  
**To:** ["marko"](#)  
**Subject:** RE: 26663 S Hwy 213  
**Date:** Wednesday, October 13, 2021 11:26:00 AM  
**Attachments:** [image001.png](#)

---

Hi Mark,

I know this is asking a lot but is there any way you could come into the County and speak with the Building Dept. staff in person? I don't know all the answers to your questions and using email may turn out to be a lot of back and forth messages. If this isn't an option let me know and I will figure something else out.

Thank you,

Andrea

---

**From:** marko <markliburdi@centurylink.net>  
**Sent:** Wednesday, October 13, 2021 9:52 AM  
**To:** Hall, Andrea <Andreahal@clackamas.us>  
**Subject:** RE: 26663 S Hwy 213

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

---

Good morning, Andrea,

I've had a chance to speak with David at length and despite his lack of financial resources, he agrees to obtain the required permits that would have been needed at the time of his remodel. That said, he would like some clarification on the rest of what you said would have to happen, that is, the required inspections, and what you refer to, as approved final inspections. Can you be specific about what these inspections would actually be, given that the work on the remodel is finished.

When you refer to plans for the addition, there were only crude ones at the time of the project. What they have tried to do since then in an effort to comply with your office, is to try and retrospectively go back and draw a plan. Not an easy thing to do for someone who is disabled and elderly.

Also, please keep in mind that all he did was bump a wall out approximately 12 feet to enlarge a bedroom so that he could get around more easily with a walker. Also included in the addition was a small bathroom so that he wouldn't have to walk clear through the house to use the toilet. David related some of his experiences to me, about how often he wasn't able to make it to the toilet in time.

Also please try and keep in mind that David grew up in an era where adding an addition to a home wasn't as big a deal as it is these days. That's why that troublesome letter from Steve Koper keeps coming up, in that at the time David [a layman], when it comes to such matters involving county code, believed he was good to go to bump a wall out on his old house, which in no way meets the building code that exists today!

David cannot afford an engineer.

This is really taking a physical and emotional toll on him, and he needs some relief as soon as possible.

Thank you for your considerations,

mark

---

**From:** Hall, Andrea <[Andreaahal@clackamas.us](mailto:Andreaahal@clackamas.us)>  
**Sent:** Thursday, September 30, 2021 11:55 AM  
**To:** mark liburdi <[markliburdi@centurylink.net](mailto:markliburdi@centurylink.net)>  
**Subject:** 26663 S Hwy 213

Hi Mark,

The Planning Directed forwarded your letter to myself and the Building Official, Matt Rozzell. I also sent Matt a copy of the letter Steve Koper wrote to David. He agrees that the letter appears to give the property owner permission to build but it does not exempt the owner from complying with the Building Code.

The Administrative Compliance Fee that has been accruing can be waived as long as David works with the County to obtain the necessary permits and required inspections, included approved final inspections.

Have you had an opportunity to look at any plans David may have for the addition?  
Have they reached out to an engineer yet?

Thank you,

Andrea Hall  
Clackamas County  
Code Enforcement Section

Development Direct is here!! We're excited to launch Development Direct -- our new one-stop digital services hub for Building Codes and Development Engineering. [Click here to learn more.](#)

Development Direct logo

**From:** [Hall, Andrea](#)  
**To:** ["David England"](#)  
**Cc:** ["mark liburdi"](#)  
**Subject:** RE: Hearing Request  
**Date:** Friday, April 22, 2022 3:41:00 PM

---

Hi Dave,

I will prepare the paperwork and schedule a hearing for you.

Thank you,

Andrea

---

**From:** David England <WaveyDavey1947@hotmail.com>  
**Sent:** Thursday, April 21, 2022 5:44 PM  
**To:** Hall, Andrea <Andreahal@clackamas.us>  
**Subject:** Hearing Request

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

---

---

Sent from [Mail](#) for Windows

I Dave England am requesting a hearing regarding case number # V0028619.

My address is 26663 S Hwy 213, Mulino OR 97042.

I am requesting relief from the heavy handed action that the county has taken against me, for misinterpiting a poorly written letter from your office.

Thank you,

Dave England