

To request translation or disability-related accommodations, please contact us at CodeEnforcement@clackamas.us | 503-742-4452

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Чтобы запросить перевод или приспособления, связанные с инвалидностью, пожалуйста, свяжитесь с нами по: CodeEnforcement@clackamas.us | 503-742-4452

Щоб попросити переклад або спеціальні послуги для осіб з особливими потребами, зверніться до нас, скориставшись такими контактними даними: CodeEnforcement@clackamas.us | 503-742-4452

如需翻译服务或残障相关的协助，请与我们联系：
CodeEnforcement@clackamas.us | 503-742-4452

Để yêu cầu dịch vụ dịch thuật hoặc điều chỉnh liên quan đến tình trạng khuyết tật, vui lòng liên hệ với chúng tôi qua CodeEnforcement@clackamas.us | 503-742-4452



Clackamas County
www.clackamas.us



NOTICE OF HEARING

April 15, 2026

Kirk Hassen
14616 SE Vista Ln.
Milwaukie, OR 97267

Christina Canham
14616 SE Vista Ln.
Milwaukie, OR 97267

RE: County of Clackamas v. Krik Hassen & Christina Canham

File: V0013722

Hearing Date: May 12, 2026

Time: This item will not begin before 9:30 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 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 Kimberly Benthin, Code Compliance Specialist for Clackamas County at (503) 742-4457, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

1. Prior to the Hearing. You have the right to make the following requests:

- (A) You can request the opportunity to review public records and 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 evidence that a violation exists or existed. Either party may, at their own expense, obtain an attorney, to represent that 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 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 a continuing order. The Hearings Officer 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, the 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 proceedings 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 Hearing Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, the 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 Zoom invite has been emailed to tinacanhm222@gmail.com. A copy of the link is provided below. Once you have joined the meeting, you will be prompted to join as panelist. Please click **JOIN AS PANELIST.**

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

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

If you are unfamiliar with using the Zoom platform, please perform an internet search of "how to use Zoom" and there are many interactive guides available. **When joining the webinar please accept the request to join as a panelist.**

If you experience difficulties connecting to the Zoom hearing **before** your scheduled start time, please call 971-930-6134 for assistance.

Zoom Invite:

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/88595057112?pwd=pyRDiPQoMNMxEIrbCQ2Xr3Nq7oEaRM.1>

Passcode: 157661

Phone one-tap:

+16699006833,,88595057112# US (San Jose) 17193594580,,88595057112# US

Join via audio:

+1 669 900 6833 US (San Jose)

+1 309 205 3325 US

+1 719 359 4580 US

+1 312 626 6799 US (Chicago)

+1 253 205 0468 US

+1 360 209 5623 US

+1 253 215 8782 US (Tacoma)

+1 386 347 5053 US

+1 346 248 7799 US (Houston)

+1 507 473 4847 US

+1 408 638 0968 US (San Jose)

+1 564 217 2000 US

+1 669 444 9171 US

+1 646 876 9923 US (New York)

+1 689 278 1000 US

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

Webinar ID: 885 9505 7112

International numbers available: <https://clackamascounty.zoom.us/j/kbhllvSolM>

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

¡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

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

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

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

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination

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

COUNTY OF CLACKAMAS,

Petitioner,

v.

KIRK HASSEN, and
CHRISTINA CANHAM

Respondents.

File No: V0013722

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents' mailing address is: 14616 SE Vista Ln. Milwaukie, OR
97267

2.

The Respondents own the address or location of the violations of law
alleged in this Complaint 14616 SE Vista Ln. Milwaukie, OR 97267 also known
as T2S, R2E, Section 07AB, Tax Lot 00300, and is located in Clackamas County,
Oregon. The property is zoned Urban Low Density Residential (R-10) Section
315 of the Zoning and Development Ordinance and is the location of violation(s)
asserted by the County.

3.

On or about the 29th day of March 2022 and on or about the 18th day of
July 2021, the Respondents violated the following laws, in the following ways:

Respondents violated Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A, E) by constructing a fence without the benefit of permits and inspection, a priority 4 violation.

Respondents violated Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A, E) by constructing a wall a priority 3 violation. and Chapter 9.03 of CCC Excavation and Grading, by placing fill without the benefit of permits or inspections a priority 1 violation.

4.

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

5.

Notice of the violations was given to Respondents in the following manner: Violation notice dated March 29, 2022 and Amended Administrative Citation No. 22137-1 in the amount of \$900.00 was sent first class mail on July 21, 2022. A copy of the notice documents are attached to this Complaint as Exhibit C, and Exhibit J respectively, and incorporated by this reference.

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

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to immediately abate the violation 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 Board of County Commissioners. Said range for a Priority 1 Grading violation being \$750.00 to \$3500.00 per occurrence; said range for a Priority 2 Building Code violation being \$ 500.00 to \$1000.00 per occurrence; said range for a Priority 3 Building Code violation being \$250.00 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 14th day of April 2026.



Kimberly Benthin
Code Enforcement Specialist
for Clackamas County

COUNTY OF CLACKAMAS,

Petitioner,

v.

KIRK HASSEN, and
CHRISTINA CANHAM

Respondents.

File No.: V0013722

STATEMENT OF PROOF

History of Events and Exhibits:

- | | |
|--------------------------------|--|
| March 21, 2022
Exhibit A, B | Clackamas County Building Inspector contacted Code Enforcement Section regarding possible violations of grading, retaining wall, fence over 8 ft and an accessory structure without permits on the subject property. The violation concerns were discovered during an inspection of an adjacent property. |
| March 29, 2022
Exhibit C | Facts of the alleged violation were reviewed, the violation verified, and Notice of Violation mailed regarding the violations on the property. The notice provided a deadline of April 29, 2022 to submit for permits. |
| April 25, 2022
Exhibit D | Respondent Canham left two voice mail messages for Code Enforcement Specialist (CES) Kimberly Benthin. Respondent stated that she had been out of town for work and just got back. She noted that she only has until April 29 to 'get it figured out'. Respondent Canham sent an email follow-up to the voice mail messages. |
| April 25, 2022
Exhibit E | Respondent Canham contacted a permit technician in the Building Department. The permit technician followed up with CES Benthin by email. |
| April 26, 2022
Exhibit F | CES Benthin replied to Respondent Canham by email. A phone call was scheduled for April 27. |
| April 27, 2022 | Respondent Canham and CES Benthin spoke at length on the phone. Respondent provided background to the permitting of the wall and that she placed it because of the neighbor's complaint of water run-off. She also stated that she was in contact with Miller Consultant Engineers. Respondent Canham expressed concern |

regarding the cut the downhill neighbor made. She explained that her concrete contractor explained that because of the cut he will have to go 4 to 6 feet deeper at that point increasing the cost for her. CES Benthin directed her to her engineer and the Building Department for clarification. The deadline was discussed and an inspection of the accessory structure and an extension to the deadline to May 30, 2022 was agreed upon.

- May 4, 2022
Exhibit G
- Building Inspector met with Respondent Canham and reviewed the property. It was determined the accessory structure meets the exemption from the building code. The wall, and fence require permitting.
- May 4, 2022
Exhibit H
- CES Benthin and Respondent Canham exchanged emails regarding next steps.
- June 1, 2022
Exhibit I
- CES Benthin sent an email to Respondent Canham. An extension to submit permits was extended to July 15, 2022.
- July 21, 2022
Exhibit J
- Citation # 22137- 1 was issued for the violations sent via first class mail to each of the Respondents by separate envelope. The first class mail was not returned. This citation has not been paid.
- November 23, 2022
Exhibit K
- A second violation notice was mailed to the Respondents. The notice requested compliance begin by permit submittal or removal not later than January 5, 2023.
- June 1, 2023
Exhibit L
- CES Benthin conducted a site inspection and confirmed the unpermitted wall, fill and fence remain on site.
- June 27, 2023
Exhibit M
- Typographical errors were discovered in Citation # 22137- 1. The errors were repaired and the amended citation was mailed by first class mail to each of the Respondents by separate envelope. This citation was not returned and was not paid.
- March 2, 2026
- A review of County records reveals no permitting has been submitted to address the violations. A review of the requirements of the Building department reveal that one permit can address the wall, the fence.
- April 13, 2026
- The County prepared this file to proceed to Hearing.

If the Hearings Officer affirms the County's position that a violation of the Clackamas County Code Application and Enforcement of the Building Code the County requests a Final Order be issued with the following recommendations:

Payment of Citation No. 22137-1 for \$ 300.00 for the Priority 3 Building Code violation of the wall and a civil penalty of up to \$1000.00.

Assessment of an administrative compliance fee calculated at the rate of \$75.00 per month starting March 29, 2022, through end of June 2025, subtotaling \$2925.00.

Assessment of an administrative compliance fee calculated at the rate of \$100.00 per month starting July 2025 through date of abatement or date of final order. As of April 2026, the subtotal is \$1,000.00.

The County is requesting a reduction of \$2,025.00 in the assessed administrative compliance fee due to 27 months of inactive code enforcement activity and is seeking a total administrative compliance fee of \$1,900.00.

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.

If the Compliance Hearings Officer imposes penalties, fines and fees. The County would also ask the Hearings Officer to order reimbursement for any expenses the County incurs in collection of those monies, per Clackamas County Code Chapter 2.07.090(6)

Should mitigating factors be presented in the hearing, which the Hearings Officer determines warrants a Continuing Order, the County would request:

- For the wall and fence: Submit permit application(s), technically complete plans, all required documents and appropriate fees no later than 30 days of the date of the Continuing Order.
 - The permit(s) must have the fees paid in full within ten days of your being notified by Building Codes.
 - Schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of the approved permits.

The County will submit a timely Post Hearing Status Report. The report may include fines and fees as recommended above. The report will be sent to the Compliance Hearings Officer and to the Respondents.

Grantor
Kirk Hassen
Grantee
Kirk Hassen
After recording return to
Kirk Hassen 14616 SE Vista Lane Milwaukie, OR 97267
Until requested, all tax statements shall be sent to
Kirk Hassen 14616 SE Vista Lane Milwaukie, OR 97267



\$58.00

04/03/2017 12:08:27 PM

D-D Cnt=1 Stn=52 CONNIE
\$10.00 \$16.00 \$22.00 \$10.00

Reserved for Recorder's Use

STATUTORY BARGAIN AND SALE DEED

Kirk Hassen, Grantor, conveys to Kirk Hassen and Christina Canham, not as tenants in common, but with rights of survivorship, Grantee, the following described real property:

22E07AB00300

00445361

Lot 2, Block 2, Alder Creek Acres, in the County of Clackamas and State of Oregon. Excepting therefrom the Northeasterly 150 feet thereof.

-200

The true consideration for this conveyance is \$0.00. (Here comply with requirements of 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.

djs

RE-RECORDED TO CORRECT LEGAL DESCRIPTION 2019-058301

Executed this 29 day of March, 2017.



Kirk Hassen

State of **Oregon**, County of **Washington**) ss.

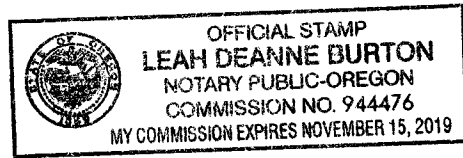
This instrument was acknowledged before me on this 29 day of March, 2017 by Kirk Hassen.

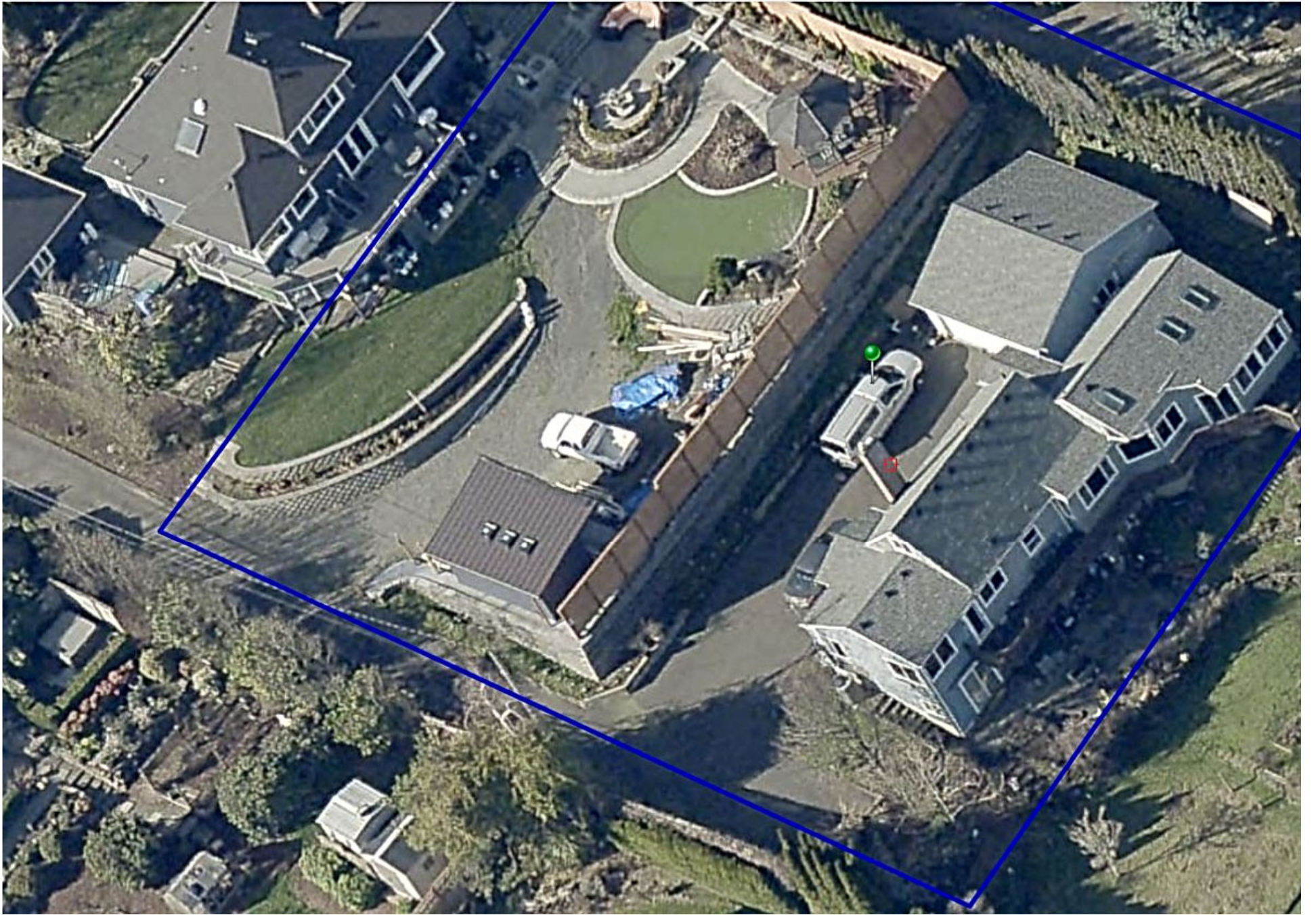


Notary Public for Oregon

My commission expires:

11/15/19









March 29, 2022

Violation File: V0013722

Kirk Hassen
Christina Canham
14616 SE Vista Ln
Milwaukie, OR 97267

Subject: Violations of Title 9, Application and Enforcement of the Clackamas County Building Code Chapter 9.02.040(A,B,C,D,E) and Chapter 9.03.030 Excavation and Grading; and the Oregon Residential Structural Code R403.1.9.1.and R403.1.9.4

Site Address: 14616 SE Vista Ln., Milwaukie, OR 97267
Legal Description: T2S, R2E, Section 07AB, Tax Lot 00300

During a recent inspection of a cut slope adjacent to the above referenced property it was discovered that there is a recently-constructed 10 foot plus keystone wall for the entire property line surcharged at top by gravel backfill, a solid wood fence and an accessory structure. A review of County records shows there are no permits for the fence, or accessory structure, these structures appear to be violations of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code. There are also no permits for the wall construction and fill and grading on site, this appears to be violations of Chapter 9.03 of the Clackamas County Code as it pertains to Excavation and Grading.

Grading and Excavation without a permit

In order to abate the Grading and Fill violation please complete the following **not later than April 29, 2022:**

- Please submit, or have your professional submit, the grading permit application(s), technically complete plans, all required documents and appropriate fee(s).
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

For a Grading permit application, which includes submittal requirement information, you can go to this link:

<https://www.clackamas.us/building/building.html#electronicsubmittalforms>

The documents required for the grading permit may include an investigation of the conditions and mitigation recommendations by a registered engineer. A written report of the findings from the engineer may need to be submitted to Clackamas County Building Codes Division for review.

Construction without permits:

In order to abate the building code violations of the fence and accessory structure, please complete *one of the following* options **not later than April 29, 2022:**

1. Obtain building permit(s) and inspections.
 - a. Submit the building permit application(s), technically complete plans and appropriate fee(s) for the construction.
 - i. The permit must be picked up within ten days of being notified.
 - ii. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued.
2. Remove or demolish the structure(s). Once removal is completed please contact me to schedule an inspection to confirm compliance.
3. Provide evidence or call me for an inspection to confirm the fence and/or the accessory structure meets the exemption standards.
 - a. You may not need to obtain a permit if the accessory structure meets the Oregon Residential Specialty Code exemption: *“R105.2 (1) Building: 1. Nonhabitable one-story detached accessory structures, provided that the floor area does not exceed 200 square feet and does not exceed a height of 15 feet measured from grade plane to the average height of the highest roof surface.”*
 - b. Fences can sometimes be exempt from building permits if they are less than 7 feet in height. However, this fence appears to be greater and is part of the load on the retaining wall. If you believe it to be exempt please call for an inspection to confirm.

It is important to note that electrical, plumbing and mechanical permits remain required.

Building permits are accepted online only. If you have any questions concerning the building permit requirements or the online submittal process, please contact the Building Codes Division at 503-742-4240, or via email at bldservice@clackamas.us . You may also find information on the County's website at <https://www.clackamas.us/building>.

You may visit the County's offices at 150 Beaver Creek Road, Development Services Building, Oregon City. The lobby hours are open between the hours of 8 a.m. to 4 p.m., Monday – Thursday and on Fridays 8 a.m. to 3 p.m. The public is encouraged to take advantage of the services available online, by phone or by email. It is recommended that you check the Clackamas County webpage for hours of operation before visiting.

All submitted permit documents will be subject to the review and approval of the Planning and Zoning Division. The construction and use must meet the requirements and standards of the zoning district applied to the subject property. If you have

questions please contact: Planning and Zoning Division at 503-742-4500 or
zoninginfo@clackamas.us.

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

A handwritten signature in black ink, appearing to read 'Kimberly Bentlin', is centered within a light gray rectangular box.

Kimberly Bentlin
Code Enforcement Specialist
Code Enforcement Section

Important Notices

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

Benthin, Kim

From: Tina Canham <tinacanham222@gmail.com>
Sent: Monday, April 25, 2022 3:09 PM
To: Benthin, Kim
Subject: Violation File: V0013722

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

Hi Kimberly,

I was out of town for a couple weeks after returning back home I went through my mail on Friday 04/22/22 at which time I opened a letter from you stating the alleged code violation. The letter states I only have until 04/29/22 (4 days from now) to resolve this which is putting me in nothing short of a panic. I would really like to speak with you asap. Can we schedule a call? I have a full work schedule and I really don't want to miss a call from you.

On Friday 04/22/22 and today 04/25/22 I've left you a few voicemails and called several times but I have not been able to reach you.

Please respond at your earliest convenience, thank you.

Tina Canham

Direct: 503.752.4921

tinacanham222@gmail.com

STATEMENT OF CONFIDENTIALITY The information contained in this electronic message and any attachments may contain confidential or privileged information intended for the exclusive use of the addressee(s). If you are not the intended recipient, please notify the sender by reply e-mail and destroy all copies of the original message and any attachments. In accordance with Electronic Communications Privacy Act, 18 U.S.C. §§ [2510-2521](#)

Benthin, Kim

From: McNall, Kelsi
Sent: Monday, April 25, 2022 3:30 PM
To: Benthin, Kim
Cc: Moreland, Tom
Subject: 14616 SE Vista Ln

Hello!

I spoke with Tina about the above address/V0013722.

She said her fence is 7 ft. solid wood. Her shed is 200 square feet measured from the outside, so the inside is even less than 200 square feet and 10 feet at the tallest point (which sounds exempt from a building permit). It has no power and she uses for her garden shed for her tools.

The grading and retaining wall was done to prevent water run off to her neighbor's property. It sounds like it is holding a surcharge so I think a permit would be required.

She said she was out of town for two weeks and didn't get the letter until Friday and she's really stressing. She said she's ready to do whatever necessary to abate the violation and get into compliance. She's also worried if she needs an engineer for plans she might run out of time. I let her know I would send all this information your way. She said she's left three messages only because she was so worried. She's really nice!

Thanks!

Kelsi McNall, Permits Technician | Building Codes Division

Development Services Building | 150 Beaver Creek Rd., Oregon City, OR 97045

☎ 503.742.4240 | ✉ kmcnall@clackamas.us

My regular work schedule is M-F from 7:30 am until 4:30 pm.

The Clackamas County Building Codes Division Operates:

Monday through Friday, 7:30 AM to 4:30 PM

2nd and 3rd floor LOBBY HOURS are Monday through Thursday Friday 8:00 AM to 4:00PM and Friday 8:00am - 3:00pm

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

Benthin, Kim

From: Tina Canham <tinacanham222@gmail.com>
Sent: Tuesday, April 26, 2022 1:01 PM
To: Benthin, Kim
Subject: Re: Violation File: V0013722

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

Hi Kim,

I was on a work conference call when you called so I wasn't able to answer your call, I called you back a few minutes after but I got your voicemail.

Thank you for setting up a time for our call, I can make 9am tomorrow work or if you have any time this afternoon I would really appreciate it.

I am worried about the Friday deadline on the letter you sent me, it doesn't give me much time to figure this out especially with my busy work schedule.

Tina Canham

Direct: 503.752.4921

tinacanham222@gmail.com

STATEMENT OF CONFIDENTIALITY The information contained in this electronic message and any attachments may contain confidential or privileged information intended for the exclusive use of the addressee(s). If you are not the intended recipient, please notify the sender by reply e-mail and destroy all copies of the original message and any attachments. In accordance with Electronic Communications Privacy Act, 18 U.S.C. §§ [2510-2521](#)

On Tue, Apr 26, 2022 at 11:32 AM Benthin, Kim <KimBen@clackamas.us> wrote:

Hello Tina,

I just tried calling you.

Will tomorrow at 9am work for a call?

Kimberly Benthin

Code Enforcement Specialist

Clackamas County Code Enforcement Section

Clackamas County

150 Beaver Creek Rd
Oregon City, OR 97045

Tel: Inspection: 503-742-4720

Location:

14616 SE VISTA LN MILWAUKIE OR 97267

Inspection Date:

Wed, 04 May 2022

Record Type:

Code Enforcement - Violation

Record ID:

V0013722

Inspection Type:

270 Miscellaneous/Consultation

Inspector:

Don Countryman

Inspector Phone:

503-519-6954

Inspector Email:

DonCou@clackamas.us

Result:

In Violation

Submit Time:

Wed, 04 May 2022 2:09:PM

Comments:

Accessories structure exempt from permit per R105.2 #1 (No permit required).

Fence exceeds the 7' in some areas and will need to be reduced in height or will need a building permit., R105.1

Retaining walls over 4' high require a building permit., R105.1

Cannot verify grading exceeded the 50 cubic yard requirement.

Benthin, Kim

From: Tina Canham <tinacanham222@gmail.com>
Sent: Wednesday, May 4, 2022 3:26 PM
To: Benthin, Kim
Subject: Re: Inspector Apt. Violation File: V0013722

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

Ok, I will do, thank you.

Tina Canham

Direct: 503.752.4921

tinacanham222@gmail.com

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On Wed, May 4, 2022 at 3:15 PM Benthin, Kim <KimBen@clackamas.us> wrote:

Tina,

I do not know any local engineers – and even if I did I am prohibited from recommending professionals. I do know that it is difficult to find engineers and more difficult to find one that is not out 6-8 weeks.

I recommend that once you find one that can work on this with you that you simply have the engineer contact me or provide a copy of the contract with the scope of work and estimated time of delivery.

If you provide evidence of your professionals timeline I will be able to extend the deadline.

Kimberly Benthin

Code Enforcement Specialist

kimben@clackamas.us

503-742-4457

My office hours are Monday through Friday from 7am to 4:30 pm.

Were you happy with the service you received today?



From: Tina Canham <tinacanham222@gmail.com>
Sent: Wednesday, May 4, 2022 3:07 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: Inspector Apt. Violation File: V0013722

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

Ok, thank you Kimberly, I will wait and see what the engineer says, I will keep you posted...

I'm still trying to find an engineer that can work on this with me. So far every one that I've talked to is at least 6-8 weeks out before they can even look at my project.

Do you happen to have any engineers that you've worked with in Clackamas county? All the ones I've talked to are in Portland and I would like to find one in Clackamas county if possible.

Tina Canham

Direct: 503.752.4921

tinacanhm222@gmail.com

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On Wed, May 4, 2022 at 2:44 PM Benthin, Kim <KimBen@clackamas.us> wrote:

Tina,

I see that the inspector was on site. It appears that the accessory structure meets the exemptions and does not require a permit.

I know that the inspector said that the fence requires a permit or it can be reduced in height.

I would caution you to not yet reduce the height of the fence to avoid permitting until you speak to an engineer. Because of the proximity of the wall the fence may require permitting regardless of the height.

Kimberly Benthin

Code Enforcement Specialist

kimben@clackamas.us

503-742-4457

My office hours are Monday through Friday from 7am to 4:30 pm.

Were you happy with the service you received today?



CLICK A SMILEY

From: Tina Canham <tinacanham222@gmail.com>
Sent: Wednesday, May 4, 2022 12:37 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: Inspector Apt. Violation File: V0013722

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

That works perfect for me, I just wanted to make sure I had the correct date on my calendar.

Thank you Kim!

Tina

On Wed, May 4, 2022, 12:29 PM Benthin, Kim <KimBen@clackamas.us> wrote:

Hello,

Yes, it is scheduled for today. I put in the inspection request that you were unavailable between 1030-11a but available the rest of the day.

I did not specifically request that they call you, prior to arriving.

Kimberly Benthin

Code Enforcement Specialist

Clackamas County Code Enforcement Section

From: Tina Canham <tinacanham222@gmail.com>
Sent: Wednesday, May 4, 2022 12:23 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Inspector Apt. Violation File: V0013722

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

Hi Kim,

I have today down as the day I will be meeting with the inspector. I haven't received any calls from them and I haven't had anyone come by yet, can you confirm if I'm correct with my date?

Thank you,

Tina Canham

Direct: 503.752.4921

tinacanham222@gmail.com

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On Tue, Apr 26, 2022 at 1:01 PM Tina Canham <tinacanham222@gmail.com> wrote:

Benthin, Kim

From: Benthin, Kim
Sent: Wednesday, June 1, 2022 11:22 AM
To: 'Tina Canham'
Subject: Violation File: V0013722 14616 SE Vista Ln

Tina,

I received a response from the Clackamas County Structural Engineer. He stated that you must provide calculations and construction drawings signed and stamped by a registered engineer in the State of Oregon for the existing retaining wall. The wall must be designed per OSSC Section 1807.2.

I have already extended the deadline to May 30. I will extend the deadline again to July 15, 2022 to submit the permit(s) for the wall.

Kimberly Benthin
Code Enforcement Specialist

kimben@clackamas.us
503-742-4457

My office hours are Monday through Friday from 7am to 4:30 pm.

Were you happy with the service you received today?



From: Tina Canham <tinacanham222@gmail.com>
Sent: Wednesday, May 4, 2022 3:26 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: Inspector Apt. Violation File: V0013722

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

Ok, I will do, thank you.

Tina Canham
Direct: 503.752.4921
tinacanham222@gmail.com



Citation No. 22137-1

Case No. V0013722

ADMINISTRATIVE CITATION

Date Issued: July 21, 2022

Name and Address of Person(s) Cited:

Name: Kirk Hassen
Name: Christina Canham
Mailing Address: 14616 SE Vista Ln
City, State, Zip: Milwaukie, OR 97267

Date Violation(s) Confirmed: On the 18th day of July, 2021, 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): 14616 SE Vista Ln., Milwaukie, OR 97267
Legal Description: T2S, R2E Section 07AB, Tax Lot 00300

Law(s) Violated

- Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section
- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A, E)
- Chapter 9.03 of CCC Excavation and Grading, Section
- Other law: Oregon Residential Specialty Code R403.1.9.1.and R403.1.9.4

Description of the violation(s):

- 1) The grading, excavation and fill that occurred on the above referenced subject property has had the benefit of a permit or inspections. No application or documents have been submitted.
Maximum Civil Penalty \$3,500.00 Fine \$500.00
- 2) The wall associated with the grading, excavation and fill has not had the benefit of permit or inspections. No application or documents have been submitted.
Maximum Civil Penalty \$1,000.00 Fine \$300.00
- 3) The solid wood fence built on the wall and fill has not had the benefit of a permit or inspections. No application or documents have been submitted.
Maximum Civil Penalty \$1,000.00 Fine \$100.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$900.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: July 21, 2022
Department Initiating Enforcement Action: Code Enforcement
Exhibit J 1 of 2

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: _____

Violation File # : V0013722

November 23, 2022

Violation File: V0013722

Kirk Hassen
Christina Canham
14616 SE Vista Ln
Milwaukie, OR 97267

Subject: Violations of Title 9, Application and Enforcement of the Clackamas County Building Code Chapter 9.02.040(A,B,C,D,E) and Chapter 9.03.030 Excavation and Grading; and the Oregon Residential Structural Code R403.1.9.1.and R403.1.9.4

Site Address: 14616 SE Vista Ln., Milwaukie, OR 97267
Legal Description: T2S, R2E, Section 07AB, Tax Lot 00300

A review of the County records shows that there have been no permits submitted for the construction of the 10 foot-plus keystone wall for the entire property line with a surcharge of backfill.

An inspection on May 4, by a Clackamas County building inspector determined that the fence and the accessory structure do not need building permits. During this inspection, it was also determined that the retaining wall requires a building permit. The unpermitted retaining wall is a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code. Please note that if the wooden fence is less than 8 ft. in height it does not need a building permit. However, the solid wooden fence may cause forces against the retaining wall that will need to be addressed by your engineer.

Construction without permits:

In order to abate the building code violations of the fence and accessory structure, please complete *one of the following* options **not later than January 5, 2023:**

1. Submit a building permit application, technically complete plans and appropriate fees for the construction of the retaining wall. The submitted documents must include calculations and construction drawings signed and stamped by a registered engineer in the State of Oregon for the existing retaining wall. The wall must be designed per OSSC Section 1807.2.

- Respond to requests for clarification or additional information from permitting staff within 15 days of receiving such request.
- The permit must have the fees paid in full within ten days of your being notified by Building Codes in order to prevent delay of the issuance of permits.
- Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permits. It is possible that the process to permit the wall may require reconstruction or modifications to be made. This may require additional time to complete. Please contact me for possible time extension for completion.

Or:

2. Remove the retaining wall. Please note – the removal of the wall and fill may require a grading permit depending on the scope of work. Once removal is completed, please contact me to schedule an inspection to confirm compliance.

Building permits are accepted online only. If you have any questions concerning the building permit requirements or the online submittal process, please contact the Building Codes Division at 503-742-4240, or via email at bldservice@clackamas.us. You may also find information on the County's website at <https://www.clackamas.us/building>.

You may also visit the County's offices at 150 Beaver Creek Road, Development Services Building, Oregon City. The lobby hours are open between the hours of 8 a.m. to 4 p.m., Monday – Thursday. The building is closed to the public on Fridays; however, our services are available online, by phone or by email. It is recommended that you check the Clackamas County webpage for hours of operation before visiting.

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

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



Kimberly Bentin
Code Enforcement Specialist
Code Enforcement Section

Important Notices

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





Citation No. 22137-1

Case No. V0013722

AMENDED

ADMINISTRATIVE CITATION

Date Issued: July 21, 2022 Date Amended: June 27, 2023

Name and Address of Person(s) Cited:

Name: Kirk Hassen
Name: Christina Canham
Mailing Address: 14616 SE Vista Ln
City, State, Zip: Milwaukie, OR 97267

Date Violation(s) Confirmed: On the 18th day of July, 2022, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 14616 SE Vista Ln., Milwaukie, OR 97267

Legal Description: T2S, R2E Section 07AB, Tax Lot 00300

Law(s) Violated

- Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section
- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A, E)
- Chapter 9.03 of CCC Excavation and Grading, Section
- Other law: Oregon Residential Specialty Code R403.1.9.1 and R403.1.9.4

Description of the violation(s):

- 1) The grading, excavation and fill that occurred on the above referenced subject property has **not** had the benefit of a permit or inspections. No application or documents have been submitted.

Maximum Civil Penalty \$3,500.00 Fine \$500.00

- 2) The wall associated with the grading, excavation and fill has not had the benefit of permit or inspections. No application or documents have been submitted.

Maximum Civil Penalty \$1,000.00 Fine \$300.00

- 3) The solid wood fence built on the wall and fill has not had the benefit of a permit or inspections. No application or documents have been submitted.

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 \$1,100.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: July 21, 2022
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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Options:

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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: _____

Violation File # : V0013722