



NOTICE OF HEARING

September 2, 2025

Richard J. Moody
12610 SE 28th Ave
Milwaukie, OR 97222

RE:: County of Clackamas v. Richard J. Moody
File: V0042422

Hearing Date: September 23, 2025

Time: **This hearing will begin at 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.



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. A copy of the link is provided below. Once you have joined the meeting, please allow the moderator to promote you to a panelist. **Closed captioning is available for the zoom platform upon request.**

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

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

If you do not know how to use Zoom, please Google "how to use Zoom" and there are many interactive guides on the internet. **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 503-830-9960 for assistance.

Zoom invite

Topic: Code Enforcement Hearing - V0042422 - Richard Moody - September 23, 9:30 am

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/87411573148?pwd=hl7YNYexBNClwDUAvX1QHUc7ZtIpVi.1>

Passcode:002486

Phone one-tap:

+14086380968,,87411573148#,,,,*002486# US (San Jose)

+16694449171,,87411573148#,,,,*002486# US

Join via audio:

+1 408 638 0968 US (San Jose)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)



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+1 646 876 9923 US (New York)
+1 646 931 3860 US
+1 689 278 1000 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US

Webinar ID: 874 1157 3148

Passcode: 002486

International numbers available: <https://clackamascounty.zoom.us/j/87411573148>

Join from an H.323/SIP room system:

H.323:

144.195.19.161 (US West)
206.247.11.121 (US East)
115.114.131.7 (India Mumbai)
115.114.115.7 (India Hyderabad)
159.124.15.191 (Amsterdam Netherlands)
159.124.47.249 (Germany)
159.124.104.213 (Australia Sydney)
159.124.74.212 (Australia Melbourne)
170.114.180.219 (Singapore)
64.211.144.160 (Brazil)
159.124.132.243 (Mexico)
159.124.168.213 (Canada Toronto)
159.124.196.25 (Canada Vancouver)
170.114.194.163 (Japan Tokyo)
147.124.100.25 (Japan Osaka)

Meeting ID: 874 1157 3148

Passcode: 002486

SIP: 87411573148@zoomcrc.com

Passcode: 002486

Department of Transportation and Development

Nondiscrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information go to: www.clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us or call (503) 742-4452.

¡LE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination, envíe un correo electrónico a JKauppi@clackamas.us o llame al 503-742-4452.

ДОБРО ПОЖАЛОВАТЬ! Russian

Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination, отправьте письмо на адрес эл. почты JKauppi@clackamas.us или позвоните по телефону 503-742-4452.

欢迎! Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息，请访问 www.clackamas.us/transportation/nondiscrimination，发送电子邮件至 JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng:

www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.

BEFORE THE COMPLIANCE HEARINGS OFFICER
FOR THE COUNTY OF CLACKAMAS

CLACKAMAS COUNTY,

FILE NO(S): V0042422

Petitioner,

v.

RICHARD JAY MOODY,

Respondent.

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents' mailing address is: 12610 SE 28th Ave., Milwaukie, OR 97222

2.

The Respondent owns or occupies the address or location of the violation of law alleged in this complaint 12610 SE 28th Ave., Milwaukie, OR 97222, also known as T2S, R1, Section 01BA, Tax Lot 02101, the property is zoned Urban Low Density Residential (R-10) and is the location of violation asserted by the County.

3.

On or about the 17th day of November, 2022, and on or about the 10th day of April, 2025, the Respondent violated the following laws, in the following ways:

Title 9 of the Clackamas County Excavation and Grading Code Section 03. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violation was given to Respondent in the following manner:
Notice of Violation dated November 17, 2022 and Citation and Complaint #2200424-1 on April 10, 2025. A copy of the notice documents are attached to this Complaint as Exhibits E and F, and incorporated by this reference.

6.

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

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

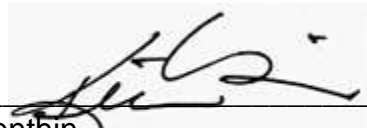
2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the Board of County Commissions. Said range for a Priority 1 for an Excavation and Grading Code violation being \$750.00 to \$3,500.00 per occurrence as provided by Appendix B to the Clackamas County Code;

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

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

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

DATED THIS 2nd day of September, 2025



Kimberly Benthin
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

CLACKAMAS COUNTY,

Petitioner,

v.

RICHARD JAY MOODY,

Respondent.

File No.: V0042422

STATEMENT OF PROOF

History of Events and Exhibits:

October 26, 2022 Exhibit A	Clackamas County received complaints regarding grading work done without permits.
October 26, 2022 Exhibit B	Email from Robert Morris stating that a grading permit is required.
October 26, 2022 Exhibit C	Correspondence was mailed to the Respondent requesting contact to discuss the violations of the Building Code.
November 2, 2022	Respondent Jay Moody called and stated his contractor told him a permit is not required for this work. We discussed having an inspector come to the site to determine the need for a permit.
November 15, 2022 Exhibit D	Clackamas County inspector Robert Fix conducted a site visit and confirmed a permit is required. Inspector Fix provided a photo.
November 16, 2022	Code Enforcement Specialist Kimberly Benthin called and spoke with the Respondent and informed him of the need for a permit.
November 17, 2022 Exhibit E	A Notice of Violation was mailed to the Respondent requesting the violation be resolved not later than January 3, 2023, the correspondence was mailed via first class mail and was not returned.
April 9, 2025 Exhibit F	CES Benthin reviewed the permits and found no permit has been submitted for the grading work. Citation No. 2200424-1 issued for the Grading Code violation sent via first class mail. The first-class mail was not returned. This citation has not been paid.
August 6, 2025	CES Benthin researched the permits and no grading permit has been obtained.

August 20, 2025

The County referred this matter to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of the grading code exists on the subject property, the County would request a Continuing Order be issued requiring the Respondent:

- Payment of Citation No. 2200424-1 for \$500.00 for the Priority 1 Grading Code violation.
- Assessment of civil penalty between \$750.00 and \$3,500.00 for Priority 1 Grading Code violation for date cited.
- Assessment of an administrative compliance fee calculated at the rate of \$75 per month starting November 17, 2022 through the end of June 2025, subtotaling \$2,525.00.
- Assessment of an administrative compliance fee calculated at the rate of \$100 per month starting July, 2025 through the date of abatement of the final order. As of the date of this report this subtotaled \$200.00.
- The County is requesting a reduction of \$1,750.00 in the assessed administrative compliance fee due to 23 months of inactive code enforcement activity and is seeking a total administrative compliance fee of \$775.00.
- 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.
- The County would also ask that reimbursement be ordered for any expense the County incurs in collection of these monies.

Property Account Summary



05023260

Account Number	05023260	Property Address	12610 SE 28TH AVE , MILWAUKIE, OR 97222
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General Information	
Alternate Property #	21E01BA02101
Property Description	Subdivision MILWAUKIE HEIGHTS 111 Block 53 PT LT 7 Block 58 PT LT 3
Property Category	Land &/or Buildings
Status	Active, Locally Assessed
Tax Code Area	012-047
Remarks	

Tax Rate	
Description	Rate
Total Rate	18.726

Property Characteristics	
Neighborhood	11211: Milwaukie Unincorporated
Land Class Category	101: Residential land improved
Year Built	1930
Change property ratio	1XX

Related Properties	
No Related Properties Found	

Parties			
Role	Percent	Name	Address
Taxpayer	100	MOODY RICHARD JAY	12610 SE 28TH AVE, MILWAUKIE, OR 97222

Owner		100	MOODY RICHARD JAY	12610 SE 28TH AVE, MILWAUKIE, OR 97222	
Property Values					
Value Type	Tax Year 2024	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020
AVR Total	\$96,589	\$93,776	\$91,045	\$88,394	\$85,820
Exempt					
TVR Total	\$96,589	\$93,776	\$91,045	\$88,394	\$85,820
Real Mkt Land	\$140,905	\$140,905	\$132,833	\$115,586	\$101,275
Real Mkt Bldg	\$97,850	\$99,730	\$94,140	\$81,930	\$73,100
Real Mkt Total	\$238,755	\$240,635	\$226,973	\$197,516	\$174,375
M5 Mkt Land	\$140,905	\$140,905	\$132,833	\$115,586	\$101,275
M5 Mkt Bldg	\$97,850	\$99,730	\$94,140	\$81,930	\$73,100
M5 SAV					
SAVL (MAV Use Portion)					
MAV (Market Portion)	\$96,589	\$93,776	\$91,045	\$88,394	\$85,820
Mkt Exception					
AV Exception					
Active Exemptions					
No Exemptions Found					
Events					
Effective Date	Entry Date- Time	Type	Remarks		
09/10/2021	09/16/2021 10:14:00	Recording Processed	Property Transfer Filing No.: 399989, Warranty Deed, Recording No.: 2021- 083136 09/10/2021 by BCROWE		
09/10/2021	09/16/2021 10:14:00	Taxpayer Changed	Property Transfer Filing No.: 399989 09/10/2021 by BCROWE		
07/20/2017	07/20/2017 12:22:00	Removed from Foreclosure or Warrant	2013 TAXES PAID IN FULL by LESLIESOS		
06/21/2017	06/21/2017 17:14:00	Initiated Foreclosure or Warrant	Initiated Delinquency Process by SHARONS		

FIRST AMERICAN 3777597-TO

Grantor's Name
Jay Moody
12610 SE 28th Avenue
Milwaukie, Oregon 97222

Grantee's Name
Richard Jay Moody
12610 SE 28th Avenue
Milwaukie, Oregon 97222

After Recording Return to:
Jeffrey L. Kleinman
Attorney at Law
1207 SW Sixth Avenue
Portland, OR 97204

Send Tax Statements to:
Richard Jay Moody
12610 SE 28th Avenue
Milwaukie, Oregon 97222

Clackamas County Official Records
Sherry Hall, County Clerk

2021-083136

09/10/2021 10:02:04 AM

D-D Cnt=1 Stn=75 TIFFANY
\$20.00 \$16.00 \$10.00 \$62.00

\$108.00

STATUTORY WARRANTY DEED

JAY MOODY, Grantor, conveys and warrants to **RICHARD JAY MOODY**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

SEE EXHIBIT A

The property is free from all encumbrances except: **SEE EXHIBIT B.**


THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS OTHER, WHICH IS 100% OF THE CONSIDERATION (See ORS 93.030).

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

VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

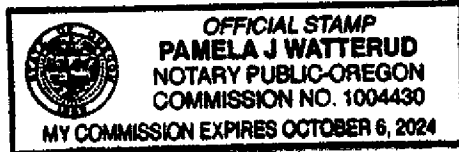
IN WITNESS WHEREOF, the undersigned have executed this document on the date set forth below:

Dated: 8/25/2021


Jay Moody

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me on 25 day of August, 2021, by Jay Moody.





Notary Public for Oregon
My Commission Expires: 10/06/2024

Exhibit "A"

Real property in the County of Clackamas, State of Oregon, described as follows:

A tract of land being a portion of Lot 3, Block 58 and a portion of Lot 7, Block 53, of the Plat of "Milwaukie Heights" (Plat No. 111), and being a portion of that tract of land described in that Deed recorded as Document No. 2009-087674, Clackamas County Deed Records, located in the Southwest one-quarter of Section 36, Township 1 South, Range 1 East, of the Willamette Meridian, in the City of Milwaukie, Clackamas County, Oregon. Said tract of land being more particularly described as follows:

Beginning at a point on the East line of said Block 58 of said "Milwaukie Heights", said point being North 01° 07' 00" West a distance of 248.11 feet from a 5/8 inch iron rod at the initial point to said "Milwaukie Heights"; thence South 01° 07' 00" East, along said East line of said Block 53, a distance of 135.11 feet to a point; thence South 88° 55' 00" West, parallel with the South line of said "Milwaukie Heights", a distance of 21.00 feet to a point; thence South 81° 17' 00" West a distance of 61.34 feet to a point; thence North 01° 07' 00" West, parallel with said East line of said Block 53, a distance of 118.11 feet to a point on the Northerly line of that tract of land described in that Deed recorded October 10, 1961 in Book 593, Page 480, Clackamas County Deed Records; thence North 71° 49' 26" East, along said Northerly line, a distance of 85.56 feet to the true point of beginning of the tract of land herein described.

NOTE: This legal description was created prior to January 1, 2008.

EXHIBIT B

6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
7. Taxes for the fiscal year 2021-2022 a lien due, but not yet payable
8. The premises are within the boundaries of Clackamas Water Environment Services District and are subject to the levies and assessments thereof, and lien in favor of Clackamas Water Environment Services.

For:	utility
Lien Entered:	June 23, 2021
Lien No.:	01-23970-02
Original Amount:	\$1,625.73
Balance Owing:	\$1,625.73

9. Lack of a right of access to and from the land.
10. Road Maintenance Agreement, including terms and provisions thereof.
Recorded: June 29, 1990 as Fee No. 90031212
First American Title
11. Restriction as set out in Deed recorded July 13, 2010 as Fee No. 2010-041875.
12. A Judgment for the amount herein stated and any other amounts due.
Case No.: 19SC22782
Entered: August 14, 2019
Amount: \$1,442.78 , plus interest, costs, if any
Creditor: Southern Oregon Credit Service, Inc.
Debtor: Richard J. Moody dba Jagged Edge Studio

- END OF EXCEPTIONS -

Potter, Shane

From: Morris, Robert
Sent: Wednesday, October 26, 2022 2:02 PM
To: Kauppi, Jennifer
Subject: RE: 12610 SE 28th Ave

Hi Jennifer.

There is no possible permit exemption for the work shown in these photos... the excavation exceeds 2 feet in depth, and the cut exceeds 5 feet in height + has a slope exceeding 1.5H:1V. According to Plan Map, there are also Title 3 wetlands on this property which Planning may be concerned with.

Is this somehow related to V0002222? The subject properties are adjacent to each other.

Best Regards,

Robert Morris
Commercial Plans Examiner
Clackamas County - Transportation and Development
Building Codes Division
RMorris@clackamas.us
971-378-9764
150 Beavercreek Rd., Oregon City, OR 97045

My regular work schedule is Monday through Friday, from 7:30 AM to 4:00 PM

Our Permit lobby is open Monday to Thursday, 8 a.m. to 4 p.m.

Were you happy with the service you received today?



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From: Kauppi, Jennifer <JKauppi@clackamas.us>
Sent: Wednesday, October 26, 2022 1:30 PM
To: Morris, Robert <RMorris@clackamas.us>
Subject: FW: 12610 SE 28th Ave

Robert....

What's your professional opinion about the pictures below. I believe it to be a grading violation???? Do you agree?

Jennifer

From: Degliantoni, Nick <NDegliantoni@clackamas.us>
Sent: Wednesday, October 26, 2022 1:02 PM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Cc: Kemp, Don <DonKem@clackamas.us>
Subject: 12610 SE 28th Ave

Hi Jennifer,

I spoke with code enforcement staff at the counter today. They advised I email these pictures to you.

Here are the pictures of the construction activities city at the above address.

Staff advised that they will relay the information I provided them to you. Also advised they will conduct a site visit.

I filled out a complaint form as requested and gave it to front office staff.

Please feel free to contact me to discuss further.

Once code enforcement visits the site, could you let me know the outcome.

Thank you,

Nick Degliantoni
Technical Services Specialist
150 Beavercreek Road #430
Oregon City, OR 97045
Phone: 503-742-4632
Cell: 971-804-1304
ndegliantoni@clackamas.us
www.clackamas.us/wes

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<https://www.clackamas.us/wes/customer>







October 26, 2022

Richard Moody
12610 SE 28th Ave
Milwaukie, OR 97222

**Subject: Alleged Violations of the Excavation and Grading Code,
Chapter 9.03.030 of the Clackamas County Code**

Site Address: 12610 SE 28th Ave., Milwaukie, OR 97222
Legal Description: T2S, R1E, Section 01BA, Tax Lot 02101

It has come to the attention of Clackamas County Code Enforcement that there may be excavation and grading activity on the above referenced property without the benefit of permits.

This may constitute a violation of the Excavation and Grading Code, Chapter 9.03.030 of the Clackamas County Code.

Please contact Kimberly Benthin, Code Enforcement Specialist, within ten (10) days of the date of this letter in order to discuss this matter.

E-mail address is kimben@clackamas.us

Telephone number is 503-742-4457

**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:

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¡LE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination, envíe un correo electrónico a JKauppi@clackamas.us o llame al 503-742-4452.

ДОБРО ПОЖАЛОВАТЬ! Russian

Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination, отправьте письмо на адрес эл. почты JKauppi@clackamas.us или позвоните по телефону 503-742-4452.

欢迎! Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息，请访问 www.clackamas.us/transportation/nondiscrimination，发送电子邮件至 JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng: www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.





November 17, 2022

Violation File # V0042422

Richard Jay Moody
12610 SE 28th Ave
Milwaukie, OR 97222

**Subject: Violations of the Clackamas County Excavation and Grading Code
Title 9.03**

Site Address: 12610 SE 28th Ave., Milwaukie, OR 97222
Legal Description: T2S, R1E, Section 01BA, Tax Lot 02101

This letter is in follow up to a telephone conversation with Mr. Moody held on November 16, 2022 regarding the excavation and cut on the above referenced property. Because the excavation exceeds 2 feet in depth, the cut exceeds 5 feet in height and the slope a grading and excavation permit is required. Mr. Moody stated that he is going to install a retaining wall – the future wall will require a building permit.

The property is in violation of Chapter 9.03 of the Clackamas County Code Excavation and Grading.

In order to abate the violations, please complete the following not later than **later than January 3, 2022.**

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s).
 - Respond to requests for clarification or additional information from permitting staff within 15 days of receiving such request.
 - The permit(s) must have the fee(s) 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 permit(s).

Information regarding permit submittal can be found at this internet address:
<https://www.clackamas.us/how-to-apply-for-a-permit>

The required documents for this permit submittal will include but are not limited to: a site plan, sections of the cut and fill, and description of the amount of material that was removed and placed. The wall may need engineering and the excavation work may require a geotech report. It may be possible to combine the excavation with the wall

building permit. If you wish to do this it is recommended to contact the Building Department. For more information on requirements concerning the building permit documents or the online submittal process, please contact the Building Codes Division at 503-742-4240, or via email at bldservice@clackamas.us. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/development-direct>.

The 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 districts applied to the subject property. If you have, questions please contact: Planning and Zoning Division at 503-742-4500 or zoninginfo@clackamas.us.

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.

If you have any questions my direct telephone number is 503-742-4457 and my email is kimben@co.clackamas.or.us.

Thank you for your prompt attention to this matter.

Kimberly Benthin
Code Enforcement Specialist
Code Enforcement Section

A handwritten signature in black ink, appearing to read 'Kimberly Benthin', is positioned to the right of the typed name and title.

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. 2200424-1

Case No. V0042422

ADMINISTRATIVE CITATION

Date Issued: April 10, 2025

Name and Address of Person(s) Cited:

Name: Richard Jay Moody
Mailing Address: 12610 SE 28th Ave
City, State, Zip: Milwaukie, OR 97222

Date Violation(s) Confirmed: On the 17th day of November, 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): 12610 SE 28th Ave., Milwaukie, OR 97222

Legal Description: T2S, R1E Section 01BA, Tax Lot(s) 02101

Law(s) Violated

- ☐ Chapter 7.03 of Clackamas County Code, Road Use, Section
- ☐ 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
- ☒ Chapter 9.03 of CCC Excavation and Grading, Section
- ☐ Chapter 10.03 of CCC Solid Waste and Wastes Management, Section 10.03.060 (A,B,C)
- ☐ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 9.03.030
- ☐ Other law: _____

Description of the violation(s):

- 1) The excavation that exceeds 2 feet in depth and the cut into the slope greater than 5 feet in height has not had a Excavation and Grading permit for the work with the required inspections.

Maximum Civil Penalty \$3,500.00

Fine \$500.00

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

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

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

Date: April 10, 2025
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____

Violation File # : V0042422