

To request translation or disability-related accommodations, please contact us at DTDcompliance@clackamas.us | 503-742-4400.

Si quiere solicitar servicios de traducción o adaptaciones para la discapacidad, contáctenos en/al DTDcompliance@clackamas.us | 503-742-4400.

Чтобы запросить перевод или приспособления, связанные с инвалидностью, пожалуйста, свяжитесь с нами по:
DTDcompliance@clackamas.us | 503-742-4400.

Щоб попросити переклад або спеціальні послуги для осіб з особливими потребами, зверніться до нас, скориставшись такими контактними даними:
DTDcompliance@clackamas.us | 503-742-4400.

如需翻译服务或残障相关的协助，请与我们联系：
DTDcompliance@clackamas.us | 503-742-4400。

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 DTDcompliance@clackamas.us | 503-742-4400.



Clackamas County
www.clackamas.us



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

NOTICE OF HEARING

July 20, 2026

Willamette Narrows LLC
502 7th St. #208
Oregon City, OR 97045

Ryan Smith
502 7th St, #208
Oregon City, OR 97045

RE: County of Clackamas v. Willamette Narrows LLC
File: V0036320

Hearing Date: August 25, 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 Andrea Hall, Code Compliance Specialist for Clackamas County at (503) 742-4467, should you have any questions about the violation(s) in the complaint.
Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

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

- (A) You can request the opportunity to review public records and 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, 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 Andrea Hall at AndreaHal@clackamas.us or mail your evidence to Andrea Hall 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 Andrea Hall at 503-742-4467 **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/86351152579?pwd=prapCtBhNprON1shFbbzm2OCPKpDji.](https://clackamascounty.zoom.us/j/86351152579?pwd=prapCtBhNprON1shFbbzm2OCPKpDji.1)

1

Passcode: 632221

Phone one-tap:

+19712471195,,86351152579# US (Portland) 14086380968,,86351152579# US

Join via audio:

+1 971 247 1195 US (Portland)

+1 408 638 0968 US (San Jose)

+1 602 753 0140 US (Phoenix)

+1 669 219 2599 US (San Jose)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 720 928 9299 US (Denver)

+1 206 337 9723 US (Seattle)

+1 213 338 8477 US (Los Angeles)

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 518 9805 US (New York)

+1 646 876 9923 US (New York)

+1 646 931 3860 US

Webinar ID: 898 7196 2266

International numbers available: <https://clackamascounty.zoom.us/j/kbDtjDN87G>

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
COUNTY OF CLACKAMAS

COUNTY OF CLACKAMAS,

Petitioner,

v.

WILLAMETTE NARROWS LLC,

Respondent.

File No: V0036320

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: 502 7th St., #208, Oregon City, OR 97045.

2.

The Respondent owns or occupies the address or location of the violation(s) of law alleged in this Complaint is no situs also known as T3S, R1E, Section 11, Tax Lot 102, and is located in Clackamas County, Oregon. The property is zoned Timber District (TBR) and is the location of violation(s) asserted by the County.

3.

On or about the 22nd day of April 2021 and on the 18th day of May 2026 the Respondent violated the following laws, in the following ways:

- a. Respondent violated Chapter 9.03 the Clackamas County Code as it pertains to Excavation and Grading by allowing an earthen berm to remain on the subject property without permits and an approved final inspection. 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 the Respondent in the following manner:
Violation Notice mailed April 22, 2021 and Citation and Complaint number 200363 issued May 20, 2026 A copy of the notice document is attached to this Complaint as C & E, and incorporated by this reference.

6.

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

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to immediately abate the violation and bring the property at issue into compliance with all laws, and permanently enjoining Respondent from violating these laws in the future;
2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the Board of County Commissioners. Said range for a Priority 1 Excavation and Grading Code violation being \$1,000.00 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;

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 8th day of July 2026.



Andrea Hall
Senior Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

WILLAMETTE NARROWS LLC,

Respondent.

File No.: V0036320

STATEMENT OF PROOF

History of Events and Exhibits:

July 1, 2013
Exhibit A

The previous owner of this property, Pulp Properties LLC and Frank Fandrich were found to be in violation of the County's Excavation and Grading code for the creation of an earthen berm by the then Code Compliance Hearings Officer Ken Helm. A Final Order for V0681-11-G was issued on July 1, 2013 but the violation was never abated. A supplemental Final Order was issued on February 10, 2014 finding that the Respondents did not comply with the 2013 Final Order.

September 28, 2020
Exhibit B

A letter was mailed to the new owner of the property notifying them of the pending violation for the unpermitted berm.

October 8, 2020

I spoke with Ryan Smith, registered agent for Willamette Narrows LLC and he indicated that he has decided not to attempt to permit the berm but would have it removed. He stated that he has had approximately 4000 yards removed already. The removal of the material would slow down in the winter due to weather but he would continue to work with his contractor to abate the violation.

April 22, 2021
Exhibit C

A violation notice was mailed to the Respondent with a deadline of June 30, 2021 to remove the remaining unpermitted berm.

April 29, 2021

I spoke with Ryan Smith who indicated that the work was seasonal and he was working with a different contractor to remove the dirt. He said that he would provide the County with truck tickets from the contractor to demonstrate progress.

April 18, 2022

I again spoke with Ryan Smith who said that he was having trouble finding a contractor to finish abating the violation as the demand for fill dirt was low and some contractors did not want to cross the railroad tracks which is the only way to access the area.

May 18, 2026
Exhibit D

A site inspection revealed that the berm remained in place. A review of the County's permit system revealed that a grading permit application had not been submitted to the County.

May 20, 2026
Exhibit E

Citation number 2000363 was issued in the amount of \$514.00 for the priority 1 Excavation and Grading Code violation. The citation was sent first class mail and was not returned to the County, the citation remains unpaid.

July 8, 2026

The matter was referred to the Compliance Hearings Officer.

Although the Respondent did not create the violation, abating it is not beyond the Respondents' reasonable control, and the degree of difficulty to correct the violation is not high. Due to these factors and the lack of cooperation and the Respondents' history of prior County violations, the County is requesting a Final Order in this matter seeking authorization to proceed to County Counsel for further enforcement action in Circuit Court.

However, if the Hearings Officer finds that there are mitigating factors in this case, the County would request a Continuing Order requiring that the Respondent removes the remaining fill material no later than 60 days from the date of the Order.

The County will submit a timely Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondent. The report may include the following recommendations:

- The imposition of civil penalties of \$1,000.00 to \$3,500.00 for the priority 1 Excavation and Grading Code violation for date cited May 18, 2026.
- Payment for Citation No. 2000363 for the grading violation dated May 20, 2026 totaling \$514.00.
- Assessment of an administrative compliance fee calculated at \$75.00 per month starting May 2021 through June 2025, 49 months, subtotaling \$3,675.00. The County is requesting a reduction of \$3,450.00 in the assessed administrative compliance fee due to 46 months of inactive code enforcement activity and is seeking an administrative compliance fee subtotaling \$225.00

- Assessment of an administrative compliance fee calculated at \$100.00 per month starting July 2025 through date of abatement or date of Final Order subtotaling \$1,200.00.

The County is requesting a reduction of \$600.00 in the assessed administrative compliance fee due to 6 months of inactive code enforcement activity and is seeking a total administrative compliance fee of \$600.00. Total administrative fee of \$825.00.

- The County requests the Hearings Officer to permanently prohibit the Respondent from violating this law in the future.
- If the Respondent fails to comply with the Hearings Officer's Continuing Order the County will request the Hearings Officer to issue a Final Order and will also request the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.
- 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.

BEFORE THE COMPLIANCE HEARINGS OFFICER
CLACKAMAS COUNTY, OREGON

COUNTY OF CLACKAMAS,

Petitioner,

v.

PULP PROPERTIES, LLC,
FRANK FANDRICH,

Respondent.

File No(s): V0681-11-G, V0528-11-Z

FINAL ORDER

I. STATEMENT OF THE CASE

As Compliance Hearings Officer for Clackamas County I held a hearing on December 13, 2012 at approximately 10:30 a.m. in the matter of Frank Fandrich (Respondent) at the County's Development Services Building located at 150 Beaver Creek Rd. in Oregon City. The Compliance Hearing Officer has jurisdiction to hear the matter pursuant to Clackamas County Code, Section 2.07.020. Ms. Kim Priest, Code Compliance Specialist, appeared on behalf of the County. Respondent did not appear. The witnesses declared by oath or affirmation the truthfulness of their testimony. The Compliance Hearings Officer did not receive any written or oral ex parte communication on a fact in issue during the pendency of the proceedings and explained that to the parties present at the hearing.

The County presented evidence in support of its Complaint, including a Statement of Proof, Exhibits marked A through L, and witness testimony by Ms. Priest. The Compliance Hearings Officer made a digital record of the hearing. There were no objections, and the evidence offered was received, a record of which I incorporate in the decision in this matter. The record is on file with the County.

II. ISSUE

Whether Respondent violated: 1) Clackamas County Code Chapter 9.03 which makes it unlawful to place a large amount of fill material without a grading permit, and 2) the County's Zoning and Development Ordinance ("ZDO") which forbids placing of fill in the Willamette River Greenway without land use approval.

III. FINDINGS OF FACT

1. Respondent's address is 15122 S. Springwater Road, Oregon City, Oregon 97045. The address of the subject property where the alleged violations occurred is 19100 S Hwy 99E, Oregon City, Oregon 97045, also known as T3S, R1E, Section 11, tax lot(s) 00101, 00102, 00103, and T3S R1E, Section 02, tax lot(s) 02100, and is located in Clackamas County.
2. The subject property appears to have been under some type of redevelopment since at least 2002. On August 5, 2002, the County approved a request for an alteration of an existing nonconforming use and related Willamette River Greenway permits. Exhibit F. That land-use approval allowed certain alterations of an existing nonconforming use. The permit did not allow for any significant

amount of grading or placement of fill material on the subject property. The record shows that in June, 2006, Respondent proposed moving ballast rock off of an abandoned railroad spur on the subject property, and placing clean fill material on the property. In an April 7, 2010 letter the Respondent's consultant Steve Marshall expressed the Respondent's desire to act on that 2006 proposal and discussed concepts for introducing clean fill to replace the ballast rock that was proposed to be removed from the old railroad spur. The record does not contain evidence demonstrating that these proposals proceeded through any type of land-use approval or resulted in a grading permit.

3. On July 7, 2011, the County sent Respondent a letter indicating a complaint had been received alleging that a commercial business was operating on the subject property without land-use approval. Exhibit B. The County sent a second letter on July 26, 2011, and this letter identified a potential violation of the County code due to a large amount of fill dirt located on the subject property. The County issued citation and complaint number 1740 on October 10, 2011 identifying violations of chapter 9.03 related to the fill material, and a violation of the County's zoning and development ordinance for operating a commercial activity without land-use approval. Exhibit D. Apparently the citation generated conversations between Respondent and the County which are memorialized in an October 20, 2011 letter which again stated that no grading or fill permit for the property had been obtained. Exhibit E. A subsequent December 13, 2011, letter from the County shows that the Respondent had agreed not to import more fill material onto the property as part of a plan to reclaim the area. Exhibit G.
4. The record shows that on April 25, 2012, Respondent's consultant notified the County that the Respondent intended to continue reclamation activities related to the railroad ballast rock. Exhibit H. The County acknowledged this information and advised Mr. Marshall that excavation and fill activities which were not identified as "exempt" would be in violation of the County's grading ordinance unless a grading permit were obtained. On August 12, 2012, the County issued a "stop work" notice for the subject property explaining that no grading permit had been obtained, that the scope of work exceeded the ridge original land-use approvals, and the grading and fill activities occurring on the property were in excess of the exempt amounts. Exhibit I. This stop work order was followed by an October 9, 2012 letter to Respondent explaining that the notice required a complete halt to all activities related to movement of the fill dirt. In that same letter, the County stated that information had been received indicating that respondent intended to pursue an amendment to the FEMA floodplain maps to remove the subject property from the designated floodplain. In response to this information the County stated, "this is the only option available to you if you wish to retain the dirt and/berms onsite."
5. At the December 13, 2012 hearing, the County provided recent photographs of tall berms of ballast rock and gravel, and fill dirt on the subject property. Exhibit L. These photographs included several Google Earth photos which showed the recent changes on the entirety of the subject property. The photos show extensive stockpiling of what appears to be rock, gravel and fill dirt throughout the entire subject property.
6. The County requested that the Compliance Hearings Officer issue a Continuing Order requiring Respondent to: 1) submit a FEMA application to remove the subject property from the floodplain maps, and 2) if that application had already been submitted, work diligently with FEMA or the correct agencies to reach a decision on the application, and 3) submit the FEMA decision to the County within 10 days of receipt. If the FEMA application were successful, the County requested

that Respondent submit all grading permit and land-use applications within 10 days of notifying the County of FEMA's decision. If the FEMA permit were unsuccessful, the County requested that within 10 days of that denial that the respondent began removing the dirt and berms and obtain a grading permit to complete that work.

7. The County explained that the violation is a Priority 1 violation with a civil penalty of up to \$3,500.00 per violation per respondent for each day the violation is demonstrated. The County identified two days in which the property was in violation of the ZDO, March 6, 2012 and March 19, 2012, and one day in which the property was in violation of chapter 9.03, March 19, 2012. The County stated that if the Respondent is cooperative in addressing the violations that the County may recommend reducing the civil penalties, but if not, the maximum civil penalties of \$10,500.00 would be sought. The County also requested administrative compliance fees of \$75.00 per month beginning in October, 2011.
8. On January 7, 2013, the Compliance Hearings Officer issued a Continuing Order requiring Respondent to:
 1. Respondent is ordered to: 1) within 14 days of the date of this order, submit a FEMA application to remove the subject property from the floodplain maps, and 2) if the application has already been submitted, work diligently with the FEMA, or the correct agencies, reach a decision on the application, and 3) submit the resulting FEMA decision to the County within 10 days of receipt.
 2. If the FEMA application results in removal of the subject property from the Willamette River floodplain designation, Respondent shall submit all necessary grading permit and land-use applications within 10 days of notifying the County of FEMA's decision.

If the FEMA application does not result in removal of the subject property from the Willamette River floodplain designations, Respondent shall within 10 days of that denial begin removing the stockpiled ballast, gravel, dirt and berms, and obtain a grading permit to complete work on the subject property if necessary.
9. On June 17, 2013, the County submitted a post hearing status report stating that FEMA has no record of any application being filed for the subject property and also that no change has occurred on the subject property in compliance with the Continuing Order.

IV. DISCUSSION

Clackamas County Code Chapter 9.03.030 states:

No person shall do any grading without first having obtained a grading permit from the Building Codes Division Manager or his/her designee. In Appropriate instances, the Building Codes Division Manager may, upon showing by the applicant that one of the following categories applies, allow an exception to this chapter

The record contains sufficient substantial evidence to demonstrate that grading, excavation, and at least the importation of fill material is occurring on the subject property without required grading permits. The photographs in Exhibit L show a massive change in the surface of the subject property in recent

years. The site has been transformed from a relatively undisturbed state with at least some level of vegetation to an area where almost all the land area between the railroad line and the riparian area has been changed. The rock piles and berms of ballast rock and gravel appear in the photos to be well in excess of 12 feet in height and are likely larger in many areas. This information supports the County's position that the magnitude of grading, excavation, and fill activities exceeds the level that would be exempt under the County code. As a result, the Compliance Hearings Officer concludes that the County has met its burden of proof to demonstrate by a preponderance of the substantial evidence in the record that a violation of chapter 9.03.030 has occurred.

In the January 7, 2013 Continuing Order the Compliance Hearings Officer found that with respect to operating a commercial business on the subject property, the record was insufficiently developed at that time to make a finding that a commercial business was operating on the subject property. I concluded that the question was likely to be resolved at least in part, by a determination by FEMA on the question of whether the subject property lies within the Willamette River floodplain. The County and Respondent were authorized to supplement the record with information on that issue as part of the post hearing status report.

Absent a finding by FEMA that the Respondent's operations are located outside the Willamette River floodplain, the alleged violations of the Willamette Greenway provision of the ZDO appear to be valid. The County submitted evidence that the grading, excavation and fill activities were occurring within the identified greenway. Without a land use approval, those activities are unauthorized and represent a violation of the ZDO.

The Respondent has not availed himself of the opportunity to apply for needed FEMA permits or verifications, or taken advantage of the abundant time allowed by County to comply with the January 7, 2013 Continuing Order. These are aggravating circumstances that warrant granting the County's request for maximum civil penalties. The County cited two days of violation for both the greenway violation and the violation of Chapter 9.03.

V. CONCLUSION

The County met its standard of proving the grading permit violations by a preponderance of the substantial evidence.

FINAL ORDER

The following is ORDERED:

1. Respondent shall, within 30 days of the date of this order, pay to the County \$10,500.00 in civil penalties.
2. Respondent shall, within 30 days of the date of this order, pay to the County \$75.00 per month in administrative compliance fees beginning in October, 2011 – a total of \$1,500.00.
3. The County is authorized to proceed to Clackamas County Circuit Court to enforce this Final Order and any applicable provision of the County code.

Respectfully Submitted,

July 1, 2013.



Kenneth D. Helm
Compliance Hearings Officer
16055 SW Walker Rd. #123
Beaverton, OR 97006

NOTICES

This FINAL ORDER is effective ten calendar days after the date the Compliance Hearings Officer signs it unless, within that time, the Compliance Hearings Officer receives a written objection to the order. Such an objection shall be conveyed to the Compliance Hearings Officer at the address listed above. Such an objection shall state what changes the objector requests that the Compliance Hearings Officer make to the order and why such changes should be made, based on the applicable law and substantial evidence in the record. Absent compelling circumstances described and substantiated in an objection, the Compliance Hearings Officer shall consider and decide such objections without a public hearing. The County and/or the Respondent may file a timely objection.

Fines and costs imposed herein are a debt owed 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 and 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 Records. The County may also institute appropriate suit or legal action in any court of competent jurisdiction to enforce any provisions of any order of the Compliance Hearings Officer. *See Clackamas County Code § 2.07.110.*

Any aggrieved party may file a writ of review as provided in ORS 34.010-34.100 to seek judicial review of the final order of a Compliance Hearings Officer, unless the Compliance Hearings Officer makes a land use decision, in which case the decision may be reviewed by the Oregon Land Use Board of Appeals pursuant to ORS Chapter 197. *See Clackamas County Code § 2.07.130.*

CERTIFICATE OF SERVICE

I, Kenneth D. Helm, certify that on this day I sent a true and accurate copy of the foregoing FINAL ORDER by US Mail, first class postage pre-paid, in a properly addressed and sealed envelope, to the following person(s) at the address shown, the last known address in the County files:

Mr. Frank Fandrich
15122 S. Springwater Road
Oregon City, OR 97045

Kim Priest
Code Compliance Specialist
150 Beavercreek Rd.
Oregon City, OR 97045

July 1, 2013.



BEFORE THE COMPLIANCE HEARINGS OFFICER
CLACKAMAS COUNTY, OREGON

COUNTY OF CLACKAMAS,

Petitioner,

v.

PULP PROPERTIES, LLC,
FRANK FANDRICH,

Respondent.

File No(s): V0681-11-G, V0528-11-Z

SUPPLEMENTAL FINAL ORDER

I. STATEMENT OF THE CASE

As Compliance Hearings Officer for Clackamas County I held a hearing on January 28, 2014 at approximately 11:30 a.m. in the matter of Frank Fandrich (Respondent) at the County's Development Services Building located at 150 Beavercreek Rd. in Oregon City. The Compliance Hearing Officer has jurisdiction to hear the matter pursuant to Clackamas County Code, Section 2.07.020. Ms. Kim Priest, Code Compliance Specialist, appeared on behalf of the County. Respondent did not appear. The witnesses declared by oath or affirmation the truthfulness of their testimony. The Compliance Hearings Officer did not receive any written or oral ex parte communication on a fact in issue during the pendency of the proceedings and explained that to the parties present at the hearing.

The County presented evidence in support of its Complaint, including a Statement of Proof, Exhibits marked A through E, and witness testimony by Ms. Priest. The Compliance Hearings Officer made a digital record of the hearing. There were no objections, and the evidence offered was received, a record of which I incorporate in the decision in this matter. The record is on file with the County.

II. ISSUE

Whether Respondent violated: 1) Clackamas County Code Chapter 9.03 which makes it unlawful to place a large amount of fill material without a grading permit, and 2) the County's Zoning and Development Ordinance ("ZDO") which forbids placing of fill in the Willamette River Greenway without land use approval.

III. FINDINGS OF FACT

1. Respondent's address is 15122 S. Springwater Road, Oregon City, Oregon 97045. The address of the subject property where the alleged violations occurred is 19100 S Hwy 99E, Oregon City, Oregon 97045, also known as T3S, R1E, Section 11, tax lot(s) 00101, 00102, 00103, and T3S R1E, Section 02, tax lot(s) 02100, and is located in Clackamas County.
2. At the January 28, 2014 hearing, Ms. Priest explained the "Statement of Proof" attached to the County's complaint. Since Respondent did not appear at the hearing or submit written evidence into the record contesting the facts set forth in the "Statement of Proof" the Compliance Hearings

Officer accepts the "Statement of Proof" as the pertinent facts in this matter.

3. The County's Statement of Proof in part explains that on January 7, 2013, the Compliance Hearings Officer issued a Continuing Order requiring Respondent to:
 1. Respondent is ordered to: 1) within 14 days of the date of this order, submit a FEMA application to remove the subject property from the floodplain maps, and 2) if the application has already been submitted, work diligently with the FEMA, or the correct agencies, reach a decision on the application, and 3) submit the resulting FEMA decision to the County within 10 days of receipt.
 2. If the FEMA application results in removal of the subject property from the Willamette River floodplain designation, Respondent shall submit all necessary grading permit and land-use applications within 10 days of notifying the County of FEMA's decision.

If the FEMA application does not result in removal of the subject property from the Willamette River floodplain designations, Respondent shall within 10 days of that denial begin removing the stockpiled ballast, gravel, dirt and berms, and obtain a grading permit to complete work on the subject property if necessary.

4. On July 1, 2013 the Compliance Hearings Officer issued a Final Order requiring the following:
 1. Respondent shall, within 30 days of the date of this order, pay to the County \$10,500.00 in civil penalties.
 2. Respondent shall, within 30 days of the date of this order, pay to the County \$75.00 per month in administrative compliance fees beginning in October, 2011 – a total of \$1,500.00.
 3. The County is authorized to proceed to Clackamas County Circuit Court to enforce this Final Order and any applicable provision of the County code.
5. According to the County's January 9, 2014 Complaint and Statement of Proof, the violations remain unabated. The County seeks a Supplemental Final Order requiring the Respondents to immediately abate the identified violations and pay all outstanding civil penalties and administrative compliance fees.

IV. DISCUSSION

All of the findings and conclusions set forth in the July 1, 2013 Final Order stand. The record does not show that Respondents have responded to the Final Order in any way.

V. CONCLUSION

The County met its standard of proving the grading permit violations by a preponderance of the substantial evidence. All the findings and conclusions set forth in the January 9, 2013 Continuing Order and July 1, 2013 Final Order are incorporated here by reference.

SUPPLEMENTAL FINAL ORDER

The following is ORDERED:

1. Respondent shall, IMMEDIATELY comply with the terms of the January 7, 2013 Continuing Order as set forth above.
2. Respondent shall, IMMEDIATELY pay to the County the civil penalties and administrative compliance fees identified in the July 1, 2013 Final Order.
3. The County is authorized to proceed to Clackamas County Circuit Court to enforce this Final Order and any applicable provision of the County code if the Respondent has not WHOLLY complied with this Supplemental Final Order by March 1, 2014.

Respectfully Submitted,

February 10, 2014.



Kenneth D. Helm
Compliance Hearings Officer
16055 SW Walker Rd. #123
Beaverton, OR 97006

NOTICES

This SUPPLEMENTAL FINAL ORDER is effective ten calendar days after the date the Compliance Hearings Officer signs it unless, within that time, the Compliance Hearings Officer receives a written objection to the order. Such an objection shall be conveyed to the Compliance Hearings Officer at the address listed above. Such an objection shall state what changes the objector requests that the Compliance Hearings Officer make to the order and why such changes should be made, based on the applicable law and substantial evidence in the record. Absent compelling circumstances described and substantiated in an objection, the Compliance Hearings Officer shall consider and decide such objections without a public hearing. The County and/or the Respondent may file a timely objection.

Fines and costs imposed herein are a debt owed 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 and 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 Records. The County may also institute appropriate suit or legal action in any court of competent jurisdiction to enforce any provisions of any order of the Compliance Hearings Officer. *See Clackamas County Code § 2.07.110.*

Any aggrieved party may file a writ of review as provided in ORS 34.010-34.100 to seek judicial review of the final order of a Compliance Hearings Officer, unless the Compliance Hearings Officer makes a land use decision, in which case the decision may be reviewed by the Oregon Land Use Board of Appeals pursuant to ORS Chapter 197. *See Clackamas County Code § 2.07.130.*

CERTIFICATE OF SERVICE

I, Kenneth D. Helm, certify that on this day I sent a true and accurate copy of the foregoing SUPPLEMENTAL FINAL ORDER by US Mail, first class postage pre-paid, in a properly addressed and sealed envelope, to the following person(s) at the address shown, the last known address in the County files:

Mr. Frank Fandrich
15122 S. Springwater Road
Oregon City, OR 97045

Kim Priest
Code Compliance Specialist
150 Beavercreek Rd.
Oregon City, OR 97045

February 10, 2014



Attorney at Law



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

September 28, 2020

Willamette Narrows LLC
Ryan Smith
502 7th St. #208
Oregon City, OR 97045

Subject: Violation of the Clackamas County Code

Site Address: No Situs
Legal Description: T3S, R1E, Section 11, Tax Lot 102

As you may know, it has come to the attention of the Clackamas County Code Enforcement Section that a large berm has been constructed on the above referenced property without benefit of a permit or inspections.

This constitutes a violation of Chapter 9.03 of the Clackamas County Code as it pertains to Excavation and Grading.

Please contact me within ten (10) days of the date of this letter to discuss this issue. My direct telephone number is 503-742-4467 or email andreaahal@clackamas.us.

Thank you for your prompt attention to this matter.

Andrea Hall
Clackamas County
Code Enforcement Section



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

April 22, 2021

Willamette Narrows LLC
502 7th St. #208
Oregon City, OR 97045

Ryan Smith
502 7th St. #208
Oregon City, OR 97045

Subject: Violation of the Clackamas County Code V0036320

Site Address: No Situs
Legal Description: T3S, R1E, Section 11, Tax Lot 102

As you know, it has come to the attention of the Clackamas County Code Enforcement Section that a berm has been constructed on the above referenced property without the benefit of a permit or inspections. This constitutes a violation of Chapter 9.03 of the Clackamas County Code as it pertains to Excavation and Grading.

In a telephone conversation on October 8, 2020 with Ryan Smith, he indicated that the berm would be removed rather than permitted and that material had already been hauled off the property. In order to abate the violation, please remove the remaining unpermitted fill material no later than **June 30, 2021**.

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

Thank you for your prompt attention to this matter.

Andrea Hall
Clackamas County
Code Enforcement Section

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
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.



05/18/2026 10:54



05/18/2026 10:54



05/18/2026 10:54



Citation No. 2000363

Case No. V0036320

ADMINISTRATIVE CITATION

Date Issued: May 20, 2026

Name and Address of Person(s) Cited:

Name: Willamette Narrows LLC
Mailing Address: 502 7th St. #208
City, State, Zip: Oregon City, OR 97045

Date Violation(s) Confirmed: On the 18th day of May, 2026 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): No Situs

Legal Description: T3S, R1E Section 11, Tax Lot(s) 102

Law(s) Violated:

☒ Chapter 9.03 of CCC Excavation and Grading, Section 9.03.030

Description of the violation(s):

- 1) Owner cited failed to obtain a permit and approved final inspections or remove an unpermitted berm on the property.

Maximum Civil Penalty \$3500.00

Fine \$514.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$514.00. 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 \$100.00 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: Andrea Hall
Telephone No.: 503-742-4467

Date: May 20, 2026
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 including the administrative compliance fees that have accrued.
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 number and Case number; 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. Until the violation is abated a monthly administrative compliance fee is being assessed.
4. 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: _____