CLACKAMAS COUNTY

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

NOTICE OF RESET HEARING

May 13, 2025

Fernhill Portland LLC
8910 SE Fuller Rd
Happy Valley, OR 97086

Megan L. Perkins – Registered Agent
1030 SW Morrison St
Portland, OR 97205

RE:: County of Clackamas v. Fernhill Portland LLC
File: V0033218

Hearing Date: ~~**June 12, 2025**~~ **June 24, 2025**

Time: This item will begin at 10:30 am however it may begin later depending on the length of preceding items.

Location: Hearing will be held by virtual Zoom meeting. Please see attached information regarding the process for the Zoom meeting.

Enclosed you will find the following:

1. Notice of Rights
2. Copy of 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 Shane Potter, Code Compliance Specialist for Clackamas County at (503) 742-4465, should you have any questions about the violation(s) in the **Complaint.** Do not call the Compliance Hearings Officer.

Enclosures
CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

1. **Prior to the Hearing.** You have the right to make the following requests:
   (A) You can request the opportunity to review public records and to talk to County staff about the violations or request a subpoena for that purpose if the County does not allow you to do so.
   (B) You can request that the Hearings Officer postpone the hearing for good cause by writing the Hearings Officer at least 7 calendar days prior to the scheduled hearing date.
   (C) You can request that the Hearings Officer decide the matter based exclusively on written materials from the parties or conduct the hearing by phone.
2. **Procedure.** The hearing will be governed by general rules of procedure designed to allow you to hear and confront the evidence against you, and for you to present evidence favorable to you. You are not required to present any evidence, the burden is on the County to establish by a preponderance of the evidence that a violation exists, or existed. Either party may, at their own expense, obtain an attorney to represent them at the hearing. If you wish to be represented by an attorney they need only notify the County and the Hearings Officer in writing of their intent to appear on your behalf. The County will present evidence first, and then you may question that evidence. You may then present your own evidence, if you wish, and the County may question your evidence. Testimony by witnesses is evidence. The Hearings Officer may inquire into any facts that are relevant to the hearing and may question the parties or witnesses about the case. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.
3. **Record of Proceedings.** An audio record will be made of the proceedings when a hearing is conducted. The audio record is available through the Clackamas County Code Enforcement Section and is available to you upon request.
4. **Hearings Officer.** The Hearings Officer is an independent contractor paid by the County to conduct hearings and render decisions. He/she is not a County employee. His/her function is to preside over the hearing, make a record of proceedings, consider admissible evidence, and interpret and apply the law. After the hearing is closed the Hearings Officer will enter written findings of fact, conclusions of law, and any Order deemed proper. If a violation is proven, then the Order may include civil penalties, fines, administrative fees, or may require the respondent to take certain actions, or refrain from certain actions. An Order issued by the Hearings Officer may be a Final Order or Continuing Order. The Hearings Officers Order is the final decision of the County, and may be appealed pursuant to Oregon law. The Hearings Officer for Clackamas County is:

Carl Cox
Attorney at Law
14725 NE 20th Street, #D-5
Bellevue, WA 98007

5. **Right to Recess.** If, during the course of the hearing, Respondent or the County requests a recess or postponement, or additional time to present crucial evidence, the Hearings Officer may allow a continuance of the hearing for good cause. The Respondent may also request that the proceeding be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.
6. **Right to Appeal.** The Final Order of the Hearings Officer shall set forth the right of the respondent to appeal any adverse Order. Appeal may be taken pursuant to Section 2.07.130 of the Clackamas County Hearings Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, appellant is responsible for all costs of appeal including preparation of transcript.

CLACKAMAS COUNTY

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You must have access to the internet or to a telephone line to use the Zoom platform. A Zoom invite has been sent to pccfora@yahoo.com. 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 Shane Potter at 150 Beavercreek 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 Shane Potter at 503-742-4465 **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 - V0033218 - Fernhill Portland LLC - May 8 - 9:30 am

Join from PC, Mac, iPad, or Android:
https://clackamascounty.zoom.us/j/82649957634?pwd=mpWPMlUoDvAHp5Fbr7fVhJrgiblEjb.1
Passcode:437014

Phone one-tap:
+12532158782,,82649957634#,,,,*437014# US (Tacoma)
+13462487799,,82649957634#,,,,*437014# US (Houston)

Join via audio:
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+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
+1 646 931 3860 US
+1 689 278 1000 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 646 876 9923 US (New York)
Webinar ID: 826 4995 7634
Passcode: 437014
International numbers available: https://clackamascounty.zoom.us/u/keGoRBGY2Z

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 (Manderin)
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, Petitioner, v. FERNHILL PORTLAND LLC., Respondent.	FILE NO(S): V0033218 COMPLAINT AND REQUEST FOR HEARING

I Shane Potter, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondents' mailing address is: 8910 SE Fuller Rd., Happy Valley, OR 97086.

2.

The Respondents own/owns or occupies the address or location of the violation(s) of law alleged in this complaint 9017 SE Fuller Rd., Happy Valley, OR 97086, also known as T1S, R2E, Section 28BB, Tax Lot 16200, the property is zoned CC (Corridor Commercial) and is the location of violation(s) asserted by the County.

3.

On or about the 7th day of June, 2022, and on or about the 12th day of October, 2022, the Respondent violated the following laws, in the following ways:

Title 9 of the Clackamas County Building Code Section 02.040. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

Title 12 of the Clackamas County Zoning and Development Ordinance (ZDO) Code Section 510.03. The property is zoned CC (Corridor Commercial). This violation is a Priority 3 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violation was given to Respondent in the following manner: Violation notice dated June 7, 2022 and Citation and Complaint #1800332-1 on October 12, 2022. A copy of the notice documents are attached to this Complaint as Exhibits E and H, 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 a Building Code violation being $750.00 to $1,000.00 and said range for a Priority 3 Zoning Ordinance violation being $250.00 to $1,500.00 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 21ST day of March, 2025

Shane Potter
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

CLACKAMAS COUNTY, Petitioner, v. FERNHILL PORTLAND LLC, Respondent.	File No.: V0033218 STATEMENT OF PROOF

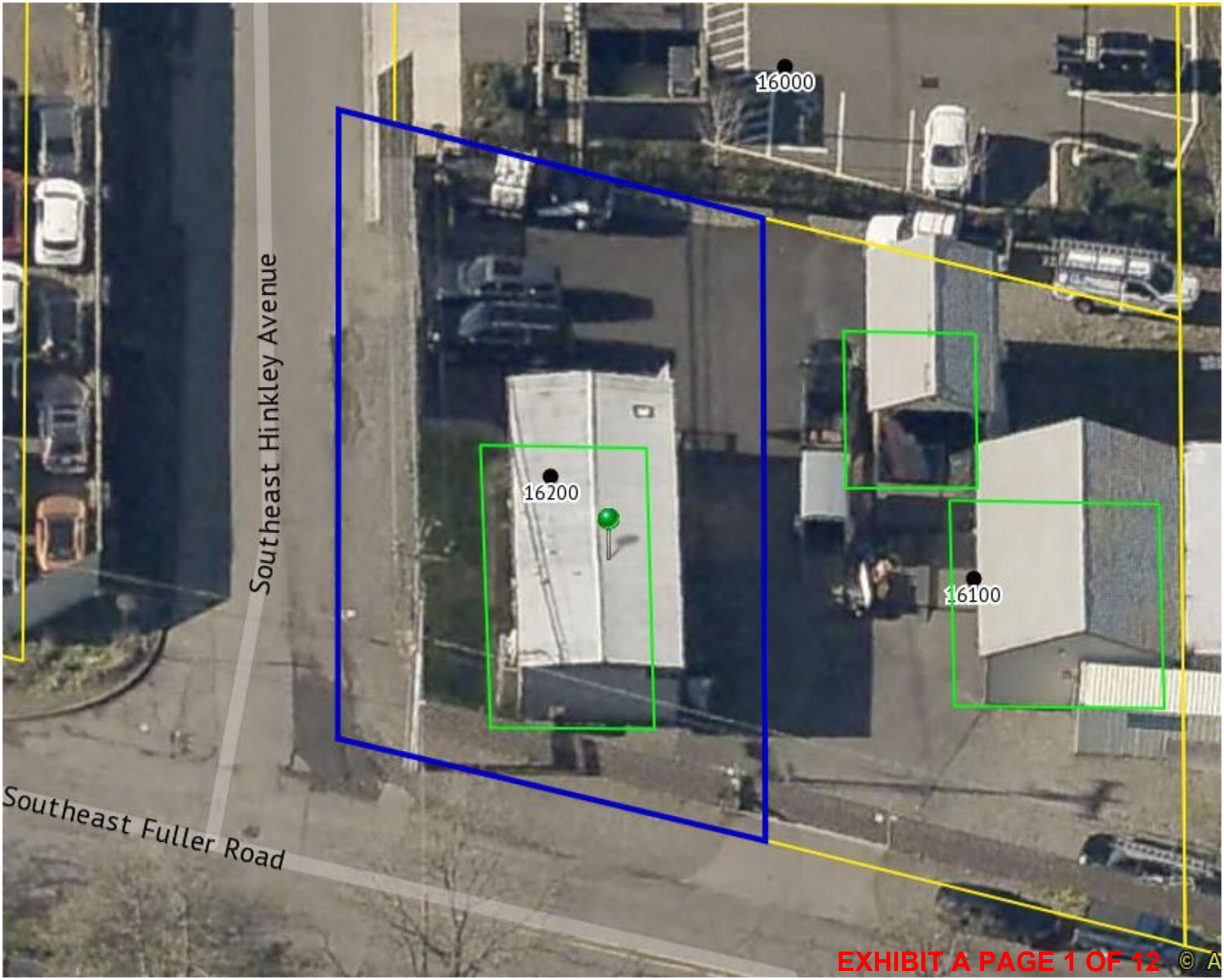
History of Events and Exhibits:

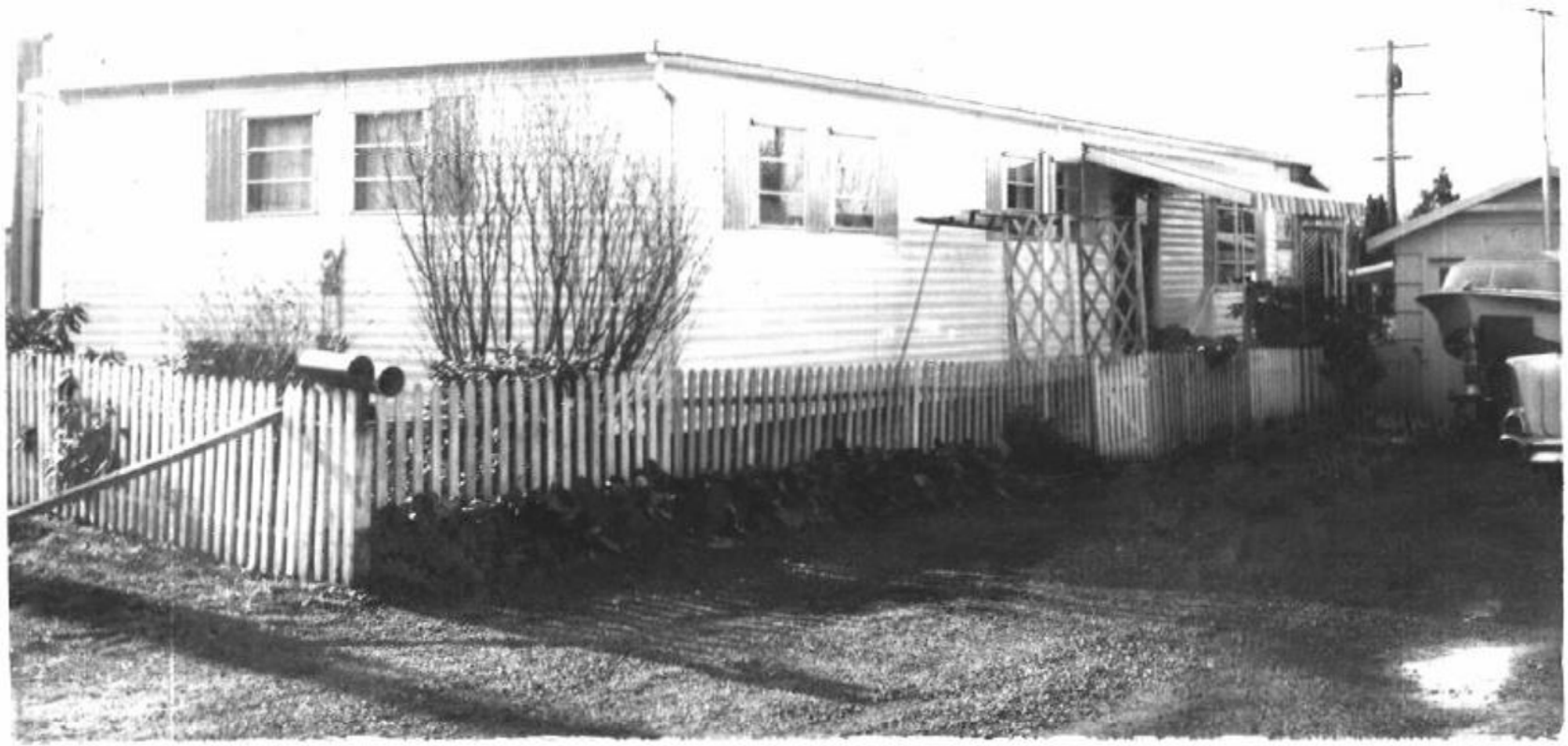
Exhibit A	The Respondent's mailing address is 8910 SE Fuller Rd., Happy Valley, OR 97086. The Respondents own and/or reside on property located at 9017 SE Fuller Rd., Happy Valley, OR 97086, also known as T1S, R2E, Section 28BB Tax Lot 16200, located within Clackamas County. The parcel is zoned CC (Corridor Commercial). Exhibit A page 1 is a 2023 aerial of the subject property.
June 22, 2018	Clackamas County received a complaint about a commercial business operating out of the manufactured home without a change of use.
June 27, 2018 Exhibit B	A letter of allegation was mailed requesting contact within 10 days. The letter was mailed first class mail, and the mail was not returned.
December 27, 2019 Exhibit C	Code Enforcement Specialist (CES) Shane Potter conducted a site visit. During the site visit CES Potter identified that the entire lot had been fenced with chain link fencing. The manufactured home has a business sign located on it. The building was originally a residence but is being used as a commercial building.
May 5, 2022 Exhibit D	CES Kimberly Benthin conducted a site visit and identified a business operating from the site. There is a business sign located on the manufactured home.
June 7, 2022 Exhibit E	CES Potter prepared a Notice of Violation with a date for compliance of July 7, 2022. The notice addressed zoning and building code violations associated with operating a business in a building originally permitted as a residence. The notice was mailed first class mail, and the mail was not returned.

July 8, 2022 Exhibit F	CES Potter conducted a site visit. The manufactured home is being used for a commercial business. There are commercial vehicles located throughout the site as well.
July 22, 2022 Through August 25, 2022 Exhibit G	Series of emails between CES Potter, Respondent Pete Fora and Planner Glen Hamburg regarding options to address the violation. The email provides a path to compliance through the land use review process.
October 12, 2022 Exhibit H	CES Poter issued Citation #180332-1 to Respondent in the amount of $800.00 for a Priority 3 Zoning Ordinance violation for operating a commercial business and/or occupying the building as a residence without land use approval, and a Priority 1 Building Code violation for failure to obtain permits for a change of use. The citation was mailed first class mail, the citation was not returned, and the citation has not been paid.
January 16, 2025 Exhibit I	CES Benthin conducted a site visit and identified the commercial activities continue on the property.
February 14, 2025	Clackamas County refers this file to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of the Building Code and/or Zoning Ordinance violations exist on the subject property, the County would request a Final Order be issued requiring the Respondent:

- Payment of Citation #1800332-1 for $300.00. The County is requesting the removal of the building fine of $500.00.
- The imposition of civil penalties of up to $1,000.00 for the building code violation a up to $1,500.00 for the zoning code violation for a total of up to $2,500.00.
- The administrative compliance fee to be imposed from June 2022. The County is requesting a reduction of fees based on inactivity for a total request for administrative compliance fees of $375.00.
- 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.


16000
16200
16100
Southeast Hinkley Avenue
Southeast Fuller Road



RAGE AND OUTBUILDINGS

LAND DE

DESCRIPTION				DIMEN-SIONS	SQ. FT. AREA	NO.	SOIL TYPE	LAND CLASS
OOR	ROOF	WALLS	MISC.					

EXHIBIT A PAGE 2 OF 12

CLACKAMAS COUNTY



Property Account Summary

Account Number	00046694	Property Address	9017 SE FULLER RD , HAPPY VALLEY, OR 97086

General Information

Alternate Property #	12E28BB16200
Property Description	Section 28 Township 1S Range 2E Quarter BB TAX LOT 16200
Property Category	Land &/or Buildings
Status	Active, Host Other Property, Locally Assessed
Tax Code Area	012-230
Remarks	

Tax Rate

Description	Rate
Total Rate	18.726

Property Characteristics

Neighborhood	20010: Area 01 commercial
Land Class Category	201: Commercial land improved
Acreage	0.15
Change property ratio	CIC

Related Properties

01217310 is Located On this property

Parties

Role	Percent	Name	Address
Taxpayer	100	FERNHILL PORTLAND LLC	8541 SE HINKLEY AVE, HAPPY VALLEY, OR 97086
Owner	100	FERNHILL PORTLAND LLC	8541 SE HINKLEY AVE, HAPPY VALLEY, OR 97086

Property Values

Value Type	Tax Year 2024	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020
AVR Total	$70,199	$68,155	$66,170	$64,243	$62,372
Exempt					
TVR Total	$70,199	$68,155	$66,170	$64,243	$62,372

3f

Clackamas County Official Records
Sherry Hall, County Clerk
2012-082857
$58.00
01640695201200828570030036
12/17/2012 11:44:15 AM
D-D Cnt=1 Stn=9 DIANNAW
$15.00 $10.00 $16.00 $17.00

After recording, return to:

David E. Grein
Parsons Farnell & Grein, LLP
1030 SW Morrison Street
Portland, Oregon 97205

Send tax statements to:
Martin E. Fleck, President
A.H. Northwest Inc., Manager
Fernhill Portland LLC
8910 SE Fuller Road
Portland, Oregon 97086

SPECIAL WARRANTY DEED

Martin Edward Fleck, Grantor, conveys and specially warrants to **Fernhill Portland LLC**, an Oregon limited liability company, Grantee, the following described real property located in Clackamas County, Oregon free of encumbrances created or suffered by Grantor except as specifically set forth herein:

[See the attached Exhibit A, which is incorporated herein by this reference]

which real property is commonly known as:

8541 SE Hinkley Avenue, Portland, Oregon 97086;

8595 SE Fuller Road, Happy Valley, Oregon 97086;

8910 SE Fuller Road, Happy Valley, Oregon 97086;

9017 SE Fuller Road, Happy Valley, Oregon 97086; and

15060 SE 90th Avenue, Clackamas, Oregon 97015.

Such property is free of all encumbrances created or suffered by Grantor except the usual printed exceptions and exclusions from coverage appearing on the 2006 form of the American Land Title Association Owner's Policy of Title Insurance, and encumbrances of record, if any.

The true consideration for this conveyance is other value given.

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.

This Special Warranty Deed is dated effective October 1, 2012.

Martin Edward Fleck

GRANTOR

STATE OF OREGON
County of Multnomah

This instrument was acknowledged before me on December 7, 2012 by Martin Edward Fleck.

OFFICIAL SEAL
MELISSA A BORGAARD
NOTARY PUBLIC-OREGON
COMMISSION NO. 472083
MY COMMISSION EXPIRES SEPTEMBER 14, 2016

Melissa A Borgaard
Notary Public - State of Oregon

LEGAL DESCRIPTION

(Continued)

Exhibit A to Special Warranty Deed

15060 SE 90th Avenue

All of Lots 3 and 4, Block 16, TALBERT'S ADDITION TO TOWN OF MARSHFIELD, in the County of Clackamas and State of Oregon.

Together with that portion of Clark Street inuring thereto by reason of Vacation Order No. 78218, recorded March 6, 1978 as Fee No. 78-9012.

Excepting therefrom the East 78.25 feet of Lots 3 and 4, Block 16, TALBERT'S ADDITION TO THE TOWN OF MARSHFIELD.

And further excepting therefrom the North 50 feet of said Lot 3.

9017 SE Fuller Road

Parcel I;

A tract in the Northwest one-quarter of Section 28, Township 1 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

The Southerly one-half of the following, as measured by a line drawn parallel with and equidistant from the North and South lines of said following tract:

Beginning at the North one-quarter corner of said Section 28; thence South 17.73 chains; thence West 28.5 chains to the Northwest corner of Tyler Tract described in Deed Book "S", Page 580; thence South 0° 10' West 135.21 feet; thence Easterly parallel with the North line of said tract, 341.52 feet, more or less, to the

Northwesterly line of Fuller Road and the true place of beginning; thence Southwesterly along the Northwesterly line of said Fuller Road to the Northerly right of way line of SE Hinkley Street; thence North 89° 01' West along the Northerly line of Hinkley Street, 120 feet; thence Northeasterly and parallel with said Fuller Road to a point 120 feet West of the true place of beginning; thence East 120 feet to the true place of beginning.

Parcel II

A tract in the Northwest one-quarter of Section 28, Township 1 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

The Northerly one-half of the following as measured by a line drawn parallel with and equidistant from the North and South lines of said following tract;

Beginning at the North one-quarter corner of said Section 28; thence South 17.73 chains; thence West 28.5 chains to the Northwest corner of Tyler Tract described in Deed Book "S", Page 580; thence South 0° 10' West 135.21 feet; thence Easterly parallel with the North line of said tract 341.52 feet, more or less, to the Northwesterly line of Fuller Road and the true place of beginning; thence Southwesterly along the Northwesterly line of said Fuller Road to the Northerly right of way line of SE Hinkley Street; thence North 89° 01' West along the Northerly line of Hinkley Street, 120 feet; thence Northeasterly and parallel with said Fuller Road to a point 120 feet West of the true place of beginning; thence East 120 feet to the true point of beginning.

K 1 2E 28BB 16200
KEY 46694 CODE 012169

SITUS.

1 2E 28BB 16200
09017 SE FULLER RD
PORTLAND OR

ACRES .15

2	0	1	1	9	0	C	0	C	1	9	1	9	9				
Land Class		Bldg.		Year Built		Maint. Area		Year Appr.		Appr. No.							

VALUATION SUMMARY OF REAL PROPERTY

Assessment Year	Total Acres	Land	Improvements	F.P. Acres	F.P.L.V.	Remarks
R12E28BB16200 91R	.15	L 29,000	B 500			
R12E28BB16200 92T	.15	5% L 30,450	5% B 520			
R12E28BB16200 93T	.15	5% L 31,970	5% B 540			
R12E28BB16200 94T	.15	4% L 33,240	4% B 560			
R12E28BB16200 95T	.15	4% L 34,560	4% B 580			
R12E28BB16200 96T	.15	5% L 36,280	5% B 600			
R12E28BB16200 97T	.15	6% L 38,450	6% B 630			
R12E28BB16200 98T	.15	9% L 41,910	9% B 680			
R12E28BB16200 99T	.15	9% L 45,680	9% B 740			
12E28BB16200 2000	0.15	48,420	780			

CODE NO. 12-43 COMPUTATIONS ACCT. NO.

PROPERTY CLASS BUILDING MAP NO. 12E 28BB 16200

VALUE SUMMARY

DWELLING – DEPRECIATED REPLACEMENT COST $

OTHER IMPROVEMENTS D.R.C. $

TOTAL DEPRECIATED REPLACEMENT COST $

INCOMPLETE $

ECONOMIC DEPRECIATION $

ADJUSTED TOTAL D.R.C. $

RECORD OF LAST APPRAISAL ORS 308.234

APPR. JH DATE 1-30-91 APPR. VALUE $ DV 500

APPR. DATE APPR. VALUE $

APPR. DATE APPR. VALUE $

APPR. DATE APPR. VALUE $

GARAGE AND OUTBUILDINGS

NO.	TYPE / USE	SQ. FT. AREA	REPL. COST LUMP SUM TOTAL	QUAL. INDEX % MDF.	REPL. COST	DEP. % PHYS. % USE % GOOD %	DEPRECIATED REPLACEMENT COST
GARAGE CLASS ATT 1 DET 2 BSMT. 3 4 2							
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							

TOTAL DEPRECIATED REPLACEMENT COST (TRANSFER TO VALUE SUMMARY) $

DWELLING AREA SQ. FT.

CLASS R.1	CLASS R.2	LUMP SUMS –	LUMP SUMS +
BASE FACTOR $			
FOUNDATION			
EXTERIOR			
ROOF			
1ST. FLOOR			
PARTITIONS			
OTHER INT. CONST.			
LIGHTING			
PLUMBING			
HEATING			
FIREPLACE			
BASEMENT			
BASEMENT FINISH			
ATTIC OR UPPER STORIES			
SPECIAL			
TOTALS	+ / –		

REMARKS:

DWELLING SUMMARY

TOTAL LUMP SUM COSTS. . . . . $

19 ____ C.I. ____ % x CLASS MULT. ____ % = ____ % MOD. x L.S.C. = $

DEPRECIATION ____ (PHYS.) ____ % FUNC. = ____ % GOOD

DEPRECIATED REPLACEMENT COST (TRANSFER TO VALUE SUMMARY) $

EXHIBIT A PAGE 7 OF 12

LAND

VALUE SUMMARY	
SUB TOTAL "A" + "B"	$
UNIMPROVED (-)	$
OTHER ( )	$
SITE ADJUSTMENTS ___%	$
RECORD OF LAST APPRAISAL ORS 308.234	TOTAL APPRAISED VALUE
APPR: JH DATE: 1-30-91	$ 29000 (RND)
APPR: DATE:	$
APPR: DATE:	$
APPR: DATE:	$
APPR: DATE:	$

REMARKS: (Mobile Home) Residence in a commercial zone

FIRE PATROL ACRES:

VALUE COMPUTATIONS

DIMENSIONS OR ACRES	LAND CLASS	BASIC UNIT VALUE	ADJ. FACTORS		ADJUSTED UNIT VALUE	TOTAL VALUE
1. .15ac 6534#	C-3	4.00				26140
2. OSD						3000
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
	← TOTAL ACRES		SUB TOTAL "A" →			29140
INCREMENTS TO LAND						
			SUB TOTAL "B" →			
			SUB TOTAL "A + B" (TRANSFER TO VALUE SUMMARY) →			$

SEGREGATIONS

DIMENSIONS OR ACRES	LAND CLASS	BASIC UNIT VALUE	ADJ. FACTORS		ADJUSTED UNIT VALUE	TOTAL VALUE
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
	← TOTAL ACRES		SUB TOTAL "A" →			
INCREMENTS TO LAND						
			SUB TOTAL "B" →			
			SUB TOTAL "A + B" (TRANSFER TO VALUE SUMMARY) →			$

EXHIBIT A PAGE 8 OF 12

CODE NO. ~~001-48~~ 12-43 **APPRAISAL DATA** ACCT. NO. 19469-1-2-1

PROPERTY CLASS E MAP NO. 12E28BB16200

PROPERTY ADDRESS: 9017 S.E. Price Fuller Rd

DEED 626-831
WIGANT ORVILLE E .15

9017 SE FULLER RD
PORTLAND ORE 97266
TL 18-1-2-1

BUILT 1970 COST $ _____ RENT $ _____
REMODELED 19__ COST $ _____
SOLD 19__ AMT. $ _____ V. I.
SOLD 19__ AMT. $ _____
SOLD 19__ AMT. $ _____
SOLD 19__ AMT. $ _____

INTERIOR INSPECTED	YEAR	70	77	83	91		
	YES	✓					
	NO		NH	✓	NH		

M.V.D.#

APPR.	DATE	DWELLING UNITS 1 2 3 4	UNIT AREA SQ. FT.	TOTAL AREA SQ. FT.	STORIES 1 1½ 2
KB	12/21/70				
WB	6/1/76				
C/A	12/16/82				
MM	10/5/90				
	/ /				

ZONING
RESIDENTIAL R7
MULTI-FAMILY
COMMERCIAL C3
INDUSTRIAL

AREA IMPROVEMENTS
SIDEWALKS 00
CURBS 00
STREET Paved
WATER ✓
SEWERS Septic
ELECTRICITY ✓

SITE CHARACTERISTICS
TOPOGRAPHY Level
VIEW None

FOUNDATION: CONC BLK BRICK STONE FRAME WD BLK

EXTERIOR: DBL SGL BOX SIDING: BEVEL RUSTIC VERT B&B SHAKE: WD ASB COMPO
SHGL STUCCO BRICK: VEN SOLID 1 1½ 2 STY STONE CONC BLK: PT FUR'D STUCCO

ROOF: GAB HIP FLAT PITCH: LOW AVG STEEP SHINGLES: WD COMPO ALUM
SHAKES: LT MED HVY BUILT-UP R. RFG. BAR TILE EXP BM

1ST FLOOR: DBL SGL PLY WD H. WD FIR CONC TILE CARPET
RMS.: LIV DIN FAM KIT UTIL HALL BATH BR DEN

PARTITIONS: PLASTER DRYWALL COMPO CLD&PA T&G PLYWOOD
TRIM: FIR H. WD PANELING:

OTHER INTERIOR CONST.: CLASS: BUILT-INS: FIR H. WD METAL CAB TOPS: PLASTIC LINO
APPLIANCES: ELECT GAS OVEN RANGE DISHWASHER HOOD FAN QUAL: F. A. G.

LIGHTING: CLASS: LOW VOLT INTERCOM

PLUMBING: CLASS: | LAVATORY | STALL SHOWER | SINK | FULL BATH
WATER ONLY | TOILET | SHOWER DOOR | LAUNDRY FAC | ½ BATH
BATHTUB | WATER HEATER

HEATING: CLASS: FURNACE: FA GRAV FL W OIL GAS HARD FUEL
ELEC.: W UNITS BASEBD GL PANEL CABLE; CLG FL H.W.: BASEBD CONVEC RAD; FL CLG
STOVE CHIMNEY TOTAL AREA HEATED: _____ SQ. FT.

FIREPLACE: CLASS: 1 STY 2 STY SGL BKD STKD CIR NO HEARTHS; PLAIN ELAB.

BASEMENT: NONE FULL ¾ ½ ¼ X UNFIN FIN _____ SQ. FT. DAYLIGHT:
CLASS: WALLS: CONC BLK FL: CONC WOOD CEIL: PLS DRYWALL COMP PLYWOOD
WALL CVR: FUR'D PLS DRYWALL COMP WD FLR CVR: ASPHTILE CORK LINO
RMS: PLAY BR BATH LNDRY GAR NO. RMS. HEAT: SQ. FT.

ATTIC OR UPPER STORIES: CLASS: NONE ¾ ½ ¼ _____ SQ. FT. UNFIN FIN: PLS DRYWALL COMP CLD& PA
FLR: DBL SGL FIR H. WD ASPH TILE VINYL LINO CARPET LINO SUBFLOOR ONLY
RMS: BR BATH HALL NO. RMS. HEAT: SQ. FT.

SPECIAL: PORCH: WD FR CONC
RATING; PHYS COND. P F A G FUNC. UTIL. P F A G APPEARANCE P F A G

REMARKS:
Trailer House

PLOT PLAN:
Price Fuller

EXHIBIT A PAGE 9 OF 12

CL 2-70

BUILDING DIAGRAM



GARAGE AND OUTBUILDINGS

GARAGE ATT. DET. BSMT. 1/4 1/3 1/2 3/4 BLT.	DESCRIPTION FOUND	FLOOR	ROOF	WALLS	MISC.	DIMENSIONS	SQ. FT. AREA
						x x	
1 G.P. Shed			Gal comp	Shake		12x14 x	168
2						x x	
3						x x	
4						x x	
5						x x	
6						x x	
7						x x	
8						x x	

INCREMENTS TO LAND:

LAND DESCRIPTION

NO.	SOIL TYPE	LAND CLASS	DIMENSIONS OR ACRES
1		HS	55 x 120 (1 beg)
2			
3			
4			
5			
6			
7			
8			
9			

TOTAL ACRES

APPRAISER KB DATE 12/21/70

APPRAISER AU DATE 10/14/76

APPRAISER RH DATE 9/14/82

APPRAISER DATE / /

EXHIBIT A PAGE 10 OF 12

Tax ID 12E28BB16200 Printed 05/31/2000 Card No. 1 of 1

ADMINISTRATIVE INFORMATION

PARCEL NUMBER
00046694

Parent Parcel Number

Property Address
9017 SE FULLER RD,PORTLAND,OR,00000,USA

Neighborhood
20010 AREA 01 COMMERCIAL

Property Class
201 201 Commercial Improved

TAXING DISTRICT INFORMATION

Jurisdiction 003

Area 001

OWNERSHIP

FLECK MARTIN E
BRADLEY DAVID G
NO MAILING,ADDRESS AVAILABLE,,

Section 28 Township 1S Range 2E Quarter BB TAX LOT 16200

TRANSFER OF OWNERSHIP

Date	
04/01/1998	Doc #: 98-30726 $105000
11/01/1986	Doc #: 86-47046 $0

RESIDENTIAL

VALUATION RECORD

Assessment Year		01/01/1999	01/01/2000
Reason for Change			Reval
VALUATION	L	45680	48420
0	B	740	780
	T	46420	49200
VALUATION	L	45680	48420
0	B	740	780
	T	46420	49200

Site Description

Topography:

Public Utilities:

Street or Road:

Neighborhood:

Zoning:

Legal Acres:
0.0000

LAND DATA AND CALCULATIONS

Land Type	Rating Soil ID -or- Actual Frontage	Measured Acreage -or- Effective Frontage	Table Effective Depth	Prod. Factor -or- Depth Factor -or- Square Feet	Base Rate	Adjusted Rate	Extended Value	Influence Factor		Value
C 10 Market Total		0		1.00	45680.00	45680.00	45680 L	6%	SV	48420

NOR: Note of Record
MOBILE HOME IN COMMERCIAL ZONE

48420

Supplemental Cards
TOTAL LAND VALUE 48420

EXHIBIT A PAGE 11 OF 12

IMPROVEMENT DATA

PHYSICAL CHARACTERISTICS

1

SPECIAL FEATURES

Description	Value

SUMMARY OF IMPROVEMENTS

ID	Use	Stry Hgt	Const Type	Grade	Year Const	Eff Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market RDF	% Comp	Value
01	Comm Imp	0.00		4	3000	3000	AV	0.00	N	0.00	0	740	0	SV		100	780

Data Collector/Date

Appraiser/Date
99 01/01/1991

Neighborhood
Neigh 20010 AV

Supplemental Cards

TOTAL IMPROVEMENT VALUE 780

CLACKAMAS COUNTY

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

June 27, 2018

Fernhill Portland LLC
8910 SE Fuller Road
Happy Valley, OR 97086

John Parsons
1030 SW Morrison Street
Portland, OR 97205

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

Site Address: 9017 SE Fuller Rd., Happy Valley, OR 97086
Legal Description: T1S, R2E, Section 28BB, Tax Lot 16200

It has come to the attention of Clackamas County Code Enforcement that a manufactured home may be being used for a commerical business without the benefit of permits.

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

Please contact Chris Cleland, Code Enforcement Specialist, within ten (10) days of the date of this letter in order to discuss this matter.
E-mail address is CCleland@clackamas.us
Telephone number is 503-742-4759

**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.*



EXHIBIT C PAGE 1 OF 7



EXHIBIT C PAGE 2 OF 7


Tom's Country
FENCE CO.
(503) 655-2055


9017
CLEAN-A Services
Northwest Inc.
Professional Property Maintenance
503-762-5915
NO PARKING
TOWED AWAY
The Getaway Show
DREAM, PLAN, AND BOOK YOUR NEXT GETAWAY
SECURITY NOTICE
24 HOUR SURVEILLANCE


9017
CLEAN Services
Northwest Inc.
Professional Property Maintenance
503-762-5915
NO PARKING
TOWED AWAY


www.cleanservicesnorthwest.com
NO PARKING
TOWED AWAY



EXHIBIT C PAGE 7 OF 7


CLEAN-Services
Northwest Inc.
Professional Property Maintenance
503-762-5915
24 HOUR
SURVEILLANCE
6017



EXHIBIT D PAGE 2 OF 2

CLACKAMAS COUNTY

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

June 7, 2022

Violation No.: V0033218

Fernhill Portland LLC
8910 SE Fuller Rd.
Happy Valley, OR 97086

Registered Agent: John D Parsons
1030 SW Morrison St.
Portland, OR 97205

CLACKAMAS COUNTY CODES VIOLATED:

1. CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE TITLE 12.510.03 – USES PERMITTED – Operating a Commercial Business(es) without land use approval
2. CLACKAMAS COUNTY BUILDING CODE TITLE 9.02.040(A & D) – Change of use and incomplete permits

SITE ADDRESS: 9017 SE Fuller Rd., Happy Valley, OR 97086

LEGAL DESCRIPTION: T1S, R2E, SECTION 28BB TAX LOT(S) 16200

There has been a history of working through this file including previous conversations regarding incomplete permits. However, to date there has not been any action on the violations that exist on the site.

BUSINESS OPERATING WITHOUT LAND USE APPROVAL - PLANNING & ZONING DIVISION

The subject property is zoned CC (Corridor Commercial). The commercial activities being conducted may require design review approval Consistent with requirements established in Clackamas County Zoning and Development Code Ordinance Title 12.1102. Please complete one of the following **not later than: July 7, 2022**

1. Relocate the business to another location. The activity being relocated and all associated activities must be removed from the site. You will need to obtain a site visit from your Code Enforcement Specialist to confirm the use has been removed. You will need to comply with the Building Permit/Inspection(s) Required section later in this report for any construction requiring a permit that may have been done as a result of the change.

OR;

2. If you wish to continue to operate the business from this location you will need to work with the Clackamas County Planning and Zoning Division to determine the process you will need to take to come into compliance.
   a. We first recommend contacting the Planning and Zoning Division at 503-742-4500 or by email at zoninginfo@clackamas.us to discuss the business and determine if a Design Review pursuant to Clackamas County Zoning and Development Ordinance Title 12.1102 is required.

b. By the deadline listed above the respondent must have begun the application process with Planning and Zoning to submit the Design Review application per the land use requirements. You may be required to attend a pre-application conference prior to submitting the formal land use application.
    i. If, after submittal, you are notified that the application is deemed incomplete you have no more than thirty (30) days to submit the required information/documents requested.
    ii. If you obtain approval from the Planning and Zoning Division you must comply with all conditions of approval and uses related within the approval. You will then need to address the criteria in the Building Permit(s)/Inspection(s) Required section later in this report.
    iii. If you do not obtain approval through the land use process you will be required to either comply with #1 above or bring the property back to its originally approved status.
3. If the respondent wishes to explore other options to compliance please contact the Planning and Zoning Division at the contact information listed in this section.

BUILDING PERMIT(S)/INSPECTION(S) REQUIRED – BUILDING CODES DIVISION

The use was changed to a commercial activity. Such a change may require a permit. Performing work without the benefit of required permits and/or inspections constitutes a violation. To abate these violations you must complete the following **no later than: Within 30 days of approval of the land use decision, if approved/required, you must obtain the required permits. There are also incomplete permits on the site that will need to be addressed.**

1. You must submit the permit application(s) and technically complete plans and pay the appropriate fee(s) as requested by the Building Code Division. If you have questions about the submittal documents and/or permit applications please contact the Building Codes Division at 503-742-4240 or by email at bldservice@clackamas.us.
    a. If it is determined that a permit application is incomplete for review by the Building Codes Division you will be required to submit the missing materials within thirty (30) days of being notified of the incomplete application.
    b. The permit(s) must have the fees paid in full within ten (10) days of being notified by the Building Codes Division.
    c. Schedule all inspections so that final inspections may be obtained not later than forty-five (45) days of the date of receipt of your approved permit(s).
2. Complete the existing permits that do not show a final inspection. B0501118 shows waiting information. The plans examiner was in contact with the owners stating the required missing materials from the application. Also there is electrical permit E0690904 for a reconnect that does not show a final inspection.
    a. Complete sections 1a through 1c above.
3. If the respondent wishes to explore other options to compliance please contact the Building Codes Division at the numbers listed above.

Permits are accepted online only, for more information on this process please refer to the County's website at https://www.clackamas.us/building

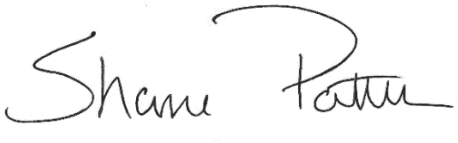
If you have questions concerning permit requirements, online submittal process, or land use process, please contact the department listed above at the phone number or email listed, or stop by the offices

located at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. or Friday 8:00 a.m. to 3:00 p.m.

If you choose to come to the Development Services Building please bring a copy of this correspondence in order for us to provide the highest level of customer service.

ITEMS INCLUDED IN THIS PACKET

- Violation Letter
- Required Notice of Fines and Penalties



Shane Potter
Code Enforcement Specialist
Clackamas County Code Enforcement
Phone: 503-742-4465
spotter@clackamas.us

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 Beavercreek 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.


9017
CLEANA Services
Northwest Inc.
Professional Property Maintenance
503-762-5915


503-762-5915

From: Pete Fora
To: Potter, Shane
Subject: Re: 9017 SE Fuller Rd
Date: Thursday, August 25, 2022 11:24:44 AM
Attachments: image001.jpg
image004.jpg
image004.jpg

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

Good morning
I just talk to Tom Moreland at the counter permit regard to that too permits you speaking of the electrical one belongs to DOT the building I just send a message to Tom to close that building permit these will include the permit issue thank you

Sent from my iPhone

> On Aug 24, 2022, at 3:12 PM, Potter, Shane <SPotter@clackamas.us> wrote:
>
> Hi Pete,
>
> I have reviewed my file and do not show any of the violations I had mentioned in my letter dated June 6, 2022 have been resolved. You have not addressed the commercial use or building permit concerns in that letter as of today. The letter further addresses two permits that have not received a final inspection.
>
> Glen Hamburg has provided some clear direction on the land use options available. The continued violations include operating a business and residence without land use approval as well as permitting issues associated with these uses. Please make sure to address these within the next fifteen days or further enforcement may occur.
>
> Sincerely,
>
> Shane Potter
> Code Enforcement Specialist
>
> spotter@clackamas.us
> 503-742-4465
>
> Office Hours: 7:30 a.m. to 4:00 p.m

image001.jpg



From: Hamburg, Glen <GHamburg@clackamas.us>
Sent: Tuesday, August 23, 2022 7:24 AM
To: 'Pete Fora' <pccfora@yahoo.com>
Cc: Potter, Shane <SPotter@clackamas.us>
Subject: RE: 9017 SE Fuller Rd

Good morning Pete,

I'll encourage you to review ZDO Section 510 again as well. Being on the property for 20 years does not automatically make something lawful. A single-family dwelling or manufactured home is not a permitted use on this commercial-zoned property, as identified in Subsection 510.03 and Table 510-1. Having a single-family dwelling or manufactured dwelling on this property would be a violation of these ordinances if not verified as lawful nonconforming uses. I see no verification of a nonconforming use for this property.

It is also not lawful to alter a nonconforming use (e.g., a single-family dwelling to include a home occupation) without prior approval of an application for a nonconforming use alteration; see ZDO Subsection 1206.06(B) and ZDO Table 1307-1. Establishing a home occupation in a nonconforming single-family dwelling without prior land use approval is a violation of these provisions. I don't see approval of a nonconforming use alteration for this property.

ZDO Subsection 1102.01 requires design review approval for development, redevelopment, expansions, and improvements in commercial zoning districts, including the CC District. I do not see any design review approval for this property.

The resources and information provided to you previously will likely be helpful to you if you choose to seek the necessary land use approval for the land uses you've identified as occurring on the property. However, know that you're also welcome to have a pre-application conference if you'd like project- and site-specific guidance from County staff ahead of making a land use application (e.g., an application for nonconforming use verification/alteration). A pre-application conference is not required for a nonconforming use application; however, a pre-application conference is required before you can submit an application for design review.

Kind regards,

Glen Hamburg | **Senior Planner**
Clackamas County Department of Transportation and Development
Planning and Zoning
150 Beavercreek Road, Oregon City, OR 97045 | Tel: 503-742-4523 | ghamburg@clackamas.us

image004.jpg

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From: Pete Fora <pccfora@yahoo.com>
Sent: Monday, August 22, 2022 8:57 PM
To: Hamburg, Glen <GHamburg@clackamas.us>
Subject: Re: 9017 SE Fuller Rd

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

Furthermore, there were a number of alleged violations that I already cleared, others that did not pertained to us, so please send me the vioations that allegedly still stands at this moment .

Thank you,
Pete

On Monday, August 22, 2022, 08:48:06 PM PDT, Pete Fora <pccfora@yahoo.com> wrote:

Good morning,
I reviewed Section 1206 and Section 202 and I do not see them pertaining to this case. Once again , this property was used for over 20 years with the use as a single family and home based business.
I am waiting for Shane to look into this and give a specific violation, considering the current usage and the current permitted usage .
In my opinion this is an over reach and misunderstanding from the county.

Sincerely,
Pete

On Monday, August 22, 2022, 07:54:58 AM PDT, Hamburg, Glen <ghamburg@clackamas.us> wrote:

Good morning Pete,

We've had a few conversations about this property and the violations. I referred you back in July to the full list of land uses allowed in the subject CC zoning district, which does not include single-family dwellings or manufactured dwellings. We have also discussed how only certain kinds of commercial uses are allowed in the zone, and how all commercial uses generally have to have

formal design review approval from the County.

As previously explained, it *may* be possible to get County approval for what's already occurring on the property, despite these zoning restrictions, with an application for nonconforming use verification and/or alteration. See ZDO Section 202 for the definition of "nonconforming use" and Section 1206 for the standards and criteria for nonconforming use verifications and alterations. Among other things, an application for nonconforming use verification and alteration would require the applicant to demonstrate, with evidence they provide, that any existing use they wish to have verified as legally nonconforming was lawfully established. Any application for nonconforming use alteration (e.g., for approval for a home-based business accessory to a dwelling) would require the applicant to show that the proposed alteration would not have any adverse impacts on the neighborhood.

Earlier I recommended that you provide me:

- A site plan of the property showing all uses;
- A floor plan of the structure(s) on the property;
- A detailed written description of all of the uses occurring on the property today (e.g., type of business operations, kind of dwelling units);
- Information on when exactly any existing uses began;
- Information on whether existing uses ever discontinued for 12 consecutive months since they began.

With this information, we may be able to give you more guidance on how to *potentially* get a special exception to the standard restrictions on dwellings and home-based businesses in the CC zoning district through the nonconforming use process.

I believe you have some other correspondence detailing the alleged violation, but Shane Potter may be able to provide additional information.

Regards,

Glen Hamburg | **Senior Planner**

Clackamas County Department of Transportation and Development

Planning and Zoning

150 Beavercreek Road, Oregon City, OR 97045 | Tel: 503-742-4523 | ghamburg@clackamas.us

image004.jpg

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---

From: Pete Fora <pccfora@yahoo.com>
Sent: Friday, August 19, 2022 5:18 PM
To: Hamburg, Glen <GHamburg@clackamas.us>; Potter, Shane <SPotter@clackamas.us>
Subject: Fw: 9017 SE Fuller Rd

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

Sahmne,

Here is the violation number for your reference V0033218.

It would be very helpful to me if I know exactly what the violation is.

Going back on this these violations, they were all corrected. Please let me know .

Thank you,

Pete

----- Forwarded Message -----

From: Pete Fora <pccfora@yahoo.com>

To: GHamburg@clackamas.us <ghamburg@clackamas.us>

Sent: Tuesday, August 16, 2022, 03:51:45 PM PDT

Subject: Re: 9017 SE Fuller Rd

Hello Glen,

After reviewing the permitted usage on this property, I do not see any issues having our tenant living and operating their business out of this location.

The background on this property:

We own this property for over 20 years and for the past 5 years, the tenant lives and operates the business out of this location.

With the zoning in place, it looks like is clearly permitted.

Please let me know if you have additional information.

Thank you,

Pete

On Friday, July 22, 2022, 08:15:30 AM PDT, Pete Fora <pccfora@yahoo.com> wrote:

Thank you Glen,

I am working on the application to correct this violation. Where do I send theses forms to?

Thank you,

Pete

CLACKAMAS COUNTY

Citation No.: 1800332 - 1

Case No.: V0033218

ADMINISTRATIVE CITATION

Date Issued: October 12, 2022

Name and Address of Person(s) Cited:

Name: Fernhill Portland LLC.
Mailing Address: 8910 SE Fuller Rd.
City, State, Zip: Happy Valley, OR 97086

Date Violation(s) Confirmed: October 7, 2022, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 9017 SE Fuller Rd., Happy Valley, OR 97086

Legal Description: T1S, R2E SECTION 28BB, Tax Lot 16200

Law(s) Violated

☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A & D)
☒ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 12.510.03

Description of the violation(s):

1) Operating a business without land use approval (design review) and occupying a building as a residence without land use approval for a nonconforming use.

Maximum Civil Penalty $1,500.00 Fine $300.00

2) Buildings being used for commercial purposes without a change of use

Maximum Civil Penalty $1,000.00 Fine $500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of $800.00. 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 $75.00 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: Shane Potter Date: October 12, 2022
Telephone No.: 503-742-4465 Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

You have been cited for the violations(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 Beavercreek 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: _____

V0033218 – 9017 SE Fuller Rd


01/16/2025 14:08


TRASH
WE
Clean
01/16/2025 14:04


HONK HORN
FOR DELIVERIES OR ENTRY
24 HOUR SURVEILLANCE
9017
WARNING
01/16/2025 14:05


9017
CLEAN Services
Northwest Inc.
Professional Property Maintenance
503-762-5913
01/16/2025 14:05


01/16/2025 14:05


01/16/2025 14:05


NO
TRESPASSING
01/16/2025 14:08