

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Filing a Lien against)
Brian Richards in the Columbia County Lien) ORDER NO. 53-2016
Records for Failure to Pay Civil Penalties)

WHEREAS, in accordance with Section 23 of the Columbia County Enforcement Ordinance (Ordinance No. 90-7, *as amended*, hereinafter the "Enforcement Ordinance"), Columbia County Land Development Services Director Todd Dugdale issued Final Order No. 2016-002, which is attached hereto and incorporated herein by this reference, imposing a civil penalty in the amount of Three Thousand Three Hundred Thirty-Four Dollars (\$3,334.00) against Brian Richards for a building code violation; and

WHEREAS, notice of the determination and imposition of the civil penalties was mailed to Brian Richards on May 19, 2016, by certified mail; and

WHEREAS, Brian Richards has neither paid the civil penalties nor petitioned for judicial review in the Columbia County Circuit Court; and

WHEREAS, pursuant to ORS 30.460 and Section 23(D) of the Enforcement Ordinance, the County may record the civil penalties imposed under the Enforcement Ordinance in the Columbia County Lien Record if such penalties are not paid within 60 days after mailing of the determination and imposition of the civil penalties; and

WHEREAS, more than 60 days have passed since the mailing of the final order, and the civil penalties remain unpaid;

NOW, THEREFORE, it is hereby ordered as follows:

1. The lien shall be against Brian Richards in the amount of Three Thousand Three Hundred Thirty-Four Dollars (\$3,334.00) .
2. This Order shall be recorded in the Columbia County Lien Records, without cost.
3. County Counsel's office is authorized to enforce the lien pursuant to ORS 205.125 and ORS 205.126.

DATED this 14th day of September, 2016.

Approved as to Form:

By: [Signature]
Office of the County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Anthony Hyde, Chair

By: [Signature]
Henry Heimuller, Commissioner

By: [Signature]
Earl Fisher, Commissioner

COLUMBIA COUNTY, OREGON 2016-008032
DEED-OR
Cnt=1 Pgs=5 HUSERB 09/14/2016 03:58:09 PM
This is a no fee document NO FEE



00222521201600080320050054

I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Elizabeth E. Huser - County Clerk

Order: 5/18/16
both Day: 7/18/16

BEFORE THE DEPARTMENT OF LAND DEVELOPMENT SERVICES

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Building Code Violations)
by Brian Richards on Property Located at)
52580 Bird Road, Scappoose, Columbia)
County, Oregon, Tax Parcel No. 3107-030-00100)

FINAL ORDER NO. 2016-002

A. SUMMARY

On March 14, 2016, Brian Richards was issued Notice of Violation for the following Building Code violation at 52580 Bird Road, Scappoose, Columbia County, Oregon, Tax Parcel No. 3107-030-00100:

Violation of the Oregon Residential Specialty Code, Section R105.1, "Permit Required".
Violation of the Oregon Residential Specialty Code, Section R105.5, "Permit Expired"

Brian Richards neither appealed the Notice of Violation nor corrected the violation and paid the assessed penalty by the end of the appeal period.

B. FINDINGS OF FACT

1. The Columbia County Assessor's Office records lists Brian Richards as the legal and responsible owner of the property located 52580 Bird Road, Scappoose, Columbia County, Oregon, Tax Parcel No. 3107-030-00100.
2. The Oregon Residential Specialty Code, Section R105.1, "Permit Required" states, "Any owner or an authorized agent who intends to construct, enlarge, alter, repair, move or change the occupancy of a building or structure, or erect, install, enlarge, alter, repair, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit." Further, Section R105.5 states, "Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by the permit is suspended or abandoned for 180 days after the work has commenced..."

Brian Richards constructed a two story, detached garage(623 sq. ft 1st floor and 578 sq. ft. 2nd floor), without required building permits and within required setbacks. Mr. Richards applied for but was denied a setback variance. And although Mr. Richards applied for building permits to correct the violations, those permits have expired.

3. Mr Richards applied for building permit BLD2010-00129 on November 2, 2009 and electrical permit ELE2012-00727 on June 18, 2012 in response to enforcement action necessary to correct the violations. On January 16, 2013, building permit BLD2010-00129 and electrical permit ELE2012-00727 expired. You failed to file for an extension, obtain a progress inspection or receive a final inspection before the permit(s) expiration date.

A courtesy notice was mailed to your address on December 12, 2012, which advised that the permits would expire on January 16, 2013.

4. On February 4, 2013, a letter was mailed to you via certified mail 7008 1300 0000 4816 8835 Mr. Richard's address at 52580 Bird Road, Scappoose, Oregon. The letter informed Mr. Richards that permits were required for the garage, how to remedy the violation(s) and that new permits would include an investigative fee. The certified mail was returned to this agency on March 4, 2013 and was stamped "unclaimed" by the United States Postal Service.
5. On October 31, 2013, a letter was mailed via certified mail 7008 3230 0000 8687 1168, to Mr. Richard's address at 52580 Bird Road, Scappoose, Oregon. The letter was to inform you that permits are required, how to remedy the violation(s) and that new permits would include an investigative fee.
6. On November 14, 2013, the Department of Land Development Services received a written appeal from you dated November 11, 2013 citing a financial hardship for you to move the existing building which was constructed without required permits and for which the aforementioned permit applications for relocation of the building you filed had expired .
7. On or about December 11, 2013, in lieu of rendering a decision on your appeal, I offered and discussed with you the attached corrective action plan which you subsequently signed and returned on December 17, 2013. By signing the corrective action plan you agreed to take the listed steps to relocate the subject building to an approved location on the subject property no later than June 27, 2014. As of the date of the December 11, 2013 notice you had not initiated the required permitting nor had you completed the work and received a final inspection as prescribed in the corrective action plan.
8. On March 14, 2016, a Notice of Violation was sent by certified mail 7008 3230 0000 8687 4633 to your address at 52580 Bird Road, Scappoose, Oregon assessing a fine of \$3,334 for the above listed violations and providing an opportunity for appeal within 14 days of said notice.
9. As of the date of this notice, you have failed to appeal the assessment of a fine, to obtain permits or complete work necessary to address the violations

C. CONCLUSIONS

1. Brian Richards has performed the work described above without a permit in violation of the Oregon Residential Specialty Code, Section R105.1, "Permit Required" and Section R105.5, "Expiration".
2. Notice of the violation and an opportunity to appeal was provided in accordance with the Columbia County Enforcement Ordinance (Ordinance No. 90-7, as amended).
3. Pursuant to Section 24 of the Enforcement Ordinance, a fine of up to \$5,000 may be assessed for a single building code violation or up \$1,000 per day for each continuing violation. Columbia County Board of Commissioners' Order No. 42-2014 establishes a schedule of fines for building code violations. Under Order No. 42-2014, the fine for a first offense is \$1,667 each for failure to obtain building and electrical permits and allowing permits to correct the violation expire without completion of work. Based on the reasons described above, the Director has determined that the appropriate sanction here is a civil penalty of \$3,334.

D. DECISION

Based on the findings and conclusions set forth above and in the record in this case, the Director of Land Development Services, as hearings officer, hereby orders:

1. Penalties be assessed for the following building code violations, as follows:

A civil penalty in the amount of \$3,334 for violation of the Oregon Residential Specialty Code, Section R105.1, "Permit Required" and Section R105.5, "Expiration". Payment of the fine does not relieve you of the requirement to correct the violation(s), and the County may seek other remedies as allowed by law to enforce its regulations.

2. Pursuant to ORS 30.460, penalties shall be paid within 60 days of the date of this order. After 60 days, the County may file and record this Order for payment of unpaid penalties in the Columbia County Clerk Lien Record.

E. APPEAL RIGHTS

County Ordinance 92-15, as amended, provides that the Director's written decision is final. The decision may be appealed to Circuit Court as provided in ORS 34.010 to 34.012.

Dated this 18th day of May, 2016

By: Todd Dugdale
Todd Dugdale
Director of Land Development Services

U.S. Postal Service *Fedd/LAS*
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

7006 3450 0002 4494 8729
 Return receipt requested

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.465



Sent to **Brian Richards**

Street, Apt. No.,
 or PO Box No. **52580 Bird Rd.**

City, State, ZIP+4 **Seaside, OR 97056**