

CONSENT ORDER

RECITALS

1. Kazi Ahmed, (hereinafter "Owner") owns the property located at 18034 Hillside Court, West Linn, Oregon 97068 (hereinafter "Property").
2. On July 6, 2015, the Community Development Director for the City of West Linn (hereinafter "City") mailed a letter to the Owner of the Property, notifying him of the following violations on his Property:
 - Failure to complete conditions of approval associated with a WRA Permit No. WAP-08-06.
 - Failure to abate nuisance condition on property; piles of lumber and other building materials stored outside for periods longer than allowed by WLMC 5.403(3).
3. On July 14, 2015, the City issued citation No. 3260, asserting violations of (1) West Linn Community Development Permit, WLCDC §32.020 and (2) the West Linn Municipal Code
4. The maximum possible penalty for the abatement of the above alleged violations of the CDC is \$1,000.00 per violation, per day.
5. On July 21, 2015, and as an alternative course of action to abate the violations pursuant to CDC 106.050, Owner notified the City that he wished to enter into a Consent Order pursuant to CDC Section 106.045.
6. On July 30, 2015, the City and the Owner Agreed to stay the Municipal Court proceedings, West Linn Municipal Court Case No. 15-898, in order to provide time for the parties to enter into a Consent Order.

AGREEMENT:

NOW, THEREFORE, IT IS HEREBY AGREED by the City and Owner that they will comply with the following conditions of this Consent Order:

1. Owner shall meet the following requirements:
 - a) Within three (3) days of the date of this Order, the Owner shall submit a new WRA application demonstrating compliance with WLCDC 32.050 (Application), 32.060 (Approval Criteria) and 32.110 (Hardship Provisions), including \$1,300, which is half of the required fee in the City's adopted Master Fee Schedule for a WRA.
 - b) Within 14 days of the date of approval of the WRA application discussed above, pay to the West Linn Department of Parks and Recreation a cash payment in the amount of \$3,500.00, as an alternative to any off-site mitigation required under WRA Permit No. WAP-08-06 or any other mitigation required for a new WRA permit under WLCDC 32.090.
 - c) Obtain building permits and receive any necessary inspections for the high-

priority construction tasks according to the schedule set forth in Attachment A (Schedule by Hymark Custom Homes, Inc.); which include:

- Reapply new Tyvek and add siding to home and garage
- Install driveway using pervious surfaces.
- Install Garage door.

d) Keep the property generally free of tall weeds, trash, and other debris that would tend to create visual blight.

e) Prior to the City dismissing Case No. 15-898, the Owner shall reimburse the City for enforcement, inspection, oversight and processing and notification fees as well as administrative costs, which may include attorney's fees incurred by City to enforce the Code. The total cost of this reimbursement shall not exceed \$2,500.00.

2. Upon completion of all activities described herein, and within 90 days of the date of this Order, the Owners shall request a final inspection and receive a written approval from the Planning Director, or designee, verifying that all requirements of this Consent Order have been satisfied. If the work is not completed due to inclement weather or other similar factors, the Community Development Director has the discretion to grant one or more 60-day extensions if demonstrable progress towards completion is shown, and such discretion shall be exercised in good faith such that extensions will not be unreasonably withheld.

3. Owner further agrees to strictly comply with any and all prohibitions, conditions, restrictions and limitations.

4. City agrees to waive conditions of approval 1 and 3 of WAP-08-06.

5. Owner agrees to pay half of the fee which would otherwise be required to obtain a building permit, which the parties understand to be in the \$4,000 range, plus or minus 10%. The City agrees to waive the plan review fee for any remaining building permits needed to complete this dwelling.

6. City and Owner agree that if the above-enumerated conditions are fully complied with, the violation(s) will be completely abated, and the real property shall be in full compliance with the West Linn Municipal Code and the CDC.

7. City acknowledges that the signing of this Consent Order operates to suspend enforcement action for violations enumerated in this Consent Order, and agrees to take no further enforcement or abatement action during the pendency of the Consent Order on matters which are the subject of this Consent Order. Upon completion of the conditions set forth above, the City shall dismiss Case No. 15-898.

8. Owner understands that notice of the Consent Order shall be provided to all owners of property within 500 feet of the subject property and of any remedial work required pursuant to the conditions herein, posted on the subject site, and also published in the local newspaper. Owner is aware that an appeal may be filed challenging the Consent Order and/or the conditions

required by the Consent Order to abate the violations. If this Consent Order is appealed, the term of the Consent Order will be extended by the same number of days that elapse from the date the appeal is filed until the final resolution of the appeal.

9. Owner understands and agree that, if for whatever reason, the conditions contained within this Consent Order are not fully complied with by the deadlines set forth herein, the Consent Order shall terminate and the City may re-commence enforcement and/or abatement actions against Owner and the Property as if the Consent Order never existed.

10. Owner further understands and acknowledges that there is no requirement to enter into this Consent Order, but Owner knowingly, intelligently and voluntarily chooses to do so. Owner acknowledges that he has had an opportunity to review the document with his own legal counsel.

IN WITNESS WHEREOF, City has caused this Consent Order to be executed by its duly authorized Community Development Director, and Owner has executed this Consent Order on the date written below.

City

Owners

By: Chris Kent

By: KAZI AHMED

Name: Chris Kent

Name: KAZI AHMED (KAZI AHMED)

Its: Community Development Director

Its: Owner

Date: 9/30/15

Date: 9-18-2015



Schedule for High Priority Construction Tasks – Kazi Ahmed Project

Item #1 Perimeter Retaining Wall, Exterior Siding / Week 1-5

- Schedule Centerline to stakeout wall. Set back 6" from sidewalk edge
- Excavate for wall per plan. Haul away dirt to gravel pit and return with ¾ rock. Stock pile ¾" rock for retaining wall.
- Construct retaining wall, back fill
- Begin exterior siding which includes roof overhang soffits, rainguard barrier, window trim, corner boards and hardie siding of sides and rear portion of house.

Item #2 Entry Way Wall Platform, Drive-way Retaining Wall, Exterior Siding / Week 6-10

- Stake out
- Excavate for footings
- Pour footings and walls
- Walls to cure 3 weeks
- Install footing drainage, back fill
- Continue work on exterior siding

Item #3 Stucco / Week 11-25

- Prep and apply stucco front elevation of house

Item #4 Driveway / Week 21-30

- Excavate grading for driveway
- Install/construct driveway surfaces

Item #5 Garage Doors / Week 1-5

- Select and install overhead garage doors

Respectfully,

Gregory W. Sams

Hymark Custom Homes, Inc.

X _____

X _____