



NOTICE OF HEARING

May 18, 2022

Rebecca Bush
296 Beatrice Ave
Gladstone, OR 97027

RE:: County of Clackamas v. Rebecca Bush
File: V0000121

Hearing Date: June 28, 2022

Time: This item will not begin before 10:00 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 Exhibits which have been submitted by the County

You **must** appear at the time set forth in this Notice of Hearing or the relief requested in the **Complaint** may be **granted against you by default**.

You can access the complete hearing packet at <https://www.clackamas.us/codeenforcement/hearings>

You may contact Kimberly Benthin, Code Compliance Specialist for Clackamas County at (503) 742-4457, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

1. **Prior to the Hearing.** You have the right to make the following requests:
 - (A) You can request the opportunity to review public records and 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.



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. We have sent you the Zoom invite to weebecka2000@gmail.com. Please contact Kimberly Benthin if you are unable to find the email.

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

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

If you do not know how to use Zoom, please Google "how to use Zoom" and there are many interactive guides on the internet.

If you experience difficulties connecting to the Zoom hearing before your scheduled start time, please call 503-348-4692 for assistance.

**Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that a \$75.00 monthly Administrative Compliance Fee will be assessed if a violation has been determined and has not been abated. When a property owner works cooperatively with the County to resolve a confirmed code violation, the County may waive all or part of that fee.*

Department of Transportation and Development

Nondiscrimination Policy:

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

¡LE DAMOS LA BIENVENIDA! Spanish

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

ДОБРО ПОЖАЛОВАТЬ! Russian

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

欢迎! Chinese (Mandarin)

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

CHÀO MỪNG! Vietnamese

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

환영합니다. Korean

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

BEFORE THE COMPLIANCE HEARINGS OFFICER
for the
CLACKAMAS COUNTY BOARD OF COMMISSIONERS

COUNTY OF CLACKAMAS,

Petitioner,

v.

REBECCA BUSH,

Respondent.

File No.: V0000121

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondents' place of residence is: 296 Beatrice Ave, Gladstone, OR 97027

2.

The address or location of the violations of law alleged in this Complaint is: 296 Beatrice Ave, Gladstone, OR 97027, also known as T2S, R2E, Section 20CC, Tax Lot 1200, and is located in Clackamas County, Oregon.

3.

On or about the 24th day of January, 2022 Respondent violated the following laws, in the following ways:

- a. Respondent violated Chapter 9.02.040(A,C,D,E) of the Application and Enforcement of the Clackamas County Building Code by converting the detached garage into bedrooms.

This is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

4.

On or about the 22nd day of March, 2022 Respondent violated the following laws, in the following ways:

- a. Respondent violated Chapter 9.02.040(A,C,D,E) of the Application and Enforcement of the Clackamas County Building Code by converting the detached garage into bedrooms.

This is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

5.

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

6.

Notice of the violation was given to Respondent in the following manner:

Administrative Citation #21001-1 in the amount of \$100.00 sent first class mail on January 24, 2022.

A copy of the notice document is attached to this Complaint as Exhibit 8, and incorporated by this reference.

7.

Notice of the violation was given to Respondent in the following manner: Administrative Citation #21001-2 in the amount of \$500.00 sent first class mail on March 22, 2022. A copy of the notice document is attached to this Complaint as Exhibit 10, and incorporated by this reference.

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:

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to permanently enjoin 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 Chapter 9.02 Priority 1 violation being \$750.00 to \$1000.00; 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:

DATED THIS 16th day of May 2022.

A handwritten signature in black ink, appearing to read 'Kimberly Benthin', is written over a light gray rectangular background.

Kimberly Benthin
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

REBECCA BUSH,

Respondent.

File No.: V0000121

STATEMENT OF PROOF

History of Events and Exhibits:

- | | |
|---|--|
| December 31, 2020 | Clackamas County received a complaint regarding the detached garage structure converted into two bedrooms without permits or inspections. |
| December 31, 2020
Exhibit: 1 | Gladstone Police Officers responded to a call at the subject address regarding a dispute between the Tenant and Landlord/Respondent. The Officers took photos of the interior of the garage/bedrooms. These photos were provided to Clackamas County Code Enforcement from the City of Gladstone Community Service Officer Sean Boyle. |
| January 4, 2021
Exhibit: 2 | Correspondence was mailed to the Respondent. |
| January 6, 2021
Exhibit: 3 | Code Enforcement Specialist (CES) Kimberly Benthin reviewed the facts, the County record and verified the violation of the conversion of the detached garage into bedrooms without permits or inspections. A notice of the violations was mailed to Respondent. |
| January 6, 2021 to
March 17, 2021 | Respondent exchanged phone calls with CES Benthin and other related departments seeking answers on questions the Respondent had and steps needed to resolve the violation. |
| March 18-19 2021 and
May 19-20, 2021
Exhibit: 4 | On March 18, the Respondent forwarded to CES Benthin an email from Planner Fields. CES Benthin replied to the Respondent and sent an email to the Planner copying the Respondent in an effort to assist the Respondent. There was no further contact from the Respondent until May 19, 2021, the Respondent again stated that she has reached out and has been told by everyone to talk to someone else. Emails were exchanged regarding the path to compliance. |
| June 9, 2021 | The application for the electrical permit #E0409621 was submitted on June 9, 2021, the permit was issued on June 21, 2021. |

July 2021 Exhibit: 5	Emails exchanged between the Respondent and CES Benthin regarding the permitting of the electrical in the structure.
August 3, 2021 Exhibit: 6	Respondent sent an email and provided photos of progress.
August 11-12, 2021 Exhibit: 7	Respondent sent an email to CES Benthin asking what the next step was she did not believe an electrical inspection was needed. CES Benthin replied by email.
January 24, 2022 Exhibit: 8	Citation # 21001-1 for a priority 1 building code violation of \$100.00 was issued. The citation was mailed to the Respondent by first class mail. The citation has not been paid.
February 27, 2022 Exhibit: 9	An inspection of electrical permit # E0409621 was denied.
March 22, 2022 Exhibit: 10	Citation # 21001-2 for a priority 1 building code violation of \$500.00 was issued. The citation was mailed to the Respondent by first class mail. The citation has not been paid.
March 23, 2022	Respondent left a voice mail message stating that she received the administrative citation and that she had had an inspection. She explained that it was difficult to get the electrician guy to come out and should have it completed in the next two weeks.
March 28, 2022	#E0409621 received a final approved inspection.
March 28-29 2022 Exhibit: 11	CES Benthin emailed the Respondent noting that the electrical permit had been completed and an inspection of the structure needs to be scheduled. Respondent replied and an inspection was scheduled for April 4, 2022.
April 4, 2022 Exhibit: 12	The inspection for the structure of garage occurred. The violations were found to be abated
April 4, 2022 Exhibit: 13	The Respondent requested a hearing to contest the fines due to an economic and financial hardship.
May 10, 2022	Violation File # V0000121 was prepared to be set for hearing.

If the Compliance Hearings Officer affirms the County's position by a preponderance of the evidence; the County recommends the following:

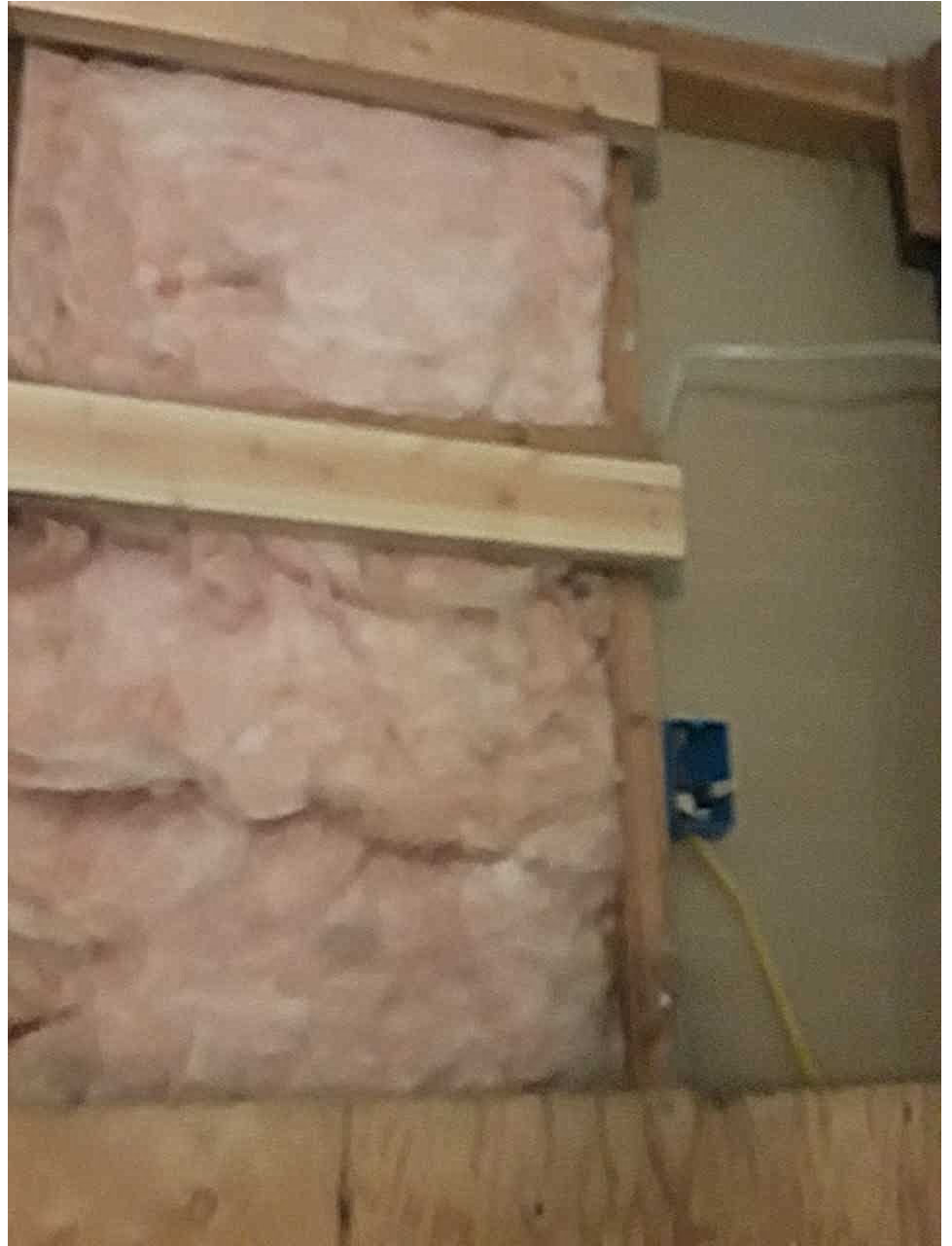
- The administrative compliance fee to be imposed from January 2021 to March 2022, the total is \$1125.00.
- The payment of the citations # 21001-1 for \$100.00 and citation #21001-2 for \$500.00, for a total of \$600.00.
- The total of fines and fees is \$1725.00.
- If the Compliance Hearings Officer imposes penalties, fines and fees. The County would also ask the Hearings Officer to order reimbursement for any expense the County incurs in collection of those monies, per Clackamas County Code Chapter 2.07.090(6)

DATED THIS 10th day of May 2022.



Kimberly Benthin
Code Enforcement Specialist
FOR CLACKAMAS COUNTY









January 4, 2021

Rebecca Bush
296 Beatrice Ave
Gladstone, OR 97027

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

Site Address: 296 Beatrice Ave, Gladstone OR 97027
Legal Description: T2S, R2E, Section 20CC, Tax Lot 01200

It has come to the attention of Clackamas County Code Enforcement that construction of two bedrooms in a detached garage may have been built without the benefit of permits.

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

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

E-mail address is kimben@clackamas.us

Telephone number is 503-742-4457

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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

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오.

January 6, 2021

Violation File: V0000121

Rebecca Bush
296 Beatrice Ave
Gladstone, OR 97027

Subject: Violations of the Clackamas County Building Code Chapter 9.02.040(A, B, C, D, E)

Site Address: 296 Beatrice Ave, Gladstone, OR 97027
Legal Description: T2S, R2E, Section 20CC, Tax Lot 01200

It has come to the attention of Clackamas County Code Enforcement that the detached garage at the above referenced address was converted into bedrooms without the benefit of permits and inspections. This is a violation of Chapter 9.02 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code. Please note that the Clackamas County Building Division administers the State Building Code on behalf of the City of Gladstone.

The conversion of the garage will need to be reviewed and authorized by the City of Gladstone Planning Department. It is advised that you confirm with the City of Gladstone Planning the requirements for the conversion of the garage into bedrooms.

In order to abate the building code violations, please complete one of the following options not **later than February 19, 2021**:

- Please submit the building permit application and required trade permits for electrical, mechanical and plumbing and the technically complete plans and appropriate fee(s).
 - The permit(s) must be picked up within ten days of being notified by Building Codes that it is ready for issuance.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued.

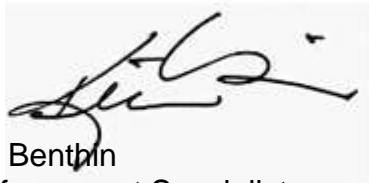
OR:

- Return the structure to its original use (garage) by removing the unpermitted construction. Please be advised that if you do so – you may still be required to obtain permits to confirm the remaining construction and remaining utilities are code compliant. An inspection must be scheduled to confirm compliance.

If you have questions regarding the building permits, you may utilize the following contact methods: Building Codes Division at 503-742-4240 or by email at bldservice@clackamas.us. The City of Gladstone phone number for Planning is 503-557-2769

At this time, due to COVID-19, the Clackamas County Building hours are limited to: 9 a.m. to 3 p.m., Monday – Thursday. The public is encouraged to take advantage of the services available online, by phone or by email. It is also recommended that you check the Clackamas County closure page for hours of operation.

If you have any questions for me, you may leave a voice mail message at 503-742-4457 or my email is kimben@co.clackamas.or.us.

A handwritten signature in black ink, appearing to read 'Kimberly Bentin', is centered on a light gray rectangular background.

Kimberly Bentin
Code Enforcement Specialist
Code Enforcement Section

cc: Joy Fields, Planner for City of Gladstone

Required Notice of Fines and Penalties

It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. Failure to resolve those violations may result in one or more of the following: (1) a citation and fine, (2) assessment of an administrative fee, and (3) referral of this matter to the County Code Enforcement Hearings Officer.

The Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties of up to \$1,000 for each day the county verifies the noncompliance. Fine amounts and civil penalties are assessed for each cited violation and may be assessed separately against each named party. In addition, the Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

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 waive all or part of the \$75 per month administrative fee.

Unpaid fines, administrative fees, civil penalties and abatement costs may be recorded as a lien against property owned by any of the parties either jointly or separately.

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.

Finally, recurrences of abated violations will result in the issuance of a citation without prior notice.

Benthin, Kim

From: weebecka2000@gmail.com
Sent: Thursday, May 20, 2021 2:55 PM
To: Benthin, Kim
Subject: Re: 296 Beatrice Ave Violation File # V0000121

So someone does not like the way another person does business so you start to get snippy with me. I am aloud to speak up when I feel someone is being rude.

I didn't ask you to direct him, he is attached to this email.

I was also not rude to you. So I'm not sure why your answer seems like I was.

That's why I explained to you exactly what is there. I would love to buy a permit for use of a office and a storage room.

If I can't have a friend stay out there if they get hard up so be it.

Sent from my iPhone

On May 20, 2021, at 11:25 AM, Benthin, Kim <KimBen@clackamas.us> wrote:

As I stated before, It does not matter who did the construction. You own the garage – therefore you own the violation.

It has nothing to do with the needs of the occupant of the office. The structure needs to be permitted for the use – sleeping – in order to be safe. If not a bedroom – then the conversion from a garage to whatever it is going to be needs to be completed through building permits.

Sean works for the City of Gladstone and is attempting to help you get the planning questions you need answered.

I work for the County. I enforce the building code. Sean and I both enforce the codes and if the building code violations are not brought into compliance I will issue you a citation. I am not going to direct Sean to contact you through email.

If you do not want Sean to assist you in getting the answers from City of Gladstone Planning - then I suggest you do the work in getting the answers.

Kimberly Benthin

Code Enforcement Specialist

Clackamas County Code Enforcement Section

From: weebecka2000@gmail.com <weebecka2000@gmail.com>

Sent: Thursday, May 20, 2021 11:18 AM

To: Benthin, Kim <KimBen@clackamas.us>

Subject: Re: 296 Beatrice Ave Violation File # V0000121

I do not dispute the building stuff at all I just want to know how to fix what someone else built. If it isn't ok to let a friend stay In a office when they are hard up cool. She already caused enough problems for me but hey karma sucks.

I would really rather deal with you not Sean he is a very confrontational person as far as I am concerned.

I have enough going on in my life and don't need the added confrontation.

If this can't happen then please have Sean contact me through email. Thank you

Sent from my iPhone

On May 20, 2021, at 11:01 AM, weebecka2000@gmail.com wrote:

There is simply a t wall in it making 3 spaces. There are 2 windows a door and the garage door. There is electrical in the garage. I need to know and what I need to know what to do to make that legal.

Yes there is a friend that stays in my office out there. I would like him to be able to stay but if it isn't going to be legal then no. I do not wish to turn it into a adu, there is no plumbing. One room is office the other is storage space. Then the space for tools.

Sent from my iPhone

On May 20, 2021, at 8:07 AM, Benthin, Kim <KimBen@clackamas.us> wrote:

Rebecca,

I understand there has been some delay in getting answers to your questions.

I spoke with CSO Sean Boyle and I understand he will be getting back to you with information.

I want to be clear. Your violation is the garage being converted to habitable space without building permits and inspections.

The solution to the violation is not 'permitting a garage' – but the permitting the changes that occurred to the garage. Electrical, plumbing, windows and new walls. You will only be able to convert the garage into something that Planning will allow based on the zoning of your property. For instance, converting the garage into grooming boarding facility is not allowed per the City's Zoning Ordinance. Returning the garage back into a garage and permitting the new windows may be approved.

I am not certain as to what your goal is for this garage structure. What is your goal for the structure?

Thanks,

Kimberly Benthin

Code Enforcement Specialist

Code Enforcement Section

Clackamas County Department of Transportation and Development

kimben@clackamas.us • phone: 503.742.4457 • Development Services

Building • 150 Beaver Creek Road • Oregon City, OR 97045

Please check the Clackamas County webpage for Clackamas County building hours of operation. If you have general questions, you can also contact our main customer service desk at 503-742-4400 or via email at DTDCustomerInfo@clackamas.us

From: weebecka2000@gmail.com <weebecka2000@gmail.com>
Sent: Wednesday, May 19, 2021 4:04 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: Garage permitting

Hello all I have reach out to every department that I have been told to reach out to. Everyone tells me I need to talk to someone else I would really like to get this problem solved. It has been quite some time now.

Sent from my iPhone

On Mar 19, 2021, at 9:10 AM, Benthin, Kim <KimBen@clackamas.us> wrote:

Rebecca,

The answers to your questions reside in both the Building department AND the Planning department. Stand by – in a few minutes - I will send an email to Joy and copy you in an effort to help this along.

I do not want you spending money on pulling together building documents just to have the Planning Department deny your permit.

Kimberly Benthin
Code Enforcement Specialist
Clackamas County Code Enforcement Section

From: weebecka2000@gmail.com <weebecka2000@gmail.com>
Sent: Friday, March 19, 2021 9:05 AM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Fwd: Garage permitting

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

This is what I got back from joy. Everyone is telling me to call someone else!

Sent from my iPhone

Begin forwarded message:

From: "Fields, Joy"
<JFields@clackamas.us>
Date: March 18, 2021 at 4:55:56 PM
PDT
To: weebecka2000@gmail.com
Subject: Garage permitting

Rebecca,

Please contact Building Public Service BldService@clackamas.us to determine what permits you need to retroactively permit the garage conversion. As we have discussed in the past, the City of Gladstone limits the size of ADUs (accessory dwelling units), where people sleep outside of the main house, to 400 square feet and limit the design to one bedroom.

I look forward to reviewing your building permits.

Sincerely,

Joy Fields, AICP, Sr. Planner
Clackamas County DTD | Planning and
Zoning Division
150 Beaver Creek Road | Oregon City, OR
97045
JFields@clackamas.us

To help keep the public and staff safe during the COVID-19 pandemic, we are offering comprehensive services by phone, email and online.

- [Remote permitting, submissions, approval and inspection services.](#)
- To ask general questions or find out which division can best meet your needs, call 503-742-4400 or email dtdcustomerinfo@clackamas.us.

Benthin, Kim

From: Benthin, Kim
Sent: Friday, March 19, 2021 3:00 PM
To: Fields, Joy
Cc: 'weebecka2000@gmail.com'
Subject: 296 Beatrice, Gladstone Violation File: #V0000121

Dear Joy,

Ms. Bush is attempting to resolve the unpermitted conversion of her garage into habitable space. She has stated that when she purchased the property, it was already a bedroom and an office. Before she attempts to spend resources compiling building permit documents and plans to correct this building code violation – she would like to know if the use is allowed and if she might successfully gain City of Gladstone’s planning approval for the conversion. Once she is able to get her arms around the planning and zoning requirements I can assist her with the building permits.

According to the Assessor record the garage is 576 sqft, a permit B0410294 exists for the detached garage and an electrical permit E0019797 was also completed for the garage on this tax lot.

It is my understanding that currently there is no kitchen in the garage. Can she permit it as simply a single bedroom and office? Does the 400 sq ft limitation for an ADU apply to a bedroom and office? If it does – can she decrease the habitable space to 400 sqft and utilize the remaining square footage for storage?

What other limiting factors will she encounter? Have the setbacks changed since the garage was permitted in 1994 ? Or are the setbacks different for a garage vs habitable space?

Ms. Bush? Do you have additional questions? Comments?

Many thanks Joy! We appreciate your assistance on this.

Kimberly Benthin

Code Enforcement Specialist

Code Enforcement Section

Clackamas County Department of Transportation and Development

kimben@clackamas.us • phone: 503.742.4457 • Development Services Building • 150 Beaver Creek Road • Oregon City, OR 97045

Please check the Clackamas County webpage for Clackamas County building hours of operation. If you have general questions, you can also contact our main customer service desk at 503-742-4400 or via email at DTDCustomerInfo@clackamas.us

Benthin, Kim

From: Benthin, Kim
Sent: Thursday, July 29, 2021 3:28 PM
To: 'weebecka2000@gmail.com'
Subject: RE: 296 Beatrice Ave Violation File # V0000121

Rebecca,

In regards to the electrical, you may choose to permit what has been installed or remove all unpermitted work. The original electrical permit for the garage was in 1997 Permit # E0019797
Let me know when you want the garage inspected.

Kimberly Benthin

Code Enforcement Specialist
Clackamas County Code Enforcement Section

From: weebecka2000@gmail.com <weebecka2000@gmail.com>
Sent: Thursday, July 29, 2021 1:01 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: 296 Beatrice Ave Violation File # V0000121

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

After we take the wall down we will have the electrical guy come and take all out other than the original garage stuff that was there and was inspected in 92 I believe is what it says.

Sent from my iPhone

On Jul 29, 2021, at 9:59 AM, Benthin, Kim <KimBen@clackamas.us> wrote:

Rebecca,

Thanks for the email and I appreciate your efforts to get it done by the 9th!

Your electrical permit has not received any inspections. When do you plan on scheduling those inspections?

After that is completed we can schedule an inspection of the garage for the structural concerns.

Kimberly Benthin

Code Enforcement Specialist
Clackamas County Code Enforcement Section

From: weebecka2000@gmail.com <weebecka2000@gmail.com>
Sent: Tuesday, July 27, 2021 5:15 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: 296 Beatrice Ave Violation File # V0000121

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

I'm r

Trying my darnedest to get it all done by the 9 like you ask

Sent from my iPhone

Benthin, Kim

From: weebecka2000@gmail.com
Sent: Tuesday, July 27, 2021 5:14 PM
To: Benthin, Kim
Subject: Re: 296 Beatrice Ave Violation File # V0000121

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

Hey Kim we will have those rooms ripped out hopefully by the end of the week. Can we schedule a time for you to come by next week?

Sent from my iPhone

From: weebecka2000@gmail.com
To: [Benthin, Kim](#)
Subject: Re: 296 Beatrice Ave Violation File # V0000121
Date: Tuesday, August 3, 2021 10:49:26 PM
Attachments: [image0.jpeg](#)
[image1.jpeg](#)

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

Wanted to show you I am doing what I said. Walls are down, now waiting for election to come and make sure all is good



Sent from my iPhone

On Jul 29, 2021, at 3:27 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Rebecca,

In regards to the electrical, you may choose to permit what has been installed or remove all unpermitted work.

The original electrical permit for the garage was in 1997 Permit # E0019797

Let me know when you want the garage inspected.

Kimberly Benthin

Code Enforcement Specialist

Clackamas County Code Enforcement Section

From: weebecka2000@gmail.com <weebecka2000@gmail.com>

Sent: Thursday, July 29, 2021 1:01 PM

To: Benthin, Kim <KimBen@clackamas.us>

Subject: Re: 296 Beatrice Ave Violation File # V0000121

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

After we take the wall down we will have the electrical guy come and take all out other then the original garage stuff that was there and was inspected in 92 I believe is what it says.

Sent from my iPhone

On Jul 29, 2021, at 9:59 AM, Benthin, Kim <KimBen@clackamas.us> wrote:



Benthin, Kim

From: Benthin, Kim
Sent: Thursday, August 12, 2021 7:13 AM
To: 'weebecka2000@gmail.com'
Subject: RE: 296 Beatrice Ave Violation File # V0000121

An electrical permit and inspection is required to insure that whatever remains is code compliant and what was removed was removed code compliantly.

Kimberly Benthin
Code Enforcement Specialist
Clackamas County Code Enforcement Section

From: weebecka2000@gmail.com <weebecka2000@gmail.com>
Sent: Wednesday, August 11, 2021 11:46 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: 296 Beatrice Ave Violation File # V0000121

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

I need to know what is next. I don't believe I need a electrical inspection because it is back to it's original form. Let me know what is next or if and when you are ready to stop by and see that there are no rooms left

Sent from my iPhone

On Aug 5, 2021, at 2:31 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Thanks for the update!

Kimberly Benthin
Code Enforcement Specialist
Clackamas County Code Enforcement Section

From: weebecka2000@gmail.com <weebecka2000@gmail.com>
Sent: Tuesday, August 3, 2021 10:49 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: 296 Beatrice Ave Violation File # V0000121

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



Citation No. 21001-1

Case No. V0000121

ADMINISTRATIVE CITATION

Date Issued: January 24, 2022

Name and Address of Person(s) Cited:

Name: Rebecca Bush
Mailing Address: 296 Beatrice Ave
City, State, Zip: Gladstone, OR 97027

Date Violation(s) Confirmed: On the 24th day of January, 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): 296 Beatrice Ave, Gladstone, OR 97027

Legal Description: T2S, R2E Section 20CC, Tax Lot: 01200

Law(s) Violated

- Chapter 7.03 of Clackamas County Code, Road Use, Section
- Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section
- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A,C,D,E)
- Chapter 9.03 of CCC Excavation and Grading, Section
- Chapter 10.03 of CCC Solid Waste and Wastes Management, Section 10.03.060 (A, B, C)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section

Description of the violation(s):

- 1) The conversion of the garage to bedrooms was unpermitted. No inspection has yet been scheduled to confirm compliance. Electrical permit # E0409621 for the modifications to the electrical in the garage has not received any inspections.

Maximum Civil Penalty \$1000.00

Fine \$100.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$100.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: January 24, 2022
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____

Violation File #: V0000121

Clackamas County
Inspection History for Record #E0409621

Applicant Name: Daniel c Dunn

Work Description: add outlets and a light in a storage room in the garage

Address: 296 BEATRICE AVE, GLADSTONE, OR 97027

Inspection Date	Inspection Type	Inspector	Status	Comments
2/17/2022 1:48:18 PM	199 Electrical Final	Will Whitman	Denied	Date: 2/17/2022 1. GFCI protection required for all garage receptacles. Art 210.8.
3/28/2022 1:34:21 PM	199 Electrical Final	Fred Braun	Approved	Date: 3/28/2022



Citation No. 21001-2

Case No. V0000121

ADMINISTRATIVE CITATION

Date Issued: March 22, 2022

Name and Address of Person(s) Cited:

Name: Rebecca Bush
Mailing Address: 296 Beatrice Ave
City, State, Zip: Gladstone, OR 97027

Date Violation(s) Confirmed: On the 24th day of January, 2022 and continues to exist on the 21st day of March 2022, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 296 Beatrice Ave., Gladstone, OR 97027

Legal Description: T2S, R2E Section 20CC, Tax Lot(s) 01200

Law(s) Violated:

- Chapter 7.03 of Clackamas County Code, Road Use, Section
- Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section
- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A,C,D,E)
- Chapter 9.03 of CCC Excavation and Grading, Section
- Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.060 (A,B,C)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section

Description of the violation(s):

1. The conversion of the garage to bedrooms was unpermitted. No inspection has yet been scheduled to confirm compliance. Electrical permit # E0409621 for the modifications to the electrical in the garage has not received all required approved inspections.

Maximum Civil Penalty \$1000.00 Fine \$500.00

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

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

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

Date: March 22, 2022
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____

Violation File No. : V0000121

Benthin, Kim

From: Benthin, Kim
Sent: Tuesday, March 29, 2022 7:38 AM
To: 'weebecka2000@gmail.com'
Subject: RE: 296 Beatrice Av V0000121

I will schedule an inspection for Monday, April 4th
I can make a note requesting the inspector to call you in the morning with an estimate time of arrival.
Is 503-709-4418 a good number to call?

Kimberly Benthin
Code Enforcement Specialist
Clackamas County Code Enforcement Section

From: weebecka2000@gmail.com <weebecka2000@gmail.com>
Sent: Monday, March 28, 2022 5:01 PM
To: Benthin, Kim <KimBen@clackamas.us>
Subject: Re: 296 Beatrice Av V0000121

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

I have the 4,11 off in the next few weeks

Sent from my iPhone

On Mar 28, 2022, at 3:50 PM, Benthin, Kim <KimBen@clackamas.us> wrote:

Rebecca,

I noted that you received a final approved inspection on your electrical permit. That is great!
When can we schedule a building inspector to inspect and to confirm the garage is simply a garage?

Thanks,

Kimberly Benthin
Code Enforcement Specialist
Code Enforcement Section
Clackamas County Department of Transportation and Development
kimben@clackamas.us • phone: 503.742.4457 • Development Services Building • 150 Beaver creek
Road • Oregon City, OR 97045

Please check the Clackamas County webpage for Clackamas County building hours of operation. If you have general questions, you can also contact our main customer service desk at 503-742-4400 or via email at DTDCustomerInfo@clackamas.us

Development Direct is here! We're excited to launch Development Direct -- our new one-stop digital services hub for Building Codes and Development Engineering. [Click here to learn more.](#)



Clackamas County
Inspection History for Record #V0000121

Applicant Name:

Work Description: ALLEGED - 2 BEDROOMS CREATED IN DETACHED GARAGE. WINDOWS INSTALLED ON EACH SIDE OF GARAGE THAT LEAD INTO BEDROOMS. BOTH ARE CURRENTLY BEING RENTED OUT

Address: 296 BEATRICE AVE, GLADSTONE, OR 97027

Inspection Date	Inspection Type	Inspector	Status	Comments
4/4/2022 9:36:07 AM	270 Miscellaneous/Consultation	Justin Humphrey	No Violation	Date: 4/4/2022 Walls have been removed. Appears to be just a garage with no living happening in it. No plumbing was found.

Benthin, Kim

From: Kauppi, Jennifer on behalf of DTD-CodeEnforcement
Sent: Monday, April 4, 2022 3:03 PM
To: 'weebecka2000@gmail.com'
Subject: Requesting a hearing

Rebecca,

We have received your request for a hearing and I have forwarded that to Kimberly Benthin.

Thank you
Jennifer

From: weebecka2000@gmail.com <weebecka2000@gmail.com>
Sent: Monday, April 4, 2022 2:58 PM
To: DTD-CodeEnforcement <CodeEnforcement@clackamas.us>
Subject: Fwd: Requesting a hearing

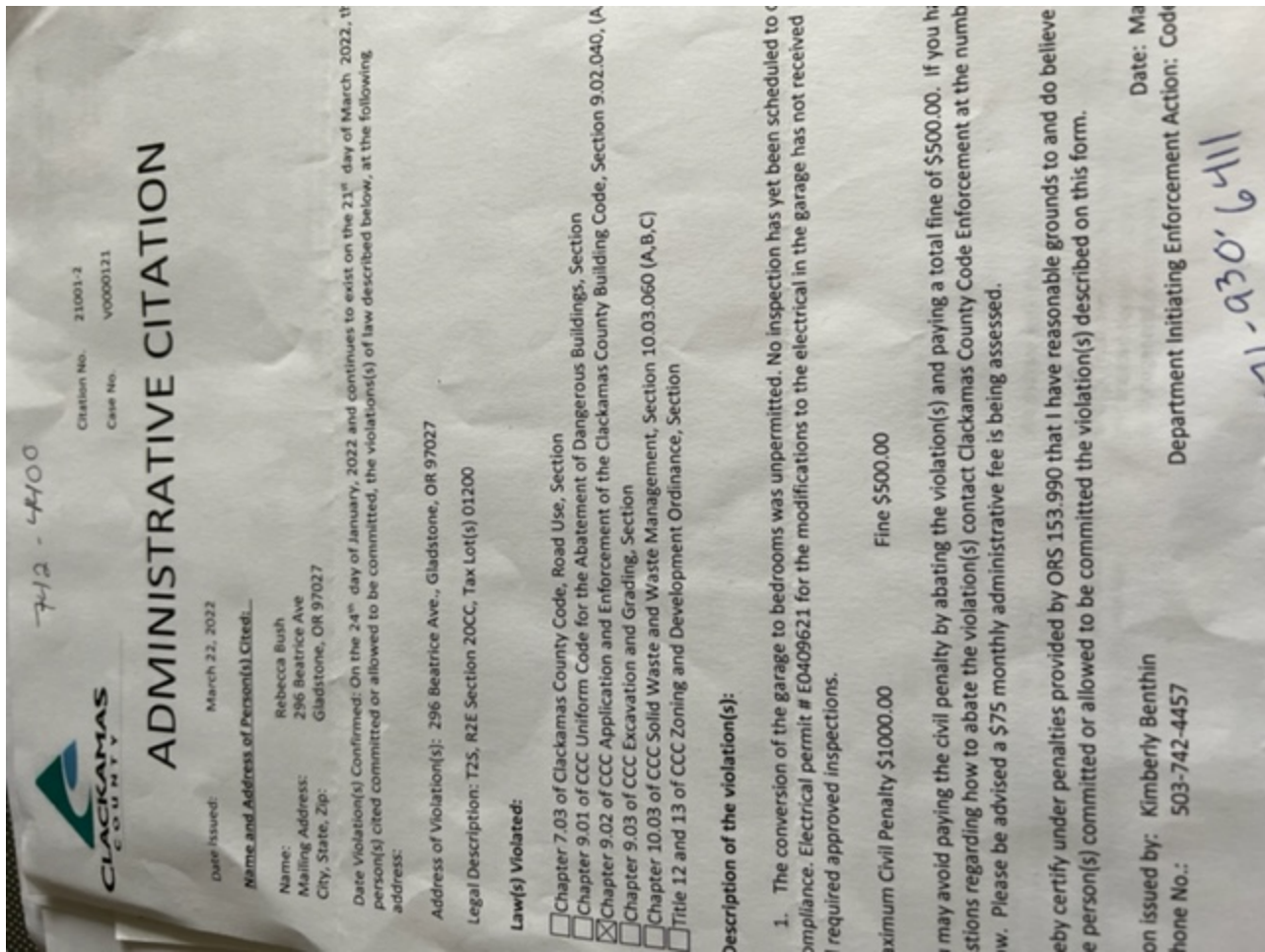
Warning: External email. Be cautious opening attachments and links.

Sent from my iPhone

Begin forwarded message:

From: weebecka2000@gmail.com
Date: April 4, 2022 at 2:44:44 PM PDT
To: codeenfocement@clackamas.us
Subject: Requesting a hearing

Rebecca Bush
21001-2
V0000121



I am requesting a hearing on the fines that have been issued to 296 Beatrice Ave. Gladstone 97027.

I am a single mother and I can barely pay the bills for my daughter and I. I had to wait till I had money saved up to get things done to come into compliance. As well as had to wait on service people to come help me. At one point it took me 3 months to get the electrician back out here. Covid has made this whole process even harder. I am asking that you wave the fine you have Assessed.

I am now in compliance as well.

Sent from my iPhone