



NOTICE OF HEARING

March 27, 2023

2115 Borland LLC
2115 Borland Rd
West Linn, OR 97068

RE:: County of Clackamas v. 2115 Borland LLC
File: V0026918

Hearing Date: April 25, 2023

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

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

1. **Prior to the Hearing.** You have the right to make the following requests:
 - (A) You can request the opportunity to review public records and 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. Please contact Andrea Hall to receive either the link or the phone number with password in order to attend the hearing.

If you would like to present evidence at the Hearing please email or mail your evidence to Andrea.hall@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 Andrea Hall at 503-742-4467 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.

2115 BORLAND LLC,

Respondent.

File No: V0026918

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent 2115 Borland LLC mailing address is: 2115 SW Borland Rd., West Linn, OR 97068.

2.

The address or location of the violation(s) of law alleged in this Complaint is: 2115 SW Borland Rd., West Linn, OR 97068, also known as T2S, R1E, Section 28 , Tax Lot 2600, and is located in Clackamas County, Oregon.

3.

On or about the 1st day of July, 2022 the Respondent violated the following laws, in the following ways:

- a. Chapter 9.02 of the Clackamas County Code pertaining to the Application and Enforcement of the Clackamas County Building Code for failing to obtain permits and final inspections to convert an illegal triplex to single family dwelling.

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

- b. Section 316.03 of the Clackamas County Zoning and Development Ordinance for maintaining a triplex on the subject property. This is a Priority 2 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violation was given to Respondent in the following manner: Citation and Complaint number 1800269. A copy of the notice document is attached to this Complaint as Exhibit I, 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 Commissioners. Said range for the Priority 1 violation being \$750.00 to \$1000.00 and Priority 2 violation being \$500.00 to \$2500.00 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 24th day of March, 2023.



Andrea Hall
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

2115 BORLAND LLC,

Respondent.

File No.: V0026918

STATEMENT OF PROOF

History of Events and Exhibits:

- May 30, 2018
Exhibit A
- In response to a complaint, the County mailed an alleged letter to then owner Paul Lee regarding alleged violations for the accumulation of solid waste and commercial activity without land use approval.
- June 5, 2018
Exhibit B
- In telephone conversation with Paul, he indicated that Anytime Plumbing Company was operating from the site and that the solid waste on the property was in conjunction with the business. Paul said he also was operating a bamboo sales and dog kennel business from his property, A violation notice was mailed to him with a deadline of August 10, 2018 for the business to relocate and remove the solid waste.
- October 24, 2019
Exhibit C
- Secretary of State's Office records reflect that Anytime Plumbing's new place of business has changed to an address in Portland. The County spoke with Paul who confirmed that the plumbing company had relocated and he said he would cease operating his business since the property was now for sale. The internet description of the property confirmed it was for sale and the dwelling was described as a triplex.
- October 28, 2019
Exhibit D
- A violation notice was mailed to him with a deadline of November 29, 2019 to cease all commercial activity from the property and December 16, 2019 to submit building permits to return the dwelling back to a single family dwelling as multifamily dwellings are not outright allowed in the RRF5 zone.
- November 13, 2019
- In a telephone conversation with Paul, he indicated that he would come into the County to find out what he needs to do to convert the triplex back to a single family dwelling. He said that he would talk with his tenants who currently live in the triplex about the situation.
- May 5, 2020
Exhibit E
- The County spoke with Daniel Belza who was the listing agent for the property. He indicated that the commercial activity has ceased and that a potential buyer for the property was aware of the building code violations. Information was also sent to Ticor Title regarding the violations.

October 26, 2020 Exhibit F	A letter was sent to the new owner, 2115 Borland LLC, at the address listed in the Tax Assessor records and to the principal place of business and to the registered agent requesting contact within ten days.
March 23, 2022 Exhibit G	A violation notice was mailed to the owner at the address listed in the Tax Assessor records, to an updated principal place of business and registered agent. The notice required the Respondent to submit building permit applications to convert the structure back to a single family dwelling no later than April 29, 2022.
July 1, 2022 Exhibit H	After a review of County records revealed that the Respondent had not obtained permits to convert the illegal triplex back to a single-family dwelling, citation number 1800269 was issued to the Respondent in the amount of \$900.00 for the building and zoning violations. This citation was mailed first class mail and was not returned to the County, the citation remains unpaid.
March 22, 2023 Exhibit I	An amended citation to the Respondent as the original citation was missing the written description of the zoning violation.
March 24, 2023	The matter was referred to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of the Clackamas County Building Code and Zoning and Development Ordinance exists on the subject property, the County would request a Continuing Order be issued requiring the Respondent to submit a building permit application, technically complete plans and appropriate fees to the Clackamas County Building Codes Division to convert the triplex back to a single family residence no later than 30 days from the date of the Order.

Additionally, the County would ask that the Respondent be ordered to obtain all associated trade permits for the project within 10 days of the date the building permit is issued and that all permits have approved final inspections no later than forty-five (45) days from the date permits are issued.

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

- Payment of Citation number 1800269 for \$900.00
 - The imposition of civil penalties of up to \$1000.00 for date cited July 1, 2022.
 - The administrative compliance fee to be imposed from March 2022 which is currently \$900.00
-
- 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.



May 30, 2018

Paul Lee
2115 SW Borland Road
West Linn, OR 97068

Subject: Alleged Violations of the Zoning and Development Ordinance, Title 12, Section 316 and the Solid Waste Code, Title 10, Section 10.03.060 of the Clackamas County Code

Site Address: 2115 SW Borland Rd., West Linn, OR 97068
T2S, R1E, Section 28, Tax Lot 02600

It has come to the attention of Clackamas County Code Enforcement that commercial businesses may be operating from the above referenced property without land use approval.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 316 of the Clackamas County Code.

Additionally there may be an accumulation of solid waste including putrescible (household) waste on the above referenced property.

This may constitute a violation of the Solid Waste Code, Title 10, Section 10.03.060 of the Clackamas County Code.

Please contact Andrea Hall, Code Enforcement Coordinator, within ten (10) days of the date of this letter in order to discuss this matter.

E-mail address is Andreahal@clackamas.us

Telephone number is 503-742-4467

**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.*

June 5, 2018

Paul Lee
2115 SW Borland Rd.
West Linn, OR 97068

Subject: Violation of the Clackamas County Code

Site Address: 2115 SW Borland Rd., West Linn, OR 97068
Legal Description: T2S, R1E, Section 28, Tax Lot 2600

As you know, it has come to the attention of the Clackamas County Code Enforcement Section that there is a plumbing business operating from the above referenced property without land use approval. This constitutes a violation of Section 316 of the Clackamas County Zoning and Development Ordinance.

Additionally, the business has been placing debris from plumbing projects on the property in violation Chapter 10.03.060 of the Clackamas County Code as it pertains to Solid Waste and Waste Management.

In order to abate this violation, the commercial business must remove the debris and relocate to a legal location no later than August 10, 2018.

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

Thank you for your prompt attention to this matter.



Andrea Hall
Clackamas County
Code Enforcement Coordinator

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 a \$75 per month administrative compliance 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 \$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 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 in its discretion waive all or part of the \$75 per month administrative fee.

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.

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 may result in the issuance of a citation without prior notice.

PROPERTY DESCRIPTION

Great Opportunity in Clackamas county. 7.84 acre property that sits on the Tualatin River just outside city limits of Lake Oswego, Tualatin, & West Linn. Less than 1-2 mile from I205, this property has lots of potential & is an investment for future development. Numerous structures and improvements sit on the property including a fixer home converted into a triplex, shop & storage buildings. Operating Dog Kennel. DO NOT DISTURB TENANTS!

2115 SW BORLAND RD | MLS# 19606504

This commercial property located at 2115 Sw Borland Rd , West Linn, OR 97068 is currently listed for sale with an asking price of \$1,399,000. Search all [West Linn real estate](#) on www.coldwellbankerbain.com today.

- Browse [properties recently listed for sale in West Linn, OR](#).
- [View all West Linn, OR Real Estate for sale](#)



October 28, 2019

Paul Lee
2115 SW Borland Rd.
West Linn, OR 97068

Subject: Violation of the Clackamas County Code

Site Address: 2115 SW Borland Rd., West Linn, OR 97068
Legal Description: T2S, R1E, Section 28, Tax Lot 2600

As you know it has come to the attention of the Clackamas County Code Enforcement Section that there are several commercial business operating from the above referenced property without land use approval including a plumbing company, bamboo sales company and a dog kennel. This constitutes a violation of Section 316.03 of the Clackamas County Zoning and Development Ordinance.

In a telephone conversation on October 24, 2019, you indicated to the County that the plumbing company relocated some time ago. A review of the Secretary of State's website revealed that it does appear that the company relocated to Portland. You further stated to the County that you were ceasing operation of the remaining businesses as the property has been listed for sale. The real estate listing stated that the home on the property has been converted to a triplex. A review of County records revealed that there are is no land use approval or building permits for this conversion. This constitutes a violation of Chapter 9.02.040(A)(B)(C)(D)(E) of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate the zoning violation, please cease all commercial activity on the subject property no later than **November 29, 2019**.

In order to abate the building code violations, please submit building permit applications to return the structure to a single family dwelling, technically complete plans and appropriate fees not later than **December 16, 2019**. The permit must be picked up within ten days of being notified. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued.

If you have any questions concerning these permit requirements, please contact the Building Codes Division at 503-742-4240. Or, you may stop by our offices at 150 Beaver Creek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and Fridays 8:00 a.m. and 3 p.m.

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

Thank you for your prompt attention to this matter.



Andrea Hall
Clackamas County
Code Enforcement Coordinator

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 a \$75 per month administrative compliance 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 \$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 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 in its discretion waive all or part of the \$75 per month administrative fee.

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.

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 may result in the issuance of a citation without prior notice.

From: [Hall, Andrea](#)
To: "Lindsay.Lange@ticortitle.com"
Subject: FW: Code Enforcement Liens/Violations
Date: Tuesday, May 5, 2020 11:49:00 AM
Attachments: [image004.jpg](#)
[image005.jpg](#)
[image006.png](#)

Hi Lindsay,

Yes, there are open, pending code violations for this property. The violations include a violation of the Clackamas County Zoning and Development Ordinance for commercial activity in a residential zone and violations of the Clackamas County Building Code for the conversion of a single family residence into a triplex without land use approval or building permits.

Please let me know if you have any questions.

Thank you,

Andrea Hall
Clackamas County
Code Enforcement Coordinator

From: Kauppi, Jennifer
Sent: Tuesday, May 5, 2020 9:59 AM
To: Hall, Andrea <Andreahal@clackamas.us>
Subject: FW: Code Enforcement Liens/Violations

From: Lange, Lindsay <Lindsay.Lange@ticortitle.com>
Sent: Tuesday, May 5, 2020 9:53 AM
To: DTD-CodeEnforcement <CodeEnforcement@clackamas.us>
Subject: Code Enforcement Liens/Violations

Good Morning,

We are working on the sale of property 2115 SW Borland Rd West Linn 97068 Acct No. 00393498, can you please tell me if there are any code enforcement liens or violations?

Thank you

Safeguarding the **health and safety** of our customers and employees is our top priority. Ticor Title is **open for business** and staff are here to help our clients/customers but **by appointment only**. With the current health concerns regarding COVID-19, **we ask that you call to set appointment if you are coming into our office.**

Lindsay Lange



Lindsay Lange
Escrow Assistant
lindsay.lange@ticortitle.com

Ticor Title



Ticor Title • 9200 SE Sunnybrook Blvd, Suite 130 • Clackamas, OR 97015
t: 503-219-2150 • d: 503-219-2142 • f: 503-652-1139
Customer Resource Center: 503.219.1000

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October 26, 2020

2115 Borland LLC
2115 SW Borland Rd.
West Linn, OR 97068

2115 Borland LLC
707 SW Washington St. #1500
Portland, OR 97205

Elliott, Ostrander & Preston P.C.
707 SW Washington St. #1500
Portland, OR 97205

Subject: Violation of the Clackamas County Code

Site Address: 2115 SW Borland Rd., West Linn, OR 97068
Legal Description: T2S, R1E, Section 28, Tax Lot 2600

As you may know, it has come to the attention of the Clackamas County Code Enforcement Section that the single family dwelling on the above referenced property has been converted to a triplex without land use approval or building permits. This constitutes a violation Section 316.03 of the Clackamas County Zoning and Development Ordinance and Chapter 9.02.040(B)(C)(D)(E) of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

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

Thank you for your prompt attention to this matter.

Andrea Hall
Clackamas County
Code Enforcement Section



March 23, 2022

2115 Borland LLC
2115 SW Borland Rd.
West Linn, OR 97068

2115 Borland LLC
1260 NW Naito Pkwy #508
Portland, OR 97209

Eric Hernanz
1260 NW Naito Pkwy #508
Portland, OR 97209

Subject: Violation of the Clackamas County Code V0026918

Site Address: 2115 SW Borland Rd., West Linn, OR 97068
Legal Description: T2S, R1E, Section 28, Tax Lot 2600

As you may know, it has come to the attention of the Clackamas County Code Enforcement Section that the single family dwelling on the above referenced property has been converted to a triplex without land use approval or building permits. This constitutes a violation Section 316.03 of the Clackamas County Zoning and Development Ordinance and Chapter 9.02.040(B)(C)(D)(E) of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate the violation, please submit the building permit applications, technically complete plans and appropriate fees to convert the structure back to a single family dwelling to the Clackamas County Building Codes Division no later than **April 29, 2022**. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building> . The permit must have the fees paid in full within ten days of being notified the permit is ready. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued.

If you have any questions concerning these permit requirements or the online submittal process, please contact the Building Codes Division at 503-742-4240, via email at bldservice@clackamas.us or, you may stop by our offices at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and Friday 8:00 a.m. to 3:00 p.m.

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

Thank you for your prompt attention to this matter.



Andrea Hall
Clackamas County
Code Enforcement Section

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.



Citation No. 1800269

Case No. V0026918

ADMINISTRATIVE CITATION

Date Issued: July 1, 2022

Name and Address of Person(s) Cited:

Name: 2115 Borland LLC
Name:
Mailing Address: 2115 SW Borland Rd.
City, State, Zip: West Linn, OR 97068

Date Violation(s) Confirmed: On the 1st day of July, 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): 2115 SW Borland Rd., West Linn, OR 97068

Legal Description: T2S, R1E Section 28, Tax Lot(s) 2600

Law(s) Violated:

- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (B)(C)(D)(E)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 316.03

Description of the violation(s):

- 1) Person(s) cited failed to obtain building permits and approved final inspections to convert an illegal triplex back to a single family dwelling.

Maximum Civil Penalty \$1000.00 Fine \$500.00

- 2)

Maximum Civil Penalty \$2500.00 Fine \$400.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$900.00. 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: Andrea Hall Date: July 1, 2022
Telephone No.: 503-742-4467 Department Initiating Enforcement Action: Code Enforcement



Citation No. 1800269

Case No. V0026918

AMENDED ADMINISTRATIVE CITATION

Date Issued: July 1, 2022

Name and Address of Person(s) Cited:

Name: 2115 Borland LLC
Name:
Mailing Address: 2115 SW Borland Rd.
City, State, Zip: West Linn, OR 97068

Date Violation(s) Confirmed: On the 1st day of July, 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): 2115 SW Borland Rd., West Linn, OR 97068

Legal Description: T2S, R1E Section 28, Tax Lot(s) 2600

Law(s) Violated:

- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (B)(C)(D)(E)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 316.03

Description of the violation(s):

- 1) Person(s) cited failed to obtain building permits and approved final inspections to convert an illegal triplex back to a single family dwelling.

Maximum Civil Penalty \$1000.00 Fine \$500.00

- 2) **Converted a single family dwelling to a triplex.**

Maximum Civil Penalty \$2500.00 Fine \$400.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$900.00. 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: Andrea Hall Date: July 1, 2022

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: _____