



NOTICE OF HEARING

February 18, 2025

Daniel J Bapst II
38772 SE Lusted Rd.
Boring, OR 97009

RE:: County of Clackamas v. Daniel J Bapst II
File: V0022823

Hearing Date: March 11, 2025

Time: This item will not begin before 11:00am however it may begin later depending on the length of preceding items.

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

Enclosed you will find the following:

1. Notice of Rights
2. Copy of Complaint and Request for Hearing

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

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

You may contact Jennifer Kauppi, Code Compliance Specialist for Clackamas County at (503) 742-4759, 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 Officer's 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.



You must have access to the internet or to a telephone line to use the Zoom platform. A Zoom invite has been sent to DAN.B1689@GMAIL.COM and SARAHRRBAPST@GMAIL.COM a copy of the link is provided below. Once you have joined the meeting, please allow the moderator to promote you to a panelist.

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

If you are unable to participate in a hearing through the Zoom platform please contact Jennifer Kauppi at 503-742-4759 **within 3 calendar days of receipt of the Notice of Hearing**.

If you do not know how to use Zoom, please Google "how to use Zoom" and there are many interactive guides on the internet. **When joining the webinar please accept the request to join as a panelist.**

If you experience difficulties connecting to the Zoom hearing **before** your scheduled start time, please call 503-830-9960 for assistance.

Zoom invite

Join via audio:

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 876 9923 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

Webinar ID: 822 5001 0353

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
COUNTY OF CLACKAMAS

COUNTY OF CLACKAMAS,

Petitioner,

v.

DANIEL J. BAPST II,

Respondent.

File No: V0022823

COMPLAINT AND REQUEST FOR HEARING

I, Jennifer Kauppi, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondent's mailing address is: 38772 SE Lusted Rd., Boring, OR 97009.

2.

The Respondent(s) own/owns or occupies the address or location of the violation(s) of law alleged in this Complaint is 38772 SE Lusted Rd., Boring also known as T1S, R4E, Section 25, Tax Lot 02100, and is located in Clackamas County, Oregon. The property is zoned RRRFF5 and is the location of violation(s) asserted by the County.

3.

On or about the 25TH day of September 2024 and on the 25th day of November, 2024 the Respondent violated the following law, in the following way:

- a. Respondent violated the Clackamas County Building Code, Chapter 9.02.040 by failing to obtain approved permits and approved final inspections for an accessory dwelling unit built without permits. This violation is a Priority 1 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: Violation Notice date September 25, 2024 and Citation and Complaint 2300228 was mailed via first class mail on November 25, 2024. A copy of the notice documents is attached to this Complaint as Exhibits E and F, 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 violation 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 a Building Code Priority 1 violation being \$750.00 to \$1,000.00 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:

and

5. Ordering any other relief deemed reasonably necessary to correct the violations.

DATED THIS 10th day of February, 2025.



Jennifer Kauppi
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

DANIEL J. BAPST II

Respondent.

File No.: V0022823

STATEMENT OF PROOF

History of Events and Exhibits:

- August 4, 2023
Clackamas County received a complaint that an accessory structure was converted to an accessory dwelling unit (ADU) without approved permits.
- August 4, 2023
Exhibit A
I conducted online research of the subject property. I found an RMLS listing for the property that stated there was a 2 bedroom/1 bathroom ADU in the detached garage/shop. I researched the County permitting system and found approved permits in 1988 for a garage with a playroom and bathroom. Notes on the approved final inspection stated there was no kitchen at the time of the final inspection.
- August 23, 2023
Exhibit B
Correspondence was sent to the Respondent with a deadline date of September 23, 2023 to abate the violation..
- October 6, 2023
I received a phone call from Daniel regarding the correspondence he received in the mail. Daniel stated that his in-laws are living in the ADU and so he would like to proceed with the Guest House option as noted in the Notice of Violation. We discussed size restrictions for an ADU and permit requirements.
- November 2, 2023 -
December 18, 2023
Exhibit C
Several emails were exchanged regarding size restrictions for a guest house and follow up on when permits would be submitted. On December 18, 2023 Daniel responded that he was on vacation until the end of December and was trying to find housing for his in-laws. I told Daniel I would follow up with him after the holidays.
- February 26, 2024
Exhibit D
I notified Daniel that some potential land use changes for his property could potentially allow him to keep the ADU. I paused enforcement until the proposed land use changes were either approved or denied.
- September 25, 2024
Exhibit E
Clackamas County adopted changes to land use to allow for ADU's in RRF5 zoning as long as the property was more than 2 acres in size and not in an Urban Reserve. An updated Notice of Violation was mailed to the Respondent notifying him that the ADU on the subject property would be allowed. I provided the Respondent a deadline date of November 18, 2024 to submit a complete building permit application for the ADU.

November 25, 2024
Exhibit F

Citation 2300228 for the Priority 1 Building Code violation was issued and sent first class mail to the Respondent. The citation was not returned to the County. There is no fine amount associated with this citation as the County is seeking civil penalties in this matter.

December 18, 2024
Exhibit G

I received an email from Sarah who is the Respondent's wife. Sarah was inquiring on how to proceed with abating the violation.

February 10, 2024

This matter was referred to the Hearings Officer.

If the Compliance Hearings Officer affirms the County's position that a violation of the Building Code, Title 9.02.040 exists, the County is requesting a Continuing Order in this matter recommending the following:

- The Respondent be ordered to bring the property into compliance with the Building Code within 45 days of the date of the Order by submitting a technically complete building permit application. All requests for additional plan review information must be responded to within ten days of being notified and obtain final approved inspections for the building permit and any required trade permits within 60 days of permits being issued.
- Code Enforcement to confirm compliance of the above item and the County will submit a 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:
- The imposition of civil penalties for the Building Code violation of up to \$1,000.00 for date cited November 25, 2024.
- The administrative compliance fee to be imposed from September, 2024 until the violation is abated. As of this report the total is \$300.00.
- The County requests the Hearings Officer to permanently prohibit the Respondent from violating this law in the future.
- If the Respondent fails to comply with the Hearings Officer's Continuing Order the County will request the Hearings Officer to issue a Final Order and will also request the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.

© 2022
OFF MARKET



 **Street View**

● LAST SOLD ON JUL 11, 2022 FOR \$632,000

38772 SE Lusted Rd, Boring, OR 97009

\$663,886

Redfin Estimate

4

Beds

2

Baths

2,145

Sq Ft



About this home

This is a fantastic opportunity to bring your vision of restoration to this 4 bed/2 bath farmhouse with 2 bed/1 bath ADU over the oversized garage/workshop. Mid-century living room/dining room complete with original built-ins. Large partially finished basement with access door to the exterior. Wood Framed Metal Pole Barn located behind sliding gate with concrete floor and power. 4 acres with beautiful territorial views and a creek running the back of the property.

□

88

Occupancy Residential
 Type of Building Single Family
 Single Family Yes
 Multi Family (no) _____
 Commercial _____
 Industrial _____
 Mech. _____
 Other Gar & Play Room

CLACKAMAS COUNTY
 DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
 902 ABERNETHY ROAD, OREGON CITY, OR 97045

BUILDING PERMIT APPLICATION

Permit No. 1911-88
 Plan Check No. C-6304-88
 Valuation 41,212
 Permit Fee 247-
 Mech. Fee 25-
 State Surcharge 5% 13.60
 Plan Check Fee 161.80
 Total Fee 447.40
 Less Prepaid 313.00
 Amount Due 134.40

Serial No. _____
 Plans Accepted By [Signature] Date 8-3-88
 Application Received By [Signature] Date _____

TO BE FILLED IN BY APPLICANT

Project Location (Address) 38772 SE Lusted Rd.
 Nearest Cross Street HUDSON
 Subdivision Name _____ Lot _____ Block _____
 Township 1S Range 4E Section 25 Tax Lot 02100
 Lot Size _____ (Sq. Ft.) Building Area 864 (Sq. Ft.) Basement Area _____ (Sq. Ft.) Garage Area 864 (Sq. Ft.)
 Stories 2 Bedrooms _____ Water Source CITY, PTLD. Sewage Disposal SEPTIC
 Estimated Cost of Labor and Material 12,000-
 Plans and Specifications made by SELF accompany this application.

Owner's Name CARRY L. TURNER Builder's Name SAME
 Address 38772 SE Lusted Rd. Address _____
 City Boring State OR City _____ State _____
 Phone 663 1443 Zip 97009 Phone _____ Zip _____

I certify that I am registered under the provisions of ORS Chapter 701 and my registration is in full force and effect. I also agree to build according to the above description, accompanying plans and specifications, the State of Oregon Building Code, and to the conditions set forth below.

APPLICANT _____ HOMEBUILDER'S REGISTRATION NO. _____ DATE _____
 I certify that I am exempt from the provisions of ORS Chapter 701. The basis for my exemption is _____

I agree to build according to the above description, accompanying plans and specifications, the State of Oregon Building Code, and to the conditions set forth below.

G. Turner 08-03-88
 APPLICANT DATE

SEWAGE DISPOSAL REQUIREMENTS: owner's information
 Septic Tank Capacity 800 Gallons. 5 Drainfield (Equal _____ or Serial _____) Distribution.
 Total Length of Lines 250 Feet. Number of Lines 1 Distance Between Lines _____ Feet.
 Comments: no apparent conflict or failure. space to repair.

PLANNING DEPARTMENT REQUIREMENTS: _____

ZONE: RRFF-5

Development Construction <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Sewage Disposal <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Plans Checked and Approved	Planning Department Approved	Permit Issued
By <u>[Signature]</u>	By <u>[Signature]</u>	By <u>[Signature]</u>	By <u>[Signature]</u>	By <u>[Signature]</u>
Date <u>8/4/88</u>	Date <u>8/4/88</u>	Date <u>8-11-88</u>	Date <u>8/3/88</u>	Date <u>8-11-88</u>

E 5 JZ

BUILDING INSPECTION REPORT 663-1443

CLACKAMAS COUNTY
BUILDING SERVICES DIVISION

Phone: 655-8521

902 Abernethy Road
Oregon City, Oregon 97045

Permit No. 1911
~~1991~~-88

Date & Time Received 2-13 (A.M. P.M.)

INSPECTION TO BE MADE:				
MON.	TUE.	WED.	THU.	FRI.
A.M.	P.M.			

Owner or Builder _____

Location 38772 SE Lusted Rd. Received By: _____

TYPE OF INSPECTION	APPROVED	APPROVED AS NOTED SEE BELOW	NOT APPROVED
Footings <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foundation <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flatwork <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fireplace / Masonry <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frame Cover <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Insulation <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wallboard <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mechanical / Gas <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Final <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Inspector Edward Kasalke Date 2-13-89 Time 12:45 (A.M. P.M.)

COMMENTS: _____

Note: No kitchen in this structure



© 2022



Sold: \$632,000 (4 beds, 2 baths, 2,145 Square Feet)





August 23, 2023

Daniel Bapst II
38772 SE Lusted Rd
Boring, OR 97009

SUBJECT: Violation of the Clackamas County Zoning and Development Ordinance, Title 12, Section 316.03(A) and Violation of the Clackamas County Building Code, Chapter 9.02.040 (B)(C)(D)(E)

VIOLATION: V0022823

SITE ADDRESS: 38772 SE Lusted Rd., Boring, OR 97009

LEGAL DESCRIPTION: T1S, R4E, Section 25, Tax Lot 02100

This letter serves as notice of a violation of the Clackamas County Code. The violations include:

Accessory structure converted to an accessory dwelling unit without approved permits.
Multiple dwellings without land use approval.

VIOLATIONS & HOW TO RESOLVE

On August 4, 2023 Clackamas County received a complaint that a portion of the detached garage had been converted to an accessory dwelling unit. Research of County records found that the structure was permitted in 1988 as a garage with a playroom.

Based on the zoning of the property, an accessory dwelling unit is not an allowed use. The space may be able to be permitted as a garage with a guest house. A guest house cannot have laundry facilities or any type of cooking appliances. In addition, a guest house cannot be used for rental income and must meet the dimensional zoning standards for the size of the space and proximity to the main dwelling.

Multiple dwellings without land use approval and converting a playroom into an accessory dwelling unit without permits constitutes a violation of Clackamas County Code Zoning and Development Ordinance, Title 12, Section 316.03 (A) and Building Code, Chapter 9.02.040(B)(C)(D)(E) . In order to abate the violation(s), you must complete the following **no later than September 23, 2023:**

Accessory structure converted to an Accessory Dwelling Unit

****Please contact the planning department to determine if the space will meet the land use requirements for the space to be used as a guest house****

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s) to convert the accessory dwelling unit to an approved use. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>.
- Respond to all requests of additional plan review information within 10 days of being notified.
- Submit all required trade permits to decommission the cooking area and any laundry facilities. All other fixtures that can remain and were added after the approved 1988 permits must be permitted.
- The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
- Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

CONTACT INFORMATION

Building – If you have questions concerning permitting requirements please contact the building department at 503-742-4240 or on-line at bldservice@clackamas.us.

Planning – If you have questions concerning land use requirements please contact the planning department at 503-742-4500 or on-line at zoninginfo@clackamas.us.

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beaver Creek Road, Oregon City. The lobby is open between the hours of 8:00 a.m. to 4:00 p.m. Monday through Thursday. Our office is closed to the public on Fridays.

If you have any questions my direct telephone number is 503-742-4759 and my email is jkauppi@clackamas.us.

Jennifer Kauppi

Code Enforcement Specialist
Clackamas County Code Enforcement

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.



After recording return to:
Daniel J Bapst, II
38772 SE Lusted Road
Boring, OR 97009

Until a change is requested all tax
statements shall be sent to:
Daniel J Bapst, II
38772 SE Lusted Road
Boring, OR 97009

File No.: 7012-3955304 (sb)
Date: July 08, 2022

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2022-039350

07/11/2022 12:03:02 PM

D-D Cnt=1 Stn=4 MELISSA
\$10.00 \$16.00 \$10.00 \$62.00

\$98.00

PERSONAL REPRESENTATIVE'S DEED

Kimberly N Turner the duly appointed, qualified and acting personal representative of the estate of Elizabeth Rae Turner , deceased, conveys to Daniel J. Bapst II that certain real property situated in the County of Clackamas, State of Oregon, described as follows, to-wit:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

14E25 02100 00149146

BEGINNING AT THE INTERSECTION OF CENTERLINE OF PIPS LINE ROAD (ROAD NO. 367) AND THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 25, A DISTANCE OF 50 RODS TO A POINT IN THE SAID WEST LINE; THENCE EAST AT RIGHT ANGLES WITH SAID WEST LINE, 12 RODS TO A POINT; THENCE NORTH PARALLEL WITH SAID WEST LINE TO THE CENTERLINE OF SAID PIPE LINE ROAD; THENCE FOLLOWING THE CENTERLINE OF SAID PIPE LINE ROAD IN A NORTHWESTERLY DIRECTION TO THE PLACE OF BEGINNING, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

NOTE: This Legal Description was created prior to January 01, 2008.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$632,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS

FIRST AMERICAN 3155 304-GR

INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 9th day of July, 2022.

Estate of Elizabeth Rae Turner

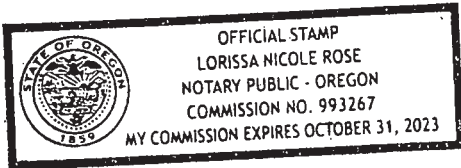
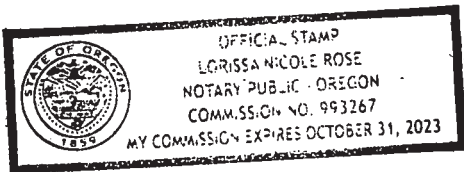
By: *Kimberly N Turner PR*
Kimberly N Turner as Personal Representative

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 9th day July, 2022
by Kimberly N Turner, as personal representative of the estate of Elizabeth Rae Turner

Lorissa Nicole Rose

Notary Public for Oregon
My Commission Expires: Oct. 31, 2023



Kauppi, Jennifer

From: Kauppi, Jennifer
Sent: Monday, November 6, 2023 9:30 AM
To: 'Daniel Bapst'
Subject: RE: Guest House Size

Daniel,

Yes. You are still required to submit a change of use. The space was not permitted as a guest house with sleeping area. In addition, trade permits will be needed to remove what cannot remain and permit what can remain.

Thank you
Jennifer

From: Daniel Bapst <dan.b1689@gmail.com>
Sent: Thursday, November 2, 2023 4:22 PM
To: ZoningInfo <ZoningInfo@clackamas.us>
Cc: Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: Re: Guest House Size

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

Annebelle - Thanks for the clarification on guesthouses.

Jennifer - The original 1988 permit for this space was approved by the county. Without a kitchen or laundry in the space, is there a need to change anything? The complaint that was made called this an ADU but I guess I never confirmed that this would even be considered that. Can you provide the definition of an ADU?

Thank you,
Dan

On Thu, Nov 2, 2023 at 2:32 PM ZoningInfo <ZoningInfo@clackamas.us> wrote:

Good afternoon,

As stated in [ZDO Section 833 - Guest Houses \(click here\)](#), the maximum square footage is 600 s.f.

You may exclude a portion of the structure with a partition wall to limit the square footage of the guest house to 600 s.f. and have the remaining space as another allowed use such as storage.

Customer Service

Clackamas County Planning & Zoning

Annabelle Lind – Planner II

150 Beaver Creek Road

Oregon City, Oregon 97045

Tel: 503-742-4500

www.clackamas.us

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)



The Planning and Zoning public service telephone line at 503-742-4500 and email account at zoninginfo@clackamas.us are staffed, and the public service lobby is open, Monday through Thursday from 8:00 a.m. to 4:00 p.m.

Were you happy with the service you received today?



CLICK A SMILEY

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: Kauppi, Jennifer <JKauppi@clackamas.us>
Sent: Thursday, November 2, 2023 1:31 PM
To: 'Daniel Bapst' <dan.b1689@gmail.com>
Cc: ZoningInfo <ZoningInfo@clackamas.us>
Subject: Guest House Size

Daniel,

I do not know if there is an allowance or not. I have copied our planning department on this email. They will be able to answer that question.

Thank you

Jennifer

From: Daniel Bapst <dan.b1689@gmail.com>
Sent: Thursday, November 2, 2023 1:27 PM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: Re: Guest House Size

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

Hi Jennifer,

I was able to measure the space and confirmed the overall dimensions. The total square footage of the guest house is 649-sf. Is there any tolerance when it comes to the maximum square footage of a guest house?

Thank you,

Dan

On Wed, Oct 18, 2023 at 10:24 AM Kauppi, Jennifer <JKauppi@clackamas.us> wrote:

Dan,

Please call me to discuss the violation and what your next steps need to be.

I can be reached at 503-348-4692.

Thank you

Jennifer

From: Kauppi, Jennifer
Sent: Tuesday, October 10, 2023 6:46 AM
To: 'DAN.B1689@GMAIL.COM' <DAN.B1689@GMAIL.COM>
Subject: Guest House Size

Dan,

Good Morning. I confirmed the information regarding the size of the proposed guest house.

Please see below.

When you have time today, please give me a call to discuss further.

I will be out of the office for an appointment from 10:30 until Noon.

I can be reached at 503-348-4692.

Thank you

Jennifer

From: ZoningInfo <ZoningInfo@clackamas.us>
Sent: Monday, October 9, 2023 8:54 AM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: RE: Guest House Size

Yes as long ate there is no interior connection to the space- door would need to be external

Lizbeth Dance, Planner II
Clackamas County Transportation & Development

Planning & Zoning / Long Range Planning

150 Beaver creek Road

Oregon City, Oregon 97045

503-742-4524

My office hours are M-Th 6:30 am – 5:00pm

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: Kauppi, Jennifer <JKauppi@clackamas.us>
Sent: Friday, October 6, 2023 12:34 PM
To: ZoningInfo <ZoningInfo@clackamas.us>
Subject: Guest House Size

Hello,

From a land use position, if a guest house area exceeds the maximum sq ft by 200 sq ft, could the owners modify the space (creating a wall with a door) and making that portion storage only in order to meet the 600 sq ft of livable space?

Thank you

Jennifer Kauppi – Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beaver Creek Rd.

Kauppi, Jennifer

From: Kauppi, Jennifer
Sent: Wednesday, November 29, 2023 11:37 AM
To: 'DAN.B1689@GMAIL.COM'
Subject: V0022823 - 38772 SE Lusted Rd - Update Requested

Importance: High

Dan,

Hello. Please provide an update on where you're at with plan submittal for the guest house above the detached structure? The deadline date for that submittal was September 23, 2023.

Thank you

Jennifer Kauppi – Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beavercreek Rd.
Primary Phone: 503-742-4759

www.clackamas.us

Hours: M-F from 7:30 a.m. until 4:00 p.m.

Lobby hours 8:00 a.m. until 4:00 p.m. Monday – Thursday. Offices are closed to the public on Fridays.

Were you happy with the service you received today?



CLICK A SMILEY

Kauppi, Jennifer

From: Kauppi, Jennifer
Sent: Monday, December 18, 2023 12:36 PM
To: 'Daniel Bapst'
Subject: RE: V0022823 - 38772 SE Lusted Rd - Update Requested

Daniel,

We will regroup after the holidays. There will still be permitting involved as you will be required to decommission or permit what was added without permits.

Thank you
Jennifer

From: Daniel Bapst <dan.b1689@gmail.com>
Sent: Monday, December 18, 2023 12:04 PM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: Re: V0022823 - 38772 SE Lusted Rd - Update Requested

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

Jennifer,

Based on the information you have provided me, no one is allowed to sleep in the structure because in 1988 it was permitted as a playroom. It is my understanding that if the use remains as a playroom like the 1988 permit allows, then that is the only way to not modify the existing building and use it.

I am on vacation out of state visiting family, and will be back on December 29th. I am trying to find housing for my in-laws so they can move out, but their budget is very limited. Once they are out of our house I will inform the county.

Happy Holidays,

Dan Bapst
Sent from my iPhone

On Dec 18, 2023, at 14:27, Kauppi, Jennifer <JKauppi@clackamas.us> wrote:

Dan,

Hello. I had emailed you requesting an update on plans submittal for the guest house back on November 29th. It does not appear that I have received a response. Please provide me with an update on where you're at with the plan submittal. As previously stated the deadline to submit that information was September 23.

Please respond no later than December 27th. If I do not hear from you by then, I will have to move forward with enforcement.

Thank you
Jennifer

From: Kauppi, Jennifer
Sent: Wednesday, November 29, 2023 11:37 AM
To: 'DAN.B1689@GMAIL.COM' <DAN.B1689@GMAIL.COM>
Subject: V0022823 - 38772 SE Lusted Rd - Update Requested
Importance: High

Dan,

Hello. Please provide an update on where you're at with plan submittal for the guest house above the detached structure? The deadline date for that submittal was September 23, 2023.

Thank you

Jennifer Kauppi – Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beaver Creek Rd.
Primary Phone: 503-742-4759

www.clackamas.us

Hours: M-F from 7:30 a.m. until 4:00 p.m.

Lobby hours 8:00 a.m. until 4:00 p.m. Monday – Thursday. Offices are closed to the public on Fridays.

<image001.jpg>

Kauppi, Jennifer

From: Kauppi, Jennifer
Sent: Monday, February 26, 2024 1:17 PM
To: 'DAN.B1689@GMAIL.COM'
Subject: V0022823 - 38772 SE Lusted Rd - Possible Zoning Change

Importance: High

Daniel,

Please be advised that there is now a potential for an ADU to be an allowed use on your property. The planning commission has a proposal for this use as long as certain conditions of the property are met.

I am going to hold off on active enforcement for the violation on the property until such time as we know for sure what will be allowed.

Long story short....no need for anyone to move out at this time.

It will like be late Spring before I know anything. In the meantime, if you have any questions please let me know.

Thank you

Jennifer Kauppi – Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beaver creek Rd.
Primary Phone: 503-742-4759

www.clackamas.us

Hours: M-F from 7:30 a.m. until 4:00 p.m.

Lobby hours 8:00 a.m. until 4:00 p.m. Monday – Thursday. Offices are closed to the public on Fridays.

Were you happy with the service you received today?



CLICK A SMILEY



September 25, 2024

Daniel Bapst II
38772 SE Lusted Rd
Boring, OR 97009

SUBJECT: Violation of the Clackamas County Building Code, Chapter 9.02.040 (B)(C)(D)(E)

VIOLATION: V0022823

SITE ADDRESS: 38772 SE Lusted Rd., Boring, OR 97009

LEGAL DESCRIPTION: T1S, R4E, Section 25, Tax Lot 02100

This letter serves as notice of a violation of the Clackamas County Code. The violations include:

Accessory structure converted to an accessory dwelling unit without approved permits.

VIOLATIONS & HOW TO RESOLVE

On August 4, 2023 Clackamas County received a complaint that a portion of the detached garage had been converted to an accessory dwelling unit. Research of County records found that the structure was permitted in 1988 as a garage with a playroom.

Based on the zoning of the property at the time of the original violation notice dated August 23, 2023 an accessory dwelling unit (ADU) was not an allowed use. On September 3, 2024 the zoning ordinance was updated to allow for an ADU in the RRFF5 zoning if certain criteria were met. It appears your property meets the criteria to now allow for an ADU on the property with certain restrictions. I have attached the new ADU information to this letter.

The structure on the property that was confirmed as an ADU was permitted as a garage with a playroom under building permit B01911-88. A new building permit and trade permits will be required to either convert the space to an ADU or other allowed use or decommission the space back to it's original use.

The conversion of a playroom into an accessory dwelling unit without permits constitutes a violation of Clackamas County Code Zoning and Development Ordinance, Title 12, Section 316.03 (A) and Building Code, Chapter 9.02.040(B)(C)(D)(E) . In order to abate the violation(s), you must complete the following **no later than November 18, 2024:**

Accessory structure converted to an Accessory Dwelling Unit

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s) to convert the accessory dwelling unit to an approved use or to decommission the space back to its original approved use based on the 1988 permit.. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>.
 - Respond to all requests of additional plan review information within 10 days of being notified.
 - Submit all required trade permits to decommission the cooking area and any laundry facilities. All other fixtures that can remain and were added after the approved 1988 permits must be permitted.
 - The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

CONTACT INFORMATION

Building – If you have questions concerning permitting requirements please contact the building department at 503-742-4240 or on-line at blbservice@clackamas.us.

Planning – If you have questions concerning land use requirements please contact the planning department at 503-742-4500 or on-line at zoninginfo@clackamas.us.

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beaver Creek Road, Oregon City. The lobby is open between the hours of 8:00 a.m. to 4:00 p.m. Monday through Thursday. Our office is closed to the public on Fridays.

If you have any questions my direct telephone number is 503-742-4759 and my email is jkauppi@clackamas.us.

Jennifer Kauppi

Code Enforcement Specialist
Clackamas County Code Enforcement

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.

FAQs

FREQUENTLY ASKED
QUESTIONS

Expanding Housing Options in Unincorporated Clackamas County: Accessory Dwelling Units (ADUs) in Rural Residential Areas

Effective **September 3, 2024**, accessory dwelling units (ADUs) will be allowed in more areas of Clackamas County, including on some rural residential properties.

Why did the county change the rules to allow ADUs in more areas?

In 2021, the Oregon Legislature approved a bill (SB 391) that enabled counties to allow ADUs on rural residential lands outside an urban growth boundary (UGB), but only after the state's wildfire hazard map was completed. In 2023, since the wildfire map was not yet completed, the legislature amended the law to allow counties to permit ADUs in these areas without the wildfire map.

In light of the pressing need for additional housing, the Clackamas County Board of Commissioners chose to take advantage of this option.

Did the county change my zoning?

No. The new regulations did not change anyone's zoning designation; they simply added another housing option in certain existing zones.

What is an ADU?

An accessory dwelling unit (ADU) is a second (usually smaller) dwelling unit located on the same lot as a detached single-family or manufactured home. The ADU may be attached or detached from the primary home.

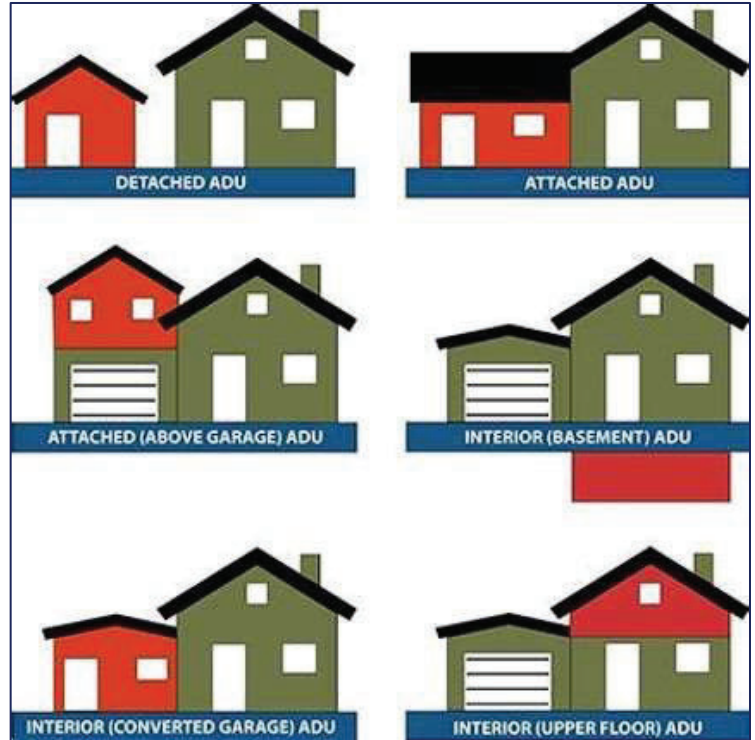
Where are ADUs allowed?

ADUs were already allowed inside urban growth boundaries in single-family residential zones and in some designated Unincorporated Communities on Mt. Hood. As of Sept 3, 2024, ADUs are also allowed **outside** urban growth boundaries (**but not within urban reserves**) in the following rural residential zones:

- **RA-2** (rural area residential, 2-acre)
- **RRFF-5** (rural residential farm forest, 5-acre)
- **FF-10** (farm forest, 10-acre)
- **RR** (recreational residential)
- **FU-10** (future urban, 10-acre)

As of Sept 3, 2024, ADUs are also allowed in the **RA-1** (rural area residential, 1-acre) zone, found within some designated Unincorporated Communities (like Mulino, Redland, or Colton).

ADUs **are not** allowed in the EFU (exclusive farm use), AG/F (ag/forest) and TBR (timber) zones.



What kinds of dwellings can be used as ADUs?

An ADU must be a permitted dwelling; it may be a “stick-built” dwelling, a manufactured dwelling, or a prefabricated structure. The ADU may not be a recreational vehicle (RV), “tiny home” on wheels, or similar temporary or mobile structure.

Are there any special rules or regulations for rural ADUs?

Yes. Inside urban growth boundaries and unincorporated communities, ADUs have very few rules aside from a size limit (in most cases, 900 sq. ft. maximum). However, ADUs **outside** those boundaries must meet a number of standards including the following:

The lot:

- Must be two acres or greater
- Must have one, and only one, single-family dwelling (may be a manufactured dwelling). Cannot have any other dwelling units, a recreational vehicle as a second dwelling, or a guest house.
- Must not have been declared a nuisance property or be subject to pending action related to nuisance property
- Must be served by a fire protection service provider

The ADU:

- Must comply with state laws relating to water supply, sanitation and wastewater disposal
- May be no larger than 900 square feet
- Must be located within 100 feet of the single-family dwelling
- Cannot be used as a short-term rental
- Is subject to certain wildfire siting and construction standards, including defensible space and fire-related construction provisions in the state building code.

You can find the specific requirements for ADUs requirements in **Section 839** of the county’s [Zoning & Development Ordinance \(ZDO\)](#).

What is the process for getting approval to build an ADU?

1. **Understand the rules:** Does your zoning district allow for ADUs? Can you meet the requirements in ZDO Section 839? Contact Planning and Zoning at 503-742-4500 or zoninginfo@clackamas.us to find out whether any overlays, protected areas, or other special circumstances will affect your ability to site an ADU on your property.
2. **Get permits:** In most cases, no land use approvals are needed and you can proceed directly to apply for building permits or manufactured dwelling placement permits. Please contact county Building Codes at 503-742-4240 or bldservice@clackamas.us for more information about the permitting process and costs.

For more information, visit the Planning and Zoning project web page: [ADUs and RVs as options for secondary dwellings | Clackamas County](#)



Citation No. 2300228

Case No. V0022823

ADMINISTRATIVE CITATION

Date Issued: November 25, 2024

Name and Address of Person(s) Cited:

Name: Daniel Bapst II
Mailing Address: 38772 SE Lusted Rd
City, State, Zip: Boring, OR 97009

Date Violation(s) Confirmed: On the 25th day of November, 2024 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): 38772 SE Lusted Rd., Boring, OR 97009

Legal Description: T1S, R4E Section25, Tax Lot(s) 02100

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)

Description of the violation(s):

- 1) Failure to obtain approved permits and approved final inspections for an accessory structure converted to an accessory dwelling unit.

Maximum Civil Penalty \$1,000.00

Fine : Not subject to fine amount

You may avoid paying the civil penalty by abating the violation(s). 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: Jennifer Kauppi
Telephone No.: 503-742-4759

Date: November 25, 2024
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: _____

Kauppi, Jennifer

From: Kauppi, Jennifer
Sent: Thursday, December 19, 2024 6:57 AM
To: 'sarahrbapst@gmail.com'
Subject: ADU Permit - Citation No. 2300228
Attachments: 24-09-25 Updated Violation Letter Y.pdf; FAQ_ADUs_Final_082924.pdf

Sarah,

Good Morning. In order to abate the violation you will have to permit the space for use as an ADU. Please note that the size of the ADU cannot be more than 900 sq ft.

I would recommend coming into the County to discuss what will be required as a complete plan submittal for the building permit. I also want you to be aware that permitting this space as an ADU is just like permitting a 2nd home. There are fees associated with this permit that can be expensive. In addition there could be other requirements for access to the structure that may be required.

I am happy to discuss this with you over the phone. I can be reached today at 503-348-4692.

Thank you

Jennifer Kauppi – Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beaver Creek Rd.

Primary Phone: [503-742-4759](tel:503-742-4759)

www.clackamas.us

Hours: M-F from 7:30 a.m. until 4:00 p.m.

Lobby hours 8:00 a.m. until 4:00 p.m. Monday – Thursday. Offices are closed to the public on Fridays.

Were you happy with the service you received today?



CLICK A SMILEY

From: DTD-CodeEnforcement <CodeEnforcement@clackamas.us>
Sent: Wednesday, December 18, 2024 3:33 PM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: FW: ADU Permit - Citation No. 2300228

Please see below.

Thank you,

Tiané Ferber

Code Enforcement Permit Specialist
Department of Transportation and Development
150 Beaver Creek Rd. Oregon City, OR 97045
503-742-4452

www.clackamas.us

Hours: M-F from 7:30 a.m. until 4:00 p.m.

Lobby hours 8:00 a.m. until 4:00 p.m. Monday – Thursday. Offices are closed to the public on Fridays.

From: Sarah Bapst <sarahrbapst@gmail.com>
Sent: Wednesday, December 18, 2024 2:43 PM
To: DTD-CodeEnforcement <CodeEnforcement@clackamas.us>
Subject: ADU Permit - Citation No. 2300228

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

Good afternoon,

I am emailing on behalf of me and my husband, Daniel regarding Citation Number 2300228, Case Number V0022823. I've attached a copy of the citation for our address at:

38772 SE Lusted Rd.
Boring, OR 97009

We purchased this home in 2022 without knowing the ADU was not correctly permitted. How can we resolve this issue? My mother and step-dad are living on our property and helping with caring for our three children under age 3. I'm thankful ADUs have become allowed in our county and look forward to closing out this concern.

Thank you and happy holidays,

Sarah and Daniel Bapst
971-420-9999