



NOTICE OF HEARING

September 12, 2024

Ilya Zagaryuk
14723 SE Wyeast Ave.
Damascus, OR 97089

RE:: County of Clackamas v. Ilya Zagaryuk
File: V0041523

Hearing Date: October 10, 2024

Time: This item will not begin before 11:30am 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 ILYAJR@YAHOO.COM a copy of the link is provided below.

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 from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://clackamascounty.zoom.us/j/83012995425?pwd=5yJP9PPbtfW3eoaVn6Ku7oUJzRcNza.1>

Passcode: 045505

Or One tap mobile:

+16694449171,,83012995425# US

+16699006833,,83012995425# US (San Jose)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 408 638 0968 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 876 9923 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325

Webinar ID: 830 1299 5425

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.

ILYA ZAGARYUK,

Respondent.

File No: V0041523

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: 14732 SE Wyeast Ave, Damascus, OR 97089.

2.

The address or location of the violation(s) of law alleged in this Complaint is:

19127 SE Hwy 212, Damascus, OR 97089 also known as T2S, R3E, Section 08B, Tax Lot 00100,
and is located in Clackamas County, Oregon.

3.

On or about the 10th day of January, 2024, 21st day of February 2024 and on the 20th
day of May, 2024 the Respondent violated the following laws, in the following ways:

- a. Respondent violated the Clackamas County Building Code, Chapter 9.02.040 by failing to obtain approved permits and approved final inspections for accessory structures and an accessory structure converted to an accessory dwelling unit. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

- b. Respondents violated the Clackamas County Zoning and Development Ordinance, Section 316.03 by failing to obtain land use approval for a business operating on the the subject property. This violation 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 violations was given to Respondent in the following manner: Violation Notice and Citation and Complaint 2300415 in the amount of \$400.00 was mailed via first class mail on May 20, 2024. A copy of the notice document is attached to this Complaint as Exhibits C, D and E, 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 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. Said range for a Zoning and Development Ordinance Code Priority 2 violation being \$500.00 to \$2,500.00 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 3 day of September 2024.



COUNTY OF CLACKAMAS,

Petitioner,

ILYA ZAGARYUK

Respondent.

File No.: V0041523

STATEMENT OF PROOF

History of Events and Exhibits:

| | |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| December 26, 2023 | Clackamas County received a complaint regarding a sheet metal company operating without land use approval. |
| December 28, 2023 Exhibit A | Correspondence was sent to the Respondent regarding the alleged violation. |
| December 28, 2023 Exhibit B | I conducted online research and found both Dez Development and Proflashco operating from this location. In addition, I found that several accessory structures onsite had been built without permits with one being converted to an accessory dwelling unit. |
| January 10, 2024 Exhibit C | Correspondence was sent to the Respondent with a deadline of February 10, 2024 to abate the violations. |
| February 21, 2024 Exhibit D | An updated Notice of Violation was mailed to the Respondent to include another accessory structure built without permits that was not included on the original correspondence dated January 10, 2024. |
| February 21, 2024 | The Respondent submitted a Type II Major Home Occupation application Z0062-24. The application was deemed incomplete on March 5, 2024. This application was voided by the planning department on August 20, 2024 as the missing information was not received by the planning department in order to process the application. |
| May 20, 2024 Exhibit E | Citation 2300415 was issued for the Priority 2 Zoning violation and Priority 1 Building Code violation. The citation was sent first class mail and was not returned to the County. The citation remains unpaid. |
| August 27, 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 and Zoning and Development Ordinance Title 12, Section 316.03(A) exists, the County is requesting a Final Order in this matter recommending the following:

- The imposition of civil penalties for the Building Code violation of up to \$3,000.00 for date cited May 20, 2024.
- The imposition of civil penalties for the Zoning and Development Ordinance violation of up to \$2,500.00 for date cited May 20, 2024.
- Payment for Citation No. 2300415 issued on May 20, 2024 for \$400.00.
- The Administrative Compliance fee calculated at \$75.00 per month from January, 2024 totals \$525.00. The County is reducing the Administrative Compliance fee in the amount of \$150.00 for a total amount due of \$375.00. This is a reasonable estimate of the cost of this enforcement matter.
- The County requests the Hearings Officer to permanently prohibit the Respondent from violating this law in the future.
- The County is requesting the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.



December 28, 2023

Dez Development LLC
10117 SE Sunnyside Rd. F1123
Clackamas, OR 97015

Ilya Zagaryuk
14732 SE Wyeast Ave
Damascus, OR 97089

Slavik Dezhnyuk
15648 SE 114th Ave #211
Clackamas, OR 97015

**Subject: Alleged Violations of the Zoning and Development Ordinance,
Title 12, Section 316 of the Clackamas County Code**

Site Address: 19127 SE Hwy 212, Damascus, OR 97089
Legal Description: T2S, R3E, Section 08BB, Tax Lot 00100

It has come to the attention of Clackamas County Code Enforcement that a commercial sheet metal business 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.

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

E-mail address is JKauppi@clackamas.us

Telephone number is 503-742-4759

**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

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CHÀO MỪNG! Vietnamese

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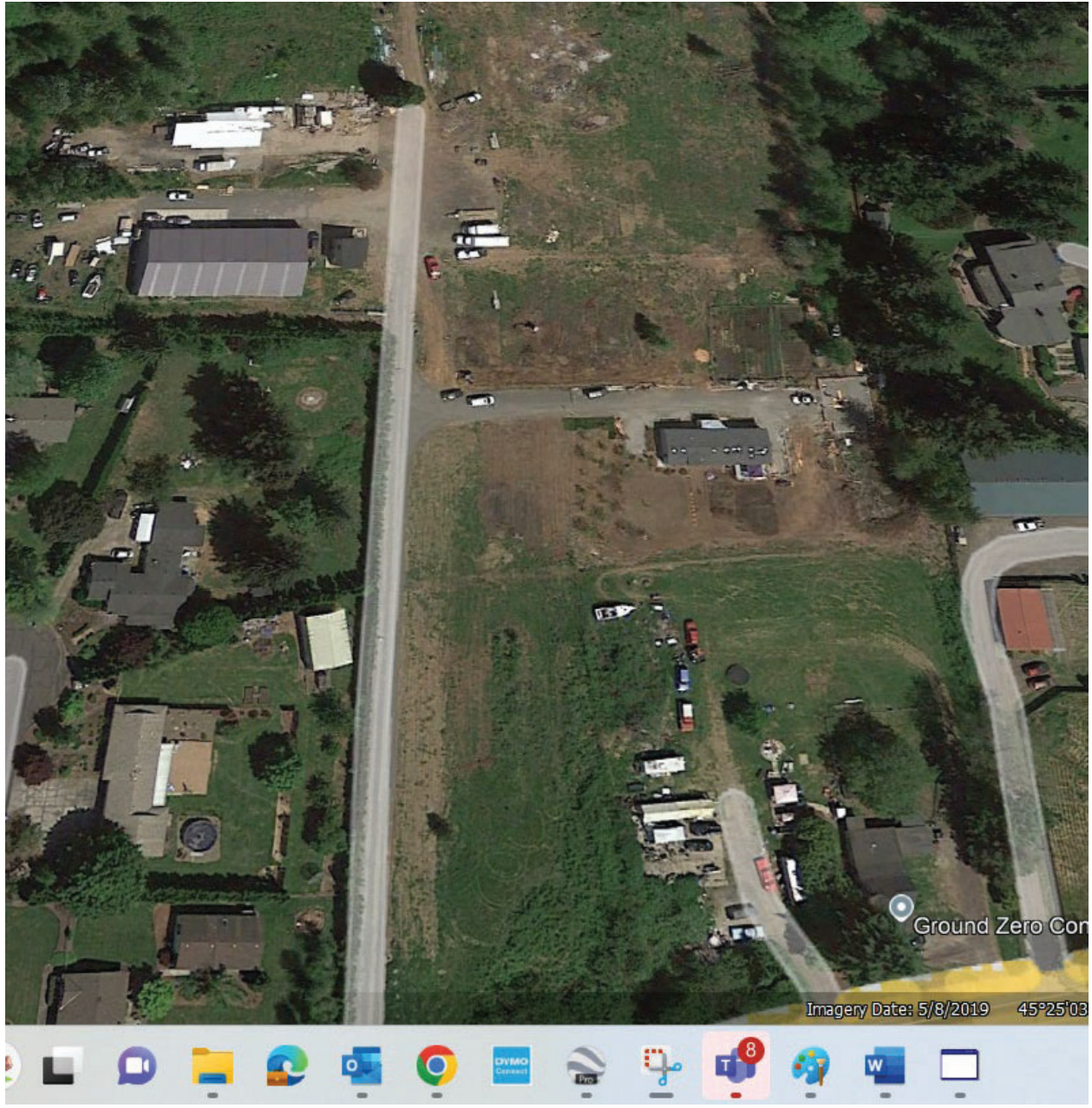
www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

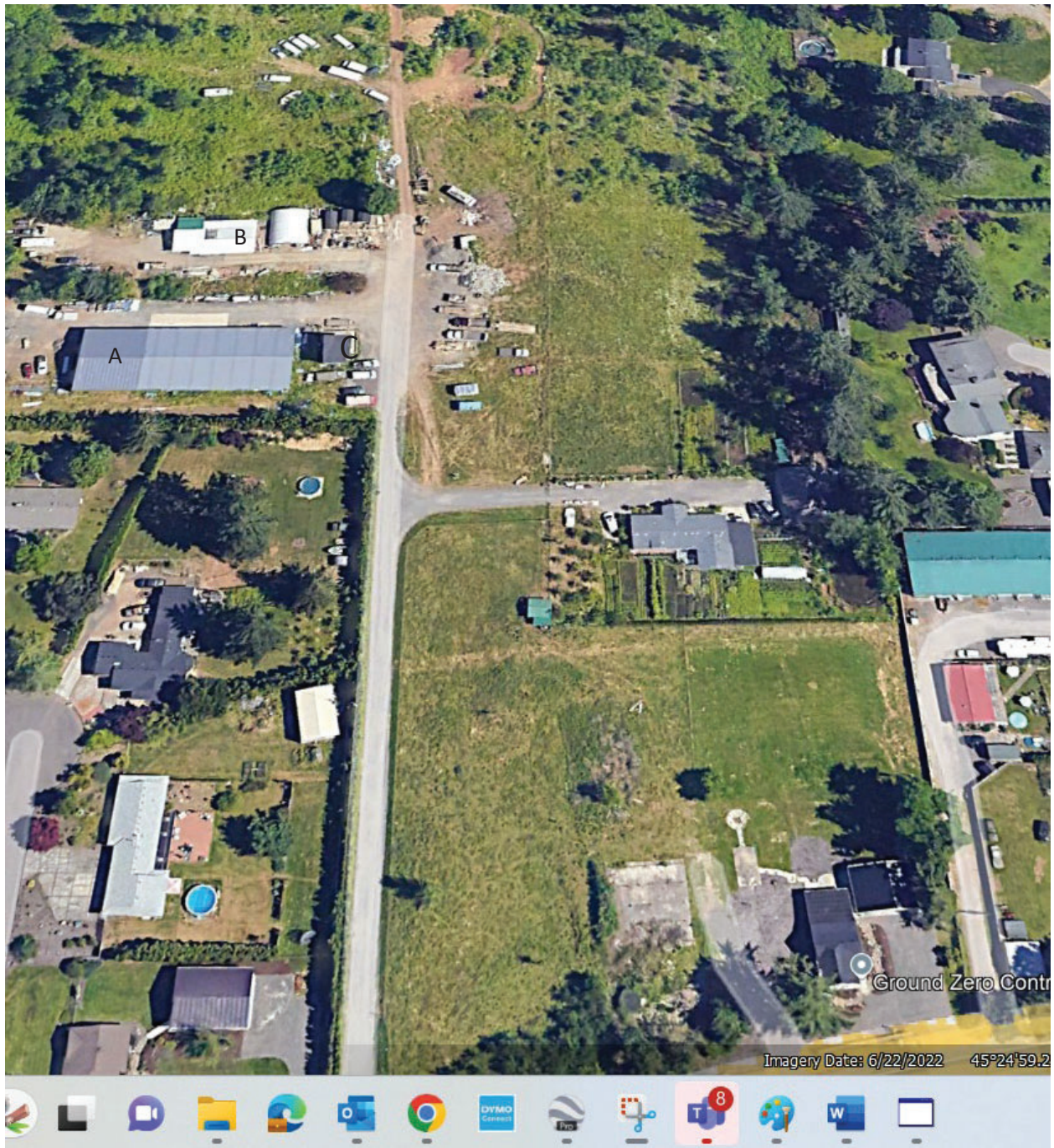
운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.



View – 8-2018



View 5-2019



View 6-2022



View 4-2024

B

UNIT-IN PLACE BUILD-UP FORM



| TYPE | HIGH | LENGTH | | | | AREA |
|------|------|--------|--|--|--|------|
| | | | | | | X |
| | | | | | | Y |
| | | | | | | Z |

| FOUNDATION | STORIES | CLASS | KEY | UNIT COST | AREA | REPL COST |
|------------|---------|-------|-----|-----------|------|-----------|
| FRAME | | | | | | |
| CONCRETE | | | | | | |
| BRICK | | | | | | |

| BASEMENT AREA WALLS | | | | | | |
|---------------------|--|--|--|--|--|--|
| CONCRETE | | | | | | |
| BRICK | | | | | | |

| EXTERIOR WALLS | | | | | | |
|----------------|--|--|---------|--|--|--|
| FRAME | | | | | | |
| MASONRY | | | " THICK | | | |

| | | | | | | |
|--------------------------|--|--|--|--|--|--|
| WOOD UNDERPINNING--CLASS | | | | | | |
| CONCRETE | | | | | | |
| LINOLEUM | | | | | | |
| ASPHALT TILE | | | | | | |

| CEILINGS | |
|-----------|--|
| PLASTERED | |
| DRYWALL | |

| ROOF, DECK AND COVER | % MDF |
|----------------------|-------|
| FLAT | |
| ARCH | |
| WOOD SHEATHING | |
| WOOD T AND G | |
| BUILT-UP | |
| SHINGLE | |
| METAL | |

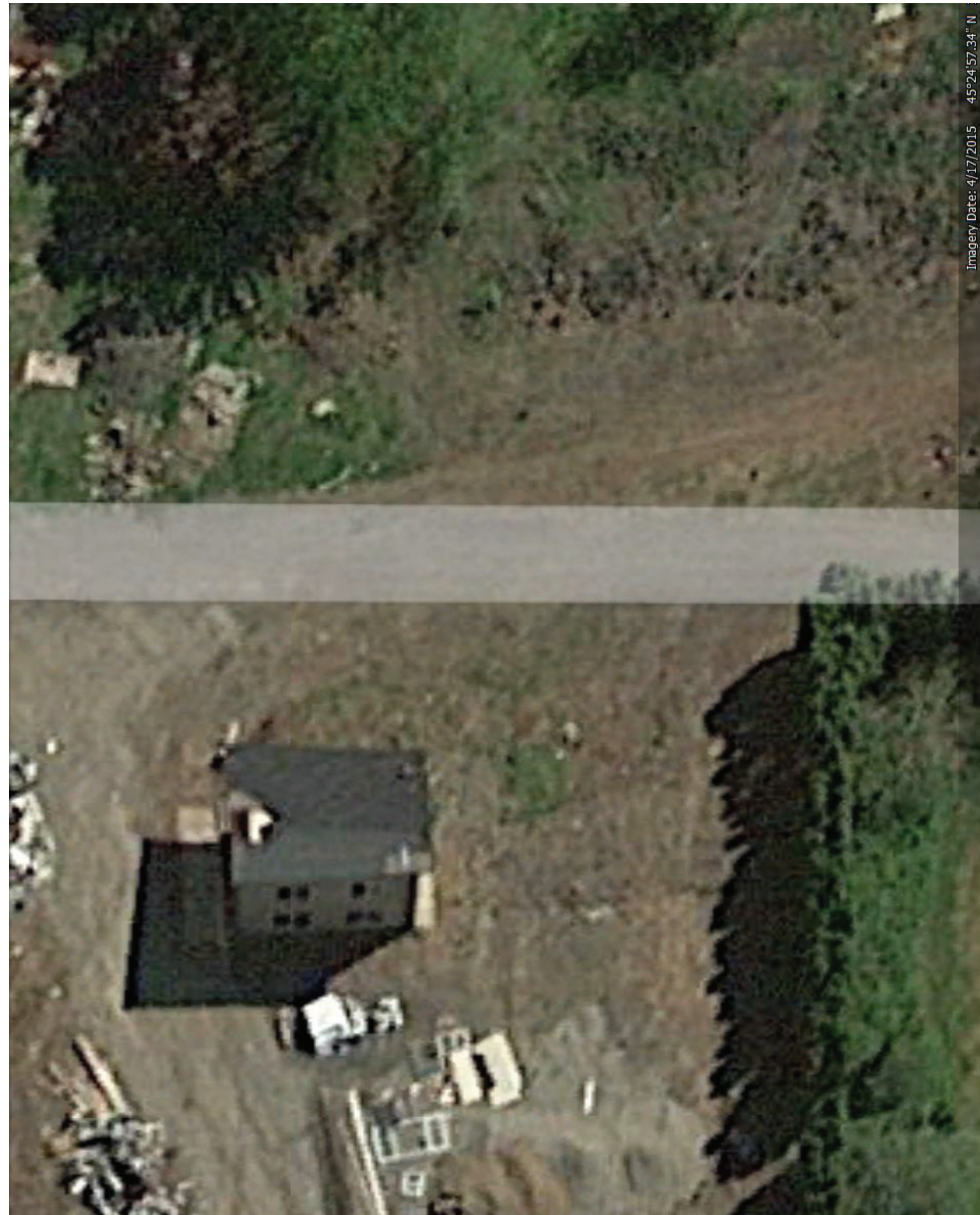
| ELECTRICAL AND LIGHTING | | | |
|-------------------------|---------|------|-----|
| UNFIN | KB & TU | COND | |
| | | FLEX | RGD |
| | | | |



| TOILETS | | | | | | |
|--------------|--|--|--|--|--|--|
| LAVATORY | | | | | | |
| URINAL | | | | | | |
| SINK | | | | | | |
| BATHTUB | | | | | | |
| SHOWER | | | | | | |
| WATER HEATER | | | | | | |

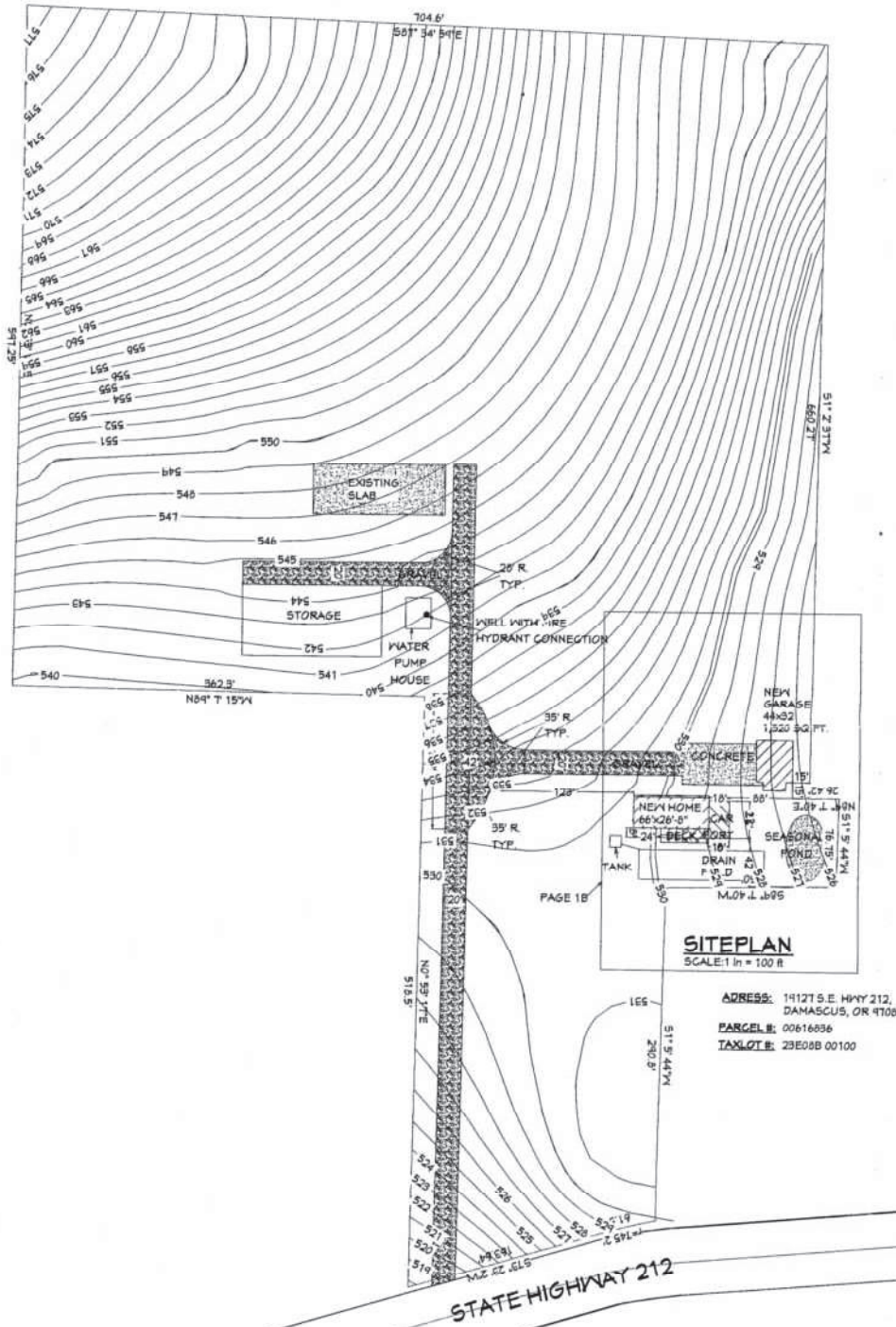
| MISCELLANEOUS CONST. | | | | | | |
|----------------------|--|--|--|--|--|--|
| | | | | | | |
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| | | | | | | |
|-----------------------------------------------|--|--|--|--|--|--|
| SUB-TOTAL B | | | | | | |
| L A + B).....\$ | | | | | | |
| EX ____% X QUALITY ____% = ____% MODIFIER | | | | | | |
| OST.....\$ | | | | | | |
| ____% PHYSICAL ____% OBSOLESCENCE ____% GOOD | | | | | | |
| PLACEMENT COST (TRANSFER TO VALUE SUMMARY) \$ | | | | | | |



Imagery Date: 4/17/2015 45°24'57.34" N

Navigation and utility icons for a mapping application, including a home button, a search icon, a compass, a scale bar, and various social media and utility icons like Rain, Email, and Web.



MINIMUM SETBACKS
 FRONT 30'
 REAR 30'
 SIDES 10'

30073819
APPROVED PLOT PLAN:
 PLANNING M.A. 2/14/19
 BUILDING M.A. 4-9-19
 ENGINEERING DN 4/12/19
 SOILS MOWBRAY 2/14/19

| | | | | | | | |
|----------|-----------------|-----------------------------------------------------------------|-----------------------------------------------------------------------------|-----|-------------|----|------|
| SHEET: 1 | DATE: 2/19/2019 | DRAWINGS PROVIDED BY: UKA CONSTRUCTION LLC. UKA164081@GMAIL.COM | PROJECT DESCRIPTION: ZAGARYUK'S SHOP 14127 S.E. HWY 212 DAMASCUS, OR 97009. | NO. | DESCRIPTION | BY | DATE |
| | | | | | | | |



Building Permit Application

150 Beaver Creek Road, Oregon City, OR 97045
 Phone: (503) 742-4240 Fax: (503) 742-4741
 Inspection request: 503-742-4720
 Internet address: www.clackamas.us

| | |
|-----------------------|------------------|
| Date Recd: 9/23/14 | Bldg #: B0383614 |
| By: SFC | Plmb #: PO191914 |
| Simple/Complex: | Elec #: |
| Land Use: ADM 9/23/14 | Prj #: |

TYPE OF WORK

| | |
|----------------------------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> New construction | <input type="checkbox"/> Demolition |
| <input type="checkbox"/> Addition/alteration/replacement | <input type="checkbox"/> Other: |

CATEGORY OF CONSTRUCTION

| | |
|--------------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> 1- and 2-family dwelling | <input type="checkbox"/> Commercial/industrial |
| <input checked="" type="checkbox"/> Accessory building | <input type="checkbox"/> Multi-family |
| <input type="checkbox"/> Master builder | <input type="checkbox"/> Other: |

JOB SITE INFORMATION AND LOCATION

Job site address: 19127 SE HWY 212
 City/State/ZIP: DAMASCUS, OR 97089
 Suite/bldg./apt. no.: Project name:
 Cross street/directions to job site:

Subdivision: Lot no.:

Tax map/parcel no.: 23E 08B 00100

DESCRIPTION OF WORK

CONSTRUCTION OF NEW 60' X 112'
 SHOP BUILDING
 Personal agricultural use only
 RA-2 zone

PROPERTY OWNER TENANT

Name: DEZ DEVELOPMENT LLC
 Address: 10117 SE SUNNYSIDE RD, STE F1123
 City/State/ZIP: CLACKAMAS, OR 97015
 Phone: 503 209-7561 Fax: 503 419-4653
 APPLICANT CONTACT PERSON

Business name: UKA Construction LLC
 Contact name: Ilya Zagaryuk
 Address: 11016 SE Happy Valley Dr
 City/State/ZIP: Happy Valley OR 97086
 Phone: 503 819-6522 Fax: ()
 E-mail: ilyajr@yahoo.com

CONTRACTOR

Business name: UKA CONSTRUCTION LLC
 Address: 14732 SE WYEAST AVE
 City/State/ZIP: DAMASCUS, OR 97089
 Phone: 503 819-6522 Fax: ()
 CCB lic.: 164881

Authorized signature:

Print name: Ilya Zagaryuk Date: 9/23/14

REQUIRED DATA: 1- AND 2-FAMILY DWELLING

Permit fees* are based on the value of the work performed. Indicate the value (rounded to the nearest dollar) of all equipment, materials, labor, overhead, and the profit for the work indicated on this application.

Valuation

Number of bedrooms:

Number of bathrooms:

Total number of floors:

New dwelling area: square feet

Garage/carport area: square feet

Covered porch area: square feet

Deck area: square feet

Other structure area: 6780 square feet

REQUIRED DATA: COMMERCIAL-USE CHECKLIST

Permit fees* are based on the value of the work performed. Indicate the value (rounded to the nearest dollar) of all equipment, materials, labor, overhead, and the profit for the work indicated on this application.

Valuation

Existing building area: square feet

New building area: square feet

Number of stories:

Type of construction:

Occupancy groups:

Existing:

New:

NOTICE

All contractors and subcontractors are required to be licensed with the Oregon Construction Contractors Board under ORS 701 and may be required to be licensed in the jurisdiction in which work is being performed. If the applicant is exempt from licensing, the following reasons apply:

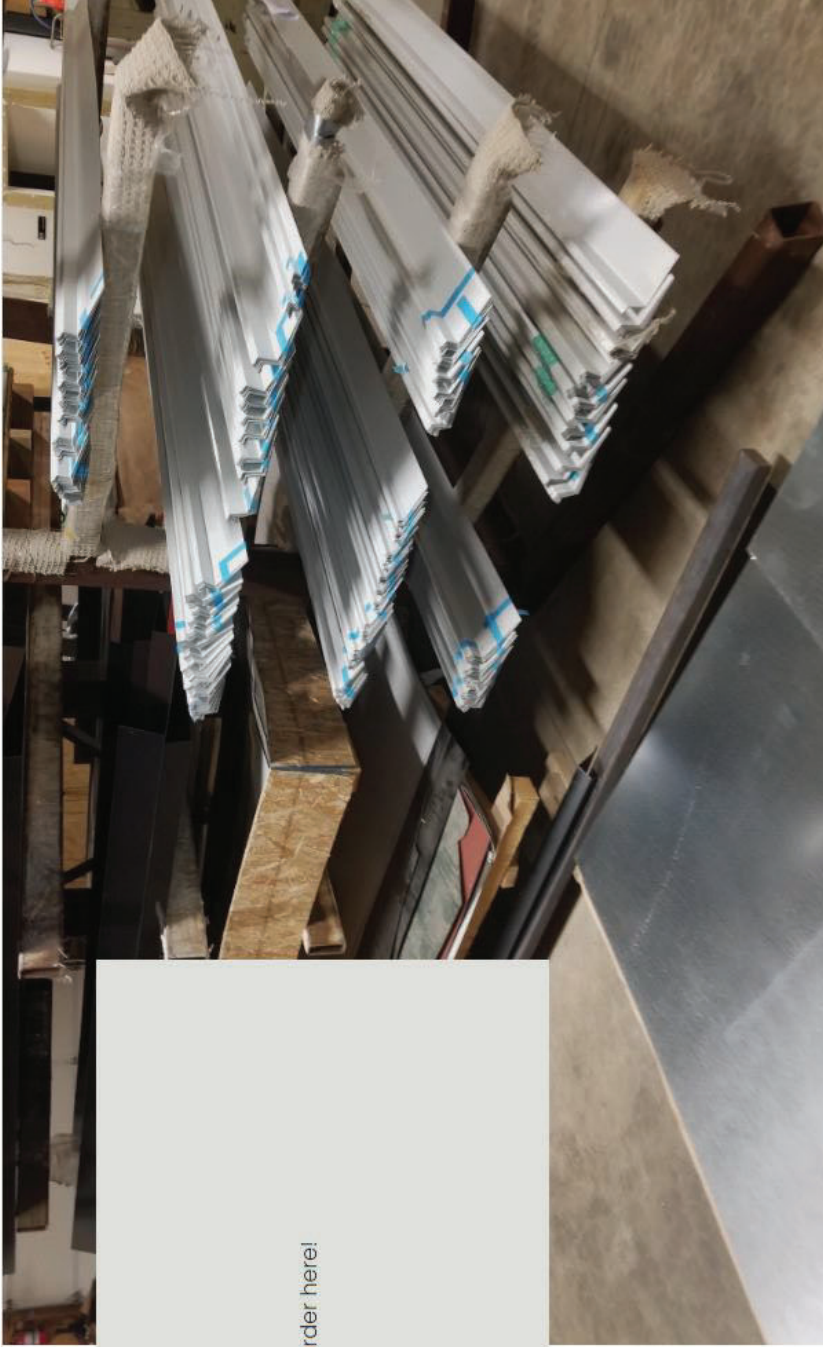
BUILDING PERMIT FEES*

Please refer to fee schedule

| | |
|---------------------------|--|
| Fees due upon application | |
| Amount received | |
| Date received: | |

This permit application expires if a permit is not obtained within 180 days after it has been accepted as complete

* Fee methodology set by Tri-County Building Industry ServiceBoard



Standard

We also provide standard flashing. Submit order here!

[Order](#)

Location

19127 SE Hwy 212
Damascus, OR 97089

Hours

Monday – Friday
8:30 am – 4:30 pm

Contact

profashco@gmail.com
(503) 320-1899



NOTICE OF VIOLATION

January 10, 2024

Dez Development LLC
10117 SE Sunnyside Rd, Ste F1123
Clackamas, OR 97015

Ilya Zagaryuk
14732 SE Wyeast Ave
Damascus, OR 97089

Slavik Dezhnyuk - Registered Agent
15648 SE 114th Ave, Ste 211
Clackamas, OR 97015

Ilya Zagaryuk
19127 SE Hwy 212
Damascus, OR 97089

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

VIOLATION: V0041523

SITE ADDRESS: 19127 SE Hwy 212, Damascus, OR 97089

LEGAL DESCRIPTION: T2S, R3E, Section 08B, Tax Lot 00100

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

- Operating UKA Construction without land use approval
- Addition to a pole barn without approved permit or approved final inspections
- Conversion of a pump house into a 2 bedroom ADU without approved permits or approved final inspections

VIOLATIONS & HOW TO RESOLVE

On January 3, 2024 I spoke with Ilya on the phone regarding the correspondence he received in the mail. Ilya stated that his construction company operates from this location as he uses the property to store his commercial vehicles and construction materials. In addition, I discussed with Ilya that the pole barn that was permitted for a residential use only has had two additions done to the structure without permits. The water pump house onsite was also converted to a two bedroom ADU without permits which Ilya confirmed his brother is currently living in. Operating a commercial business without land use approval and the addition to the pole building and conversion of the water pump house to an ADU without permits constitutes a violation of Clackamas County Clackamas County Zoning and Development Ordinance, Title 12, Section

313.03 and Building Code, Title 9.02.040(B)(C)(D)(E). In order to abate the violation(s), you must complete the following **no later than February 10, 2024**:

Home Occupation

- Please submit, or have your professional submit, a complete home occupation permit application and pay the appropriate fee(s) with the planning department.
 - If the Planning and Zoning Division deems the application incomplete, you will have 30 days from the date of the incomplete letter to provide a complete application.
 - Should the land use be approved, all conditions of approval must be completed.

Or:

- You may abate the violation discontinuing the business on the subject property. Remove all business vehicles, trailers and associated business debris to an authorized location. Contact Code Enforcement to schedule a site inspection to confirm the violation has been abated.

******Please note: There may be other options available that are not listed in this letter. We encourage you to contact the Planning and Zoning Division to discuss any such options******

Pole Building

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s). ****Please be advised an Architect or Engineer will be required to stamp the drawings and submit calculations****
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - 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).

Accessory Dwelling Unit

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s). ****Please be advised an Architect or Engineer will be required to stamp the drawings and submit calculations****
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - 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

Planning – If you have questions concerning land use requirements and to obtain an application for land use, please contact the building department at 503-742-4500 or on-line at zoninginfo@clackamas.us.

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

RECORDING REQUESTED BY:



5400 SW Meadows Road, Suite 100
Lake Oswego, OR 97035

| | |
|-----------------------------------------------------------------------|----------------------------------------------|
| Clackamas County Official Records Catherine McMullen, County Clerk | 2024-005274 02/14/2024 11:07:01 AM |
| D-D \$15.00 \$16.00 \$10.00 \$62.00 | Cnt=1 Stn=74 LILLIE \$103.00 |

GRANTOR'S NAME:
DEZ Development LLC

GRANTEE'S NAME:
Ilya Ilich Zagaryuk

AFTER RECORDING RETURN TO:
Ilya Ilich Zagaryuk
19127 SE Hwy 212
Damascus, OR 97089

SEND TAX STATEMENTS TO:
Ilya Ilich Zagaryuk
19127 SE Hwy 212
Damascus, OR 97089

R706859 and 1S2E24AC04521
15555 SE Flavel Street, Portland, OR 97236

SPACE ABOVE THIS LINE FOR RECORDER'S USE

BARGAIN AND SALE DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

DEZ Development LLC, an Oregon limited liability company, Grantor, conveys to

Ilya Ilich Zagaryuk, Grantee, the following described real property, situated in the County of Clackamas, State of Oregon,

See Attached Exhibit "A"

The true consideration for this conveyance Zero And No/100 Dollars **(\$0.00)** to correct vesting. (See ORS 93.030).

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 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.

Fidelity National Title of Oregon 4514240030A ACCO

BARGAIN AND SALE DEED - STATUTORY FORM
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: February 13, 2024

DEZ Development LLC, an Oregon limited liability company

BY: [Signature]
Slavik Dezhnyuk
Member

State of Oregon
County of Clackamas

This instrument was acknowledged before me on February 13, 2024 by Slavik Dezhnyuk, as Member for DEZ Development LLC, an Oregon limited liability company.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 12-28-2025

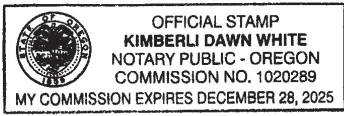


EXHIBIT "A"

Legal Description

A tract of land in the Northeast one-quarter of the Northwest one-quarter of Section 8, Township 2 South, Range 3 East of the Willamette Meridian, in the Clackamas and State of Oregon, being more particularly described as follows:

Beginning at the North one-quarter corner of Section 8, said corner being marked by a 5/8 inch iron rod with a yellow plastic cap stamped "Compass Corp" inside a 2 inch iron pipe, said monument having been set in Survey No. P.S. 26213, Clackamas County Survey Records, to replace a lost stone formerly held as said North one-quarter corner of Section 8; thence North 87°34'59" West 704.60 feet, on the North line of said Section 8, to the Northeast corner of Parcel 6, PARTITION PLAT NO. 1995-135; thence, leaving the North line of said Section 8, South 00°53'18" West 597.25 feet, on the East lines of said Parcel 6 and Parcel 5 of PARTITION PLAT NO. 1995-135, to the Northwest corner of the plat of REX, a plat duly recorded as Plat No. 1262, Clackamas County Plat Records; thence South 89°07'15" East 362.30 feet, on the North line of said plat of REX, to a 5/8 inch iron rod at the Northeast corner thereof; thence South 00°53'17" West 518.50 feet, on the East line of said plat of REX, to a 5/8 inch iron rod on the North right-of-way line of State Highway 212 (Market Road No. 16); thence North 73°23'02" East 163.64 feet, on said right-of-way line, to a 746.20 foot radius tangent curve concave Southeasterly; thence, on said curve and continuing on said right-of-way line, through a central angle of 4°43'15" (which chord bears North 75°44'39" East 61.46 feet), an arc distance of 61.48 feet to a point; thence, leaving said right-of-way line, North 01°05'44" East 290.80 feet to a point; thence North 89°07'40" East 150.00 feet to a point on the East line of that tract of land conveyed to W.W. Hollingsworth, et ux, by deed recorded August 7, 1963, in Book 626, Page 241, Clackamas Deed Records; thence North 01°05'44" East 76.75 feet, on said East line, to the Northeast corner thereof; thence South 89°07'40" West 26.42 feet, on the North line of said Book 626, Page 241, to the East line of the Northeast one quarter of the Northwest one-quarter of said Section 8; thence North 01°02'37" East 660.26 feet, on said East line, to the point of beginning.

23E08B 00100

00616836



UPDATED NOTICE OF VIOLATION

February 21, 2024

Dez Development LLC
10117 SE Sunnyside Rd, Ste F1123
Clackamas, OR 97015

Ilya Zagaryuk
14732 SE Wyeast Ave
Damascus, OR 97089

Slavik Dezhnyuk - Registered Agent
15648 SE 114th Ave, Ste 211
Clackamas, OR 97015

Ilya Zagaryuk
19127 SE Hwy 212
Damascus, OR 97089

SUBJECT: Violation of the Clackamas County Building Code, Title 9.02.040 (E)

VIOLATION: V0041523

SITE ADDRESS: 19127 SE Hwy 212, Damascus, OR 97089

LEGAL DESCRIPTION: T2S, R3E, Section 08B, Tax Lot 00100

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

- Accessory structure built without permits

VIOLATIONS & HOW TO RESOLVE

On January 10, 2024 I mailed a Notice of Violation regarding the subject property. Unfortunately I failed to include a new accessory structure that has been built on the subject property between 2018 and 2019 that is approximately 2300 square feet in size on that notice. A review of the County permitting system shows that no permits were obtained for the construction of this structure which is a violation of the Building Code, Title 9.02.040 (E). In order to abate the violation, please complete the following **no later than March 21, 2024:**

Accessory Structure built between 2018 and 2019

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s) for the accessory structure. ****Please be advised an Architect or Engineer will be required to stamp the drawings and submit calculations****
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - 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).

OR

- You may abate the violation by demolishing the accessory structure. Please submit an application for a demolition permit. Please be advised that if you choose to remove the structure you may also be required to obtain permits on any utilities that may have been installed in or on the structure in order to decommission them. All debris must be removed code compliantly.
 - All requests for additional information in order to complete plan review must be responded to within 10 days of being notified.
 - The permit(s) must have the fee(s) paid in full within 10 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).
 - Schedule an inspection with Code Enforcement staff for a site visit to confirm the building is removed and the debris from the building is removed code compliantly.

CONTACT INFORMATION

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

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.
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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.
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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. 2300415

Case No. V0041523

ADMINISTRATIVE CITATION

Date Issued: May 20, 2024

Name and Address of Person(s) Cited:

Name: Ilya Zagaryuk
Mailing Address: 14732 SE Wyeast Ave
City, State, Zip: Damascus, OR 97089

Date Violation(s) Confirmed: On the 20 day of May, 2024, 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): 19127 SE Hwy 212, Damascus, OR 97089

Legal Description: T2S, R3E Section 08B, Tax Lot(s) 00100

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
- Other law: _____

Description of the violation(s):

1) Operating UKA Construction without land use approval.

Maximum Civil Penalty \$2,500.00 Fine \$400.00

2) Addition to a pole building without approved permits and approved final inspections.

Maximum Civil Penalty \$1,000.00 Fine Not subject to fine amount

3) Conversion of a pump house into an accessory dwelling unit without approved permits and approved final inspections.

Maximum Civil Penalty \$1,000.00 Fine Not subject to fine amount

4) Accessory structure built without approved permits or approved final inspections.

Maximum Civil Penalty \$1,000.00 Fine Not subject to fine amount

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$400.00. 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: Jennifer Kauppi

Date: May 20, 2024

Telephone No.: 503-742-4759

Department Initiating Enforcement Action: Code Enforcement

