



NOTICE OF HEARING

November 23, 2022

Matthew Sidey
5320 SE Circle Ave
Portland, OR 97236

RE:: County of Clackamas v. Matthew Sidey
File: V0028621

Hearing Date: January 10, 2023

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

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

Enclosed you will find the following:

1. Notice of Rights;
2. Copy of Exhibits which have been submitted by the County

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

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

You may contact Diane Bautista, Code Compliance Specialist for Clackamas County at (503) 742-4459, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

1. **Prior to the Hearing.** You have the right to make the following requests:
 - (A) You can request the opportunity to review public records and to talk to County staff about the violations or request a subpoena for that purpose if the County does not allow you to do so.
 - (B) You can request that the Hearings Officer postpone the hearing for good cause by writing the Hearings Officer at least 7 calendar days prior to the scheduled hearing date.
 - (C) You can request that the Hearings Officer decide the matter based exclusively on written materials from the parties or conduct the hearing by phone.
2. **Procedure.** The hearing will be governed by general rules of procedure designed to allow you to hear and confront the evidence against you, and for you to present evidence favorable to you. You are not required to present any evidence, the burden is on the County to establish by a preponderance of the evidence that a violation exists, or existed. Either party may, at their own expense, obtain an attorney to represent them at the hearing. If you wish to be represented by an attorney they need only notify the County and the Hearings Officer in writing of their intent to appear on your behalf. The County will present evidence first, and then you may question that evidence. You may then present your own evidence, if you wish, and the County may question your evidence. Testimony by witnesses is evidence. The Hearings Officer may inquire into any facts that are relevant to the hearing and may question the parties or witnesses about the case. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.
3. **Record of Proceedings.** An audio record will be made of the proceedings when a hearing is conducted. The audio record is available through the Clackamas County Code Enforcement Section and is available to you upon request.
4. **Hearings Officer.** The Hearings Officer is an independent contractor paid by the County to conduct hearings and render decisions. He/she is not a County employee. His/her function is to preside over the hearing, make a record of proceedings, consider admissible evidence, and interpret and apply the law. After the hearing is closed the Hearings Officer will enter written findings of fact, conclusions of law, and any Order deemed proper. If a violation is proven, then the Order may include civil penalties, fines, administrative fees, or may require the respondent to take certain actions, or refrain from certain actions. An Order issued by the Hearings Officer may be a Final Order or Continuing Order. The Hearings Officers Order is the final decision of the County, and may be appealed pursuant to Oregon law. The Hearings Officer for Clackamas County is:

Carl Cox
Attorney at Law
14725 NE 20th Street, #D-5
Bellevue, WA 98007
5. **Right to Recess.** If, during the course of the hearing, Respondent or the County requests a recess or postponement, or additional time to present crucial evidence, the Hearings Officer may allow a continuance of the hearing for good cause. The Respondent may also request that the proceeding be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.
6. **Right to Appeal.** The Final Order of the Hearings Officer shall set forth the right of the respondent to appeal any adverse Order. Appeal may be taken pursuant to Section 2.07.130 of the Clackamas County Hearings Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, appellant is responsible for all costs of appeal including preparation of transcript.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

You must have access to the internet or to a telephone line to use the Zoom platform. We have sent you the Zoom invite to matthewsidey@gmail.com. Please contact Diane Bautista if you are unable to find the email.

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

If you are unable to participate in a hearing through the Zoom platform please contact Diane Bautista at 503-742-4459 **within 3 calendar days of receipt of the notice of hearing packet.**

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

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

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

Department of Transportation and Development

Nondiscrimination Policy:

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

¡LE DAMOS LA BIENVENIDA! Spanish

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

ДОБРО ПОЖАЛОВАТЬ! Russian

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

欢迎! Chinese (Mandarin)

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

CHÀO MỪNG! Vietnamese

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

환영합니다. Korean

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

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

COUNTY OF CLACKAMAS,

Petitioner,

v.

MATTHEW SIDEY,

Respondent.

File No: V0028621

COMPLAINT AND REQUEST FOR HEARING

I, Diane Bautista, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondent's place of residence is: 5320 SE Circle Ave., Portland, OR 97236.

2.

The location of the violation(s) of law alleged in this Complaint is: There is no site address, known as T3S, R5E, Section 18, Tax Lot 00700, and is located in Clackamas County, Oregon.

3.

On or about the 21st day of June, 2022 Respondent violated the following laws, in the following ways:

- a. Respondent violated the Clackamas County Building Code, Title 9.02 by failing to obtain required permits for the construction of a yurt, tiny home and accessory structure. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.
- b. Respondent violated the Clackamas County Zoning and Development Ordinance, Title 12, by having a tiny home, yurt and accessory structure without land use approval. 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: Citation and Complaint #2200200 in the amount of \$900.00 was mailed via first class mail on June 21, 2022. A copy of the notice document is attached to this Complaint as Exhibit 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 Title 9.02 Priority 1 violation being \$750.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code; and Said range for a Zoning Ordinance Title 12 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 21st day of November, 2022.



Diane Bautista
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

MATTHEW SIDEY,

Respondent.

File No.: V0028621

STATEMENT OF PROOF

History of Events and Exhibits:

- July 15, 2021 Clackamas County received a complaint regarding an occupied yurt and tiny home with power being ran to these structures from an accessory structure without permits or a primary use.
- July 26, 2021 I received a call from the Respondent who stated that he has a yurt on site that is on stilts and is approximately 314 square feet. He also has a tiny home that he moved from where he lives onto this site. He said he had no one living on site but occasionally goes up to stay in the yurt and that a friend was going to help him complete the tiny home so it could be sold. I told him I would follow up with planning to see what his options were and get back to him.
- July 26, 2021
Exhibit A I received an email from Andrew Yaden in the Planning department who said likely both the yurt and tiny home would need to go as there is no approval for a dwelling at that location. He could stay in the yurt for up to 30 days in a calendar year, but the yurt would need to come down between uses. To have it there permanently, the property would first need land use approval, and then the dwelling (yurt) would need to find a pathway through building codes. I forwarded the email from Planning to the Respondent.
- August 5, 2021
Exhibit B Correspondence was sent to the Respondent with a deadline of September 5, 2021 to obtain land use approval and permits for the tiny home and yurt or remove the structures.
- March 2, 2022
Exhibit C I conducted a site inspection and there was a tiny home, yurt and an accessory structure as well as a pile of white household garbage sacks.
- May 18, 2022
Exhibit D Correspondence was sent to the Respondent with a deadline of June 18, 2022 to apply for land use to allow the accessory structure to remain on site and obtain required permits or remove the structure.

June 21, 2022 Exhibit E	A review of County permits showed no land use approval or permits had been obtained and Citation 2200200 was issued for \$900.00 for the building and zoning violations and sent via first class mail. This citation has been paid.
August 9, 2022 Exhibit F	Land use application Z0003-22 for a Temporary Forestry Camp was denied.
November 18, 2022 Exhibit G	A review of Tax and Assessors shows the accessory structure was built prior to permit requirements. This accessory structure is not in violation.
November 21, 2022	The County referred this matter to the Code Enforcement Hearings Officer.

If the Compliance Hearings Officer affirms the County's position by a preponderance of the evidence, the County may request a Continuing Order in this matter recommending the following:

- The Respondent be ordered to bring the property into compliance with the Clackamas County Zoning and Development Ordinance and the Clackamas County Building Code by removing the tiny home and yurt to an authorized location or obtain a demo permit for the structures and remove the debris to an authorized location within 30 days of the Order.
- Code Enforcement to confirm compliance of the above items and the County will submit a Post Hearing Status Report. The Report will be sent to the Compliance Hearings Officer and to the Respondent's attorney.
- The report may include the following recommendations:
- The imposition of civil penalties for the Building Code violations of up to \$1,000.00 for date cited June 21, 2022.
- The imposition of civil penalties for the Zoning Code violations of up to \$2,500.00 for date cited June 21, 2022.
- The administrative compliance fee to be imposed from October 2021 until the violation is abated. As of this report the total is \$1,050.00.
- 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.

Bautista, Diane

From: Bautista, Diane
Sent: Monday, July 26, 2021 11:07 AM
To: 'matthewsidey@gmail.com'
Subject: 35E18 00700

Good morning,

Please see below regarding the yurt and tiny home. Based on Planning's response both items will need to be removed from this property at this time.

Please let me know if you have any questions.

Thank you.

From: ZoningInfo <ZoningInfo@clackamas.us>
Sent: Monday, July 26, 2021 10:49 AM
To: Bautista, Diane <DianeBau@clackamas.us>; ZoningInfo <ZoningInfo@clackamas.us>
Subject: RE: 35E18 00700

Hi Diane,

Quick answer is probably both need to go. There is no approval for a dwelling at that location. In theory, he could stay on the yurt for up to 30 days in a calendar year, but the yurt would need to come down between uses. To have it there permanently, the property would first need land use approval, and then the dwelling (yurt) would need to find a pathway through building codes. He could always try for a Conditional Use for a campground (no idea if he would meet standards), but that probably won't work for him as it is still set up as a campground, meaning temporary use. It would allow the yurt to be on site year round though.

The tiny home construction is definitely a no go. If he had a dwelling, he might be able to get a home occupation, but with no dwelling, it's a pretty hard sell.

Hope that helps!

Andrew

From: Bautista, Diane <DianeBau@clackamas.us>
Sent: Monday, July 26, 2021 10:23 AM
To: ZoningInfo <ZoningInfo@clackamas.us>
Subject: 35E18 00700

Hi my zoning friends,

I have a person who has a yurt approximately 314 square feet on site that is over 30" off the ground. He has also placed a tiny home on the site to work on to sell. He has no primary

residence. I believe the tiny home must be removed however I wasn't sure about the yurt? Can you confirm his options?

Thank you!

Diane Bautista

Diane Bautista
Clackamas County Code Enforcement
(503) 742-4459



August 5, 2021

Matthew Sidey
5320 SE Circle Avenue
Portland, OR 97236

SUBJECT: Violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 407.04 and Clackamas County Building Code, Title 9.02.040 (E)

VIOLATION: V0028621

SITE ADDRESS: No Situs
LEGAL DESCRIPTION: T3S, R5E, Section 18, Tax Lot 00700

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

- Tiny home built without permits or land use approval
- Yurt built without permits or land use approval

VIOLATIONS & HOW TO RESOLVE

Tiny Home and yurt built without permits or land use approval

The placement of a tiny home and construction of a yurt without permits constitutes a violation of Clackamas County Building Code Title 9.02.040 (E) and the Clackamas County Zoning and Development Code Title 12, Section 407.04.

You must abate the violation by completing one of the following **no later than September 5, 2021**:

- Apply for land use approval to allow for the yurt, **and**;
- Obtain a permit for all work done:
 - Submit the building, plumbing, mechanical and electrical permit applications, and technically complete plans and pay the appropriate fee(s).
 - The permit must be picked up within ten (10) days of being notified that the permit is ready.

- Please schedule all inspections so that final inspections may be obtained no later than 45 days from the date of the permit being issued, **or**;
- Remove the yurt to an authorized location and schedule a site inspection to confirm compliance.
- Remove the tiny home to an authorized location and schedule a site inspection to confirm compliance.

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 Land Use and 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 and 8:00 to 3:00 on Friday.

If you have any questions my direct telephone number is 503-742-4459 and my email is dianebau@clackamas.us.

ITEMS INCLUDED IN THIS PACKET

1. Violation Letter
2. Required Notice of Fines and Penalties



Diane Bautista
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:

PETER C. MCCORD
Five Centerpointe Drive, Suite 240
Lake Oswego, Oregon 97035-8682

Send tax statements to:

MATTHEW SIDEY
6615 S.E. 50th Avenue
Portland, Oregon 97206

Grantor's Name and Address:

DANIEL SIDEY
2110 Orchard Avenue
Klamath Falls, Oregon 97601

Grantee's Name and Address:

MATTHEW SIDEY
6615 S.E. 50th Avenue
Portland, Oregon 97206

The true Consideration for this conveyance is \$189,750.00.

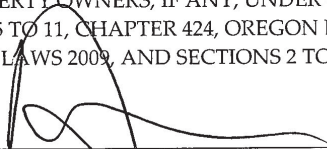
BARGAIN AND SALE DEED

DANIEL SIDEY, GRANTOR, conveys to **MATTHEW SIDEY**, GRANTEE, the following described real property, being all of Grantor's undivided one-half interest, located in Clackamas County, Oregon, Tax Account Nos. 00960810, 00960829 and 00929570 as described in Exhibit "A" attached hereto.

Subject to: (1) Boundary line agreement recorded September 5, 1997 as Fee No. 97068789 (affects partial II); (2) Roadway maintenance agreement recorded September 5, 1995 as Fee No. 97068790.

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, AND 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.

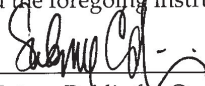
Dated: Dec 23, 2013



DANIEL SIDEY

STATE OF OREGON)
) ss.
County of Clackamas)

On the 23rd day of December, 2013 personally appeared before me the above named Daniel Sidey and acknowledged the foregoing instrument to be his voluntary act and deed.



Notary Public for Oregon
My commission expires: 10/28/17



FIRST AMERICAN 2/8/2014

Exhibit "A"

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

Parcel I: (TL 701)

35E18 00701

00960829

The Northeast one-quarter of the Southwest one-quarter of the Northwest one-quarter of Section 18, Township 3 South, Range 5 East of the Willamette Meridian.

Parcel II: (TL 700 and 1000)

35E18 00700

00960810

34E13 01000

00929570

The Northwest one-quarter of the Southwest one-quarter of Section 18, Township 3 South, Range 5 East of the Willamette Meridian. Also the Northwest one-quarter of the Southwest one-quarter of the Northwest one-quarter of Section 18, Township 3 South, Range 5 East of the Willamette Meridian. Also the South one-half of the Southwest one-quarter of the Northwest one-quarter of Section 18, Township 3 South, Range 5 East of the Willamette Meridian. Also the Northeast one-quarter of the Southeast one-quarter of Section 13, Township 3 South, Range 4 East of the Willamette Meridian. Excepting Therefrom a strip, 4-1/4 chains wide across the South side of the Northwest one-quarter of the Southwest one-quarter of Section 18, Township 3 South, Range 5 East of the Willamette Meridian, conveyed to E. Ray Miller and Helen B. Miller by deed recorded March 2, 1929, in Book 196, Page 289, and by deed recorded April 12, 1946, in Book 364, Page 733, Deed Records, in the County of Clackamas and State of Oregon.

bb













May 18, 2022

Matthew Sidey
5320 SE Circle Avenue
Portland, OR 97236

SUBJECT: Violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 407.04 and Clackamas County Building Code, Title 9.02.040 (E)

VIOLATION: V0028621

SITE ADDRESS: No Situs
LEGAL DESCRIPTION: T3S, R5E, Section 18, Tax Lot 00700

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

- Accessory structure built without permits

VIOLATIONS & HOW TO RESOLVE

Accessory structure built without permits

The construction of an accessory structure without permits constitutes a violation of Clackamas County Building Code Title 9.02.040 (E) and the Clackamas County Zoning and Development Code Title 12, Section 407.04.

You must abate the violation by completing one of the following **no later than June 18, 2022**:

- Apply for land use approval to allow for an accessory structure on this site, **and**;
- Obtain a permit for all work done:
 - Submit the building, plumbing, mechanical and electrical permit applications, and technically complete plans and pay the appropriate fee(s).
 - The permit must be picked up within ten (10) days of being notified that the permit is ready.
 - Please schedule all inspections so that final inspections may be obtained no later than 45 days from the date of the permit being issued, **or**;

- Remove the accessory structure to an authorized location and schedule a site inspection to confirm compliance.
- Demolish the structure and dispose of the debris in an authorized location, provide receipts of proper disposal, and schedule a site inspection to confirm compliance.

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 Land Use and Planning Department at 503-742-4500 or on-line at ZoningInfo@clackamas.us.

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Diane Bautista
Code Enforcement Specialist
Clackamas County Code Enforcement

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4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.



Citation No. 2200200

Case No. V0020022

ADMINISTRATIVE CITATION

Date Issued: June 21, 2022

Name and Address of Person(s) Cited:

Name: Matthew Sidey
Mailing Address: 5320 SE Circle Avenue
City, State, Zip: Portland, OR 97236

Date Violation(s) Confirmed: On the 21st day of June, 2022, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 29700 SE Kowall Rd., Estacada, OR 97023

Legal Description: T3S, R5E Section 18, Tax Lot(s) 00700

Law(s) Violated:

- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (B), (C), (D) and (E)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 407.04(A)

Description of the violation(s):

- 1) Yurt, tiny home and accessory structure placed without land use approval

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

- 2) Construction of accessory structure, tiny home and yurt without permits

Maximum Civil Penalty \$1,000.00 Fine \$500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$900.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

Citation issued by: Diane Bautista
Telephone No.: 503-742-4459

Date: June 21, 2022
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____
City, State, Zip

Contact Number: _____ Email: _____

RECEIPT

Clackamas County
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK RD.
OREGON CITY, OR 97045

Application: V0028621
Application Type: CodeEnforcement/Violation/NA/NA
Address: NO SITUS - SE KOWALL RD
ESTACADA, OR 97023

Receipt No. 1362892

Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments	Payor
Check	761	\$900.00	7/11/2022	JENNIFERK	GINGER & MATTHEW SIDEY	GINGER & MATTHEW SIDEY
		<u>\$900.00</u>				

Owner Info.: SIDEY MATTHEW
5320 SE CIRCLE AVENUE
PORTLAND, OR 97236

Work Description: ALLEGED - YURT AND TINY HOME BUILT ONSITE. POWER BEING RAN FROM AG BLDG ONSITE. NO PRIMARY RESIDENCE. CURRENTLY OCCUPIED



NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Denied

Permit Type: Temporary Forestry Camp – Type II Not otherwise listed.

File No. Z0003-22

Proposal: The applicant is requesting approval for the temporary placement of a Recreational Vehicle to assist with the commercial forestry operation on the subject property. The dwelling is proposed in the eastern area of tax lot 700. The subject property is comprised of two tax lots that have a combined acreage of approximately 68.83 acres in size.

Decision Date: August 9, 2022

Deadline for Filing Appeal: August 22, 2022, at 4:00 pm if this date falls on Monday through Thursday and 3:00 pm if this date falls on Friday

Unless appealed, this decision is effective on August 22, 2022 at 4:00 pm if this date falls on Monday through Thursday and 3:00 pm if this date falls on Friday

Issued By: Joy Fields, Sr. Planner, Jfields@clackamas.us

Assessor's Map & Tax Lot(s): T03 S R 05E Section 18 Tax Lot 00700 combined with Tax Lot 00701.

Site Address: 29700 SE Kowall Rd, Located at the end of SE Kowall Rd

Applicant: Matthew Sidey

Owner of Property: Matthew Sidey

Zoning: AG/F (AG/Forest District)

Community Planning Organization (CPO) for Area:
Estacada CPO, INACTIVE

Community Planning Organizations (CPOs) are part of the county's community involvement program. They are advisory to the Board of County Commissioners, Planning Commission and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations or file appeals. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact the Community Involvement Office at 503-655-8552.

OPPORTUNITY TO REVIEW THE RECORD: The submitted application is available for review online at <https://accela.clackamas.us/citizenaccess/>. Select the Planning tab and enter the file number to search. Select Record Info and then select Attachments from the dropdown list, where you will find the submitted application. The complete application file is available for inspection at no cost by contacting the Planner listed on the first page of this decision. Copies of all documents may be purchased at the rate of \$2.00 per page for 8 1/2" x 11" or 11" x 14" documents, \$2.50 per page for 11" x 17" documents, \$3.50 per page for 18" x 24" documents and \$0.75 per sq ft with a \$5.00 minimum for large format documents.

APPEAL RIGHTS: Any party disagreeing with this decision, or the conditions of approval, may appeal this decision to the Clackamas County Land Use Hearings Officer. An appeal must include a completed County Appeal Form and a \$250.00 filing fee and must be received by the Planning and Zoning Division by the appeal deadline identified on the first page of this decision.

Please check <https://www.clackamas.us/planning> for our current hours of in-office operation. Appeals may be submitted in person during these limited office hours. Appeals may also be submitted by email or US mail.

The County Appeal Form is available at www.clackamas.us/planning/supplemental.html. Any party or parties appealing this decision may withdraw their appeal at any time prior to the hearing or final decision by the Hearings Officer. A party wishing to maintain individual appeal rights may file an individual appeal and pay the \$250.00 fee, even if an appeal by another party or parties has been filed.

A person who is mailed written notice of this decision cannot appeal this decision directly to the Land Use Board of Appeals under ORS 197.830.

APPLICABLE APPROVAL CRITERIA: This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 406 and 1307, and Oregon Revised Statute (ORS) 215.750.

PUBLIC AND AGENCY COMMENTS:

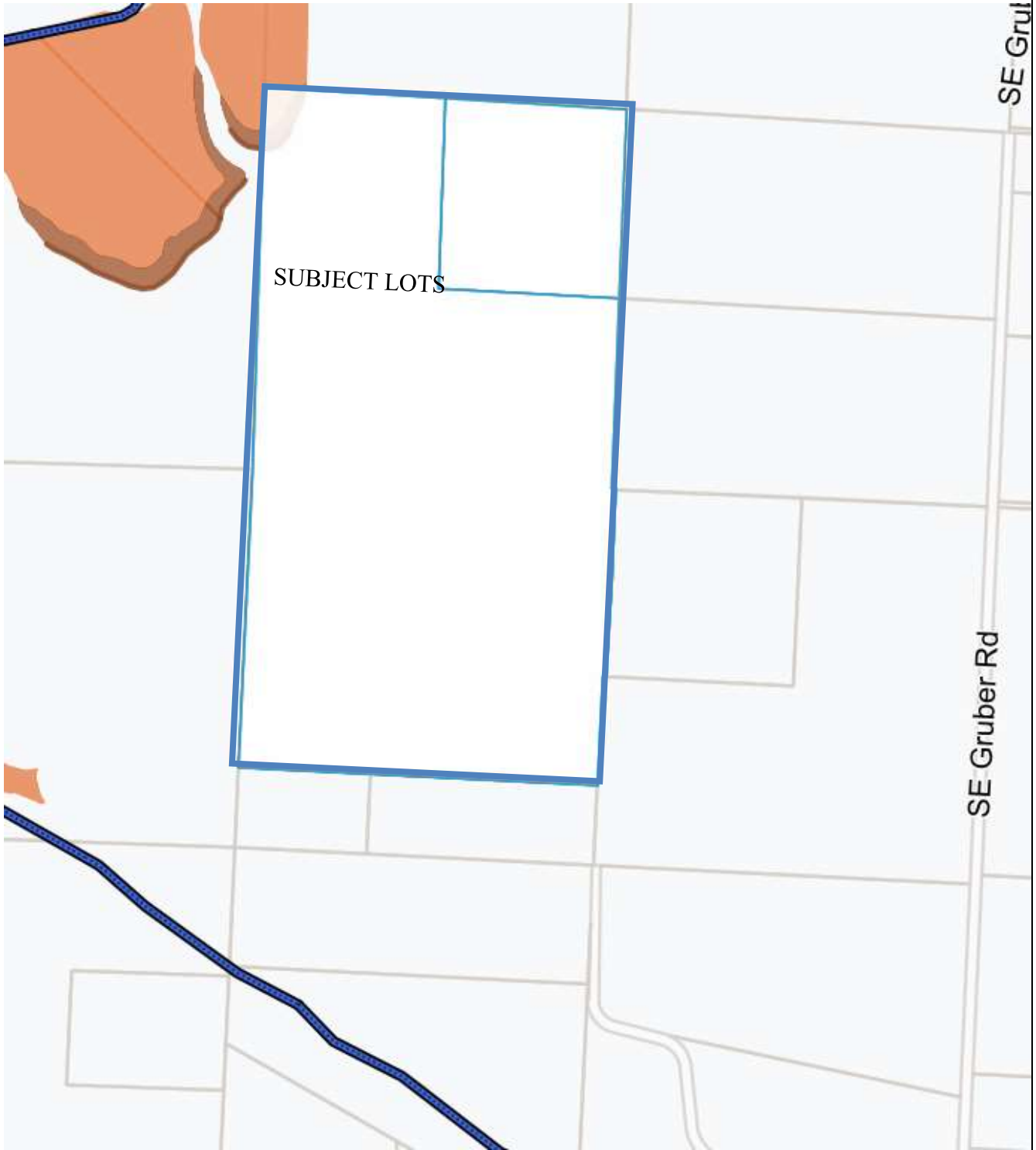
Notice was sent to applicable agencies and owners of property within 750 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section. Comments from the several neighbors were received: that addressed illegal squatting on the land, sewage concern due to a lack of septic, lack of permitted well, lack of forestry activity since the property was logged two years ago and the planting window being constrained to the spring due to water availability.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

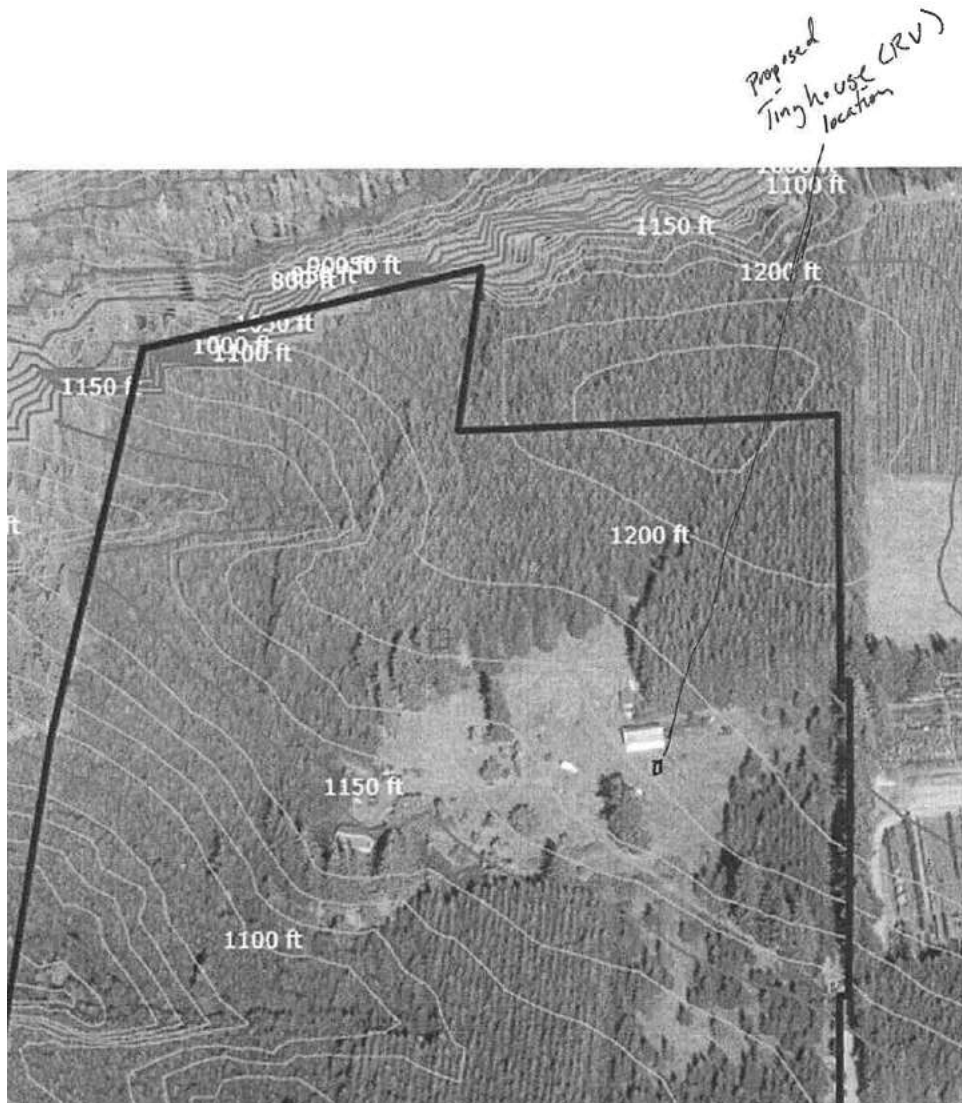
Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод?
翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

Location Map



Site Plan



FINDINGS

The findings below identify the standards and criteria that are relevant to this decision, state the facts relied upon in rendering the decision, and explain the justification for the decision.

- 1. PROJECT OVERVIEW:** The applicant requests approval for a Temporary Forest Camp to establish a temporary tiny home dwelling to house forest labor during the re-planting of 300 Douglas fir per acre. The dwelling is proposed in the eastern area of tax lot 700. Previous staff research indicates that tax lot 700 and tax lot 701 are combined as a single lot of record because lot 701 was separated out of the parent parcel in 1975 after the 1974

Subdivision Ordinance required approval for all land divisions resulting in parcels less than 20 acres and no county approval was received for the creation of 701.

The property owner and neighbors indicated that the mature Douglas fir were recently harvested. However, the applicant did not provide sufficient evidence that the forestry activity was a commercial forestry operation that requires forest labor to assist in the reforestation.

A small portion of the property at the northwest corner contains landslide mudflows identified on the Bulletin 99 hazard map, however, no development is proposed in the hazard area.

2. ZDO Section 407: AG/Forest ZONING DISTRICT (AG/F):

ZDO 407.04: uses permitted in the AG/F District are listed in table 407-1, permitted uses in the AG/F District.

Finding: 29700 SE is zoned Ag/Forest District (AG/F) and the predominant use of the property in 1993 appears to have been forestry based on the recent logging and the time it takes for forest regeneration. The AG/F zone is a mixed farm/forest zone. Therefore, forestry related practices have to follow the Timber (TBR) standards have to be followed per OAR 660-006-0050. This criterion is met.

3. ZDO Section 406: TIMBER ZONING DISTRICT (TBR):

406.03: DEFINITIONS

Unless specifically defined in Subsection 406.03 or in Section 202, Definitions, words or phrases used in Section 406 shall be interpreted to give them the same meaning as they have in common usage and to give Section 406 its most reasonable application.

G. Forest Operation: Any commercial activity relating to the growing or harvesting of any forest tree species as defined in Oregon Revised Statutes 527.620(6).

N. Temporary Structures: Onsite structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation, small portable sawmill, small pole building, etc. Temporary structures are allowed for a period not to exceed one year.

Finding: *The applicant was asked to supply information regarding commercial forestry operations that took place on site and staff did not receive any information, or copies of any forestry permits. Therefore, the application did not include evidence of when the timber harvesting occurred, if there were permits obtained or needed to remove 40-50 acres of trees, or whether the tree removal was related to a forest operation or an agricultural operation. Conflicting information was received from the neighbors, who indicated about 18 acres of trees were harvested and the applicant. Also, the applicant proposed to use an RV/Tiny home as a Temporary Forest Camp and did not provide us with information on how long the temporary structure would be needed on site for support of the proposed reforestation. The*

application materials did not provide enough information to determine how the proposed use were related to these definitions were met. These criterion are not met.

406.04: USES PERMITTED

Uses permitted in the TBR District are listed in Table 406-1, Permitted Uses in the TBR District.

Residential Uses: TYPE II Temporary forest labor camp for a period not to exceed one year.

Finding: *The residential use of a Temporary forest labor camp is identified as an allowed use in the TBR Zoning District. However, the applicant did not provide information on who is living in the camp, how long the forest labor is needed, when the forestry operation started and is anticipated to end, or additional information that is needed, and was requested, to determine if the use is allowed. This criterion is not met.*

BUILDING DIAGRAM



GARAGE AND OUTBUILDINGS

LAND DESCRIPTION

GARAGE CLASS. ATT. DET. BSMT. 1/4 1/8 1/2 3/4 BLT.	DESCRIPTION					DIMEN- SIONS	SQ. FT. AREA	NO.	SOIL TYPE	LAND CLASS	DIMENSIONS OR ACRES
	FOUND	FLOOR	ROOF	WALLS	MISC.						
						X		1		HS	1.00
1 Hay Cover	Pde		Galv galv Mtl Mtl		est	X 40x60	2400	2		III	25/56
2 SP Bldg	conc	conc	6/8 in Mtl Mtl			X 40x60	2400	3			
3						X		4			
4						X		5		III	31.26
5						X		6			5802
6						X		7			4/10/98 88
7 SP Bldg	conc	conc	Mtl Mtl			X 40x60	2400	8			
8						X		9			

INCREMENTS TO LAND:

TOTAL ACRES Δ 57.82

APPRAISER *DA* DATE 10/8/77

APPRAISER *W* DATE 8/5/84

APPRAISER DATE 1/1

APPRAISER DATE 1/1