



NOTICE OF RESET HEARING

January 5, 2026

Jasper & Christine Smith
37201 SE Boitano Rd.
Sandy, OR 97055

RE: County of Clackamas v. Jasper & Christine Smith
File: V0047425

Hearing Date: February 12, 2026

Time: This item will not begin before 10:30 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 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 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 evidence that a violation exists or existed. Either party may, at their own expense, obtain an attorney, to represent that 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 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 a continuing order. The Hearings Officer 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, the 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 proceedings 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 Hearing Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, the 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 emailed to jasperesmith@yahoo.com. A copy of the link is provided below. Once you have joined the meeting, you will be prompted to join as panelist. Please click **JOIN AS PANELIST**.

If you would like to present evidence at the Hearing please email Jennifer Kauppi at JKauppi@clackamas.us 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 process 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 are unfamiliar with using the Zoom platform, please perform an internet search of "how to use Zoom" and there are many interactive guides available. **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 971-930-6134 for assistance.

Zoom Invite:

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/84709275741?pwd=YA6EWSc1bPLX4oaBZiYVSRJaBpwcz.1>

Passcode: 401945

Phone one-tap:

+12532158782,,84709275741# US (Tacoma),,+13462487799,,84709275741# US (Houston)

Join via audio:

+1 253 215 8782 US (Tacoma)

+1 305 224 1968 US

+1 346 248 7799 US (Houston)

+1 309 205 3325 US

+1 408 638 0968 US (San Jose)

+1 312 626 6799 US (Chicago)

+1 669 444 9171 US

+1 360 209 5623 US

+1 669 900 6833 US (San Jose)

+1 386 347 5053 US

+1 719 359 4580 US

+1 507 473 4847 US

+1 253 205 0468 US

+1 564 217 2000 US

+1 646 931 3860 US

+1 646 876 9923 US (New York)

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

Webinar ID: 847 0927 5741

International numbers available: <https://clackamascounty.zoom.us/j/KP63LLMCW>

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Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination

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

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

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination

BEFORE THE COMPLIANCE HEARINGS OFFICER
for
COUNTY OF CLACKAMAS

COUNTY OF CLACKAMAS,

Petitioner,

v.

JASPER AND CHRISTINE SMITH,

Respondents.

File No: V0047425

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: 37201 SE Boitano Rd., Sandy, OR 97055.

2.

The Respondent(s) own/owns or occupies the address or location of the violation(s) of law alleged in this Complaint is 37201 SE Boitano Rd, Sandy, OR 97055 also known as T2S, R4E, Section 26, Tax Lot 00401, and is located in Clackamas County, Oregon. The property is zoned Exclusive Farm Use (EFU) and is the location of violation(s) asserted by the County.

3.

On or about the 17th day of December, 2025 the Respondents violated the following laws, in the following ways:

- a. Respondents violated the Clackamas County Building Code, Chapter 9.02.040 by failing to obtain approved permits and approved final inspections for a tiny home and porch cover with electrical, a remodel to an accessory structure converted to an accessory dwelling unit including structural, electrical and plumbing and a detached garage built including electrical and plumbing, mechanical equipment installed in approved agricultural building and expired electrical permit. These violations are each a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

- b. Respondents violated the Clackamas County Zoning and Development Ordinance, Title 12, Section 401.04 for having multiple dwellings on the subject property 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 Respondents in the following manner:
Violation Notice dated December 17, 2025. A copy of the notice document is attached to this Complaint as Exhibit I and incorporated by this reference.

6.

Based on these allegations, petitioner requests that a hearing be set in this matter.

Petitioner seeks an Order from the Hearings Officer granting the following relief:

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondents from violating these laws in the future;

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondents for each violation, within the range established by the Board of County Commissioners. Said range for a Building Code Priority 1 violation being \$1,000.00 to \$3,500.00 per occurrence and said range for a Zoning and Development Ordinance violation being \$750.00 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 Respondents 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 Respondents 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 30th day of December, 2025.



Jennifer Kauppi
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

JASPER AND CHRISTINE SMITH,

Respondents.

File No.: V0047425

STATEMENT OF PROOF

History of Events and Exhibits:

- | | |
|--------------------------------|--|
| December 9, 2025 | Clackamas County received a complaint regarding several structures built without approved permits, multiple dwellings without land use approval and the Conditions of Approval not met for an approved indoor marijuana grow. |
| December 10, 2025
Exhibit A | Correspondence was sent to the Respondents regarding the alleged violations. |
| December 10, 2025
Exhibit B | An aerial of the property with the structures that are the subject of this hearing labeled for reference. |
| December 10, 2025
Exhibit C | In 2016 the property received land use approval for an indoor and outdoor marijuana grow. As noted in land use decision Z0188-16-MJ the indoor grow building AG019016 was required to have mechanical equipment installed for the odor control. No mechanical permits had been approved. In addition, electrical permit E0700717 for low voltage electrical did not received approved final inspections. |
| December 10, 2025
Exhibit D | Between 2017 and 2018 a tiny home with a porch cover was constructed on the subject property. The tiny home with the porch cover is approximately 420 square feet in size. The porch cover is included in the square footage of the structure as explained in the definition of the Oregon Residential Specialty Code (ORSC). |
| December 10, 2025
Exhibit E | Between 2015 and 2018 an old accessory/cabin structure was remodeled to a two story 1 bedroom 1 full bathroom guest house space. Photos of the interior remodel were found online as the structure was advertised as an Airbnb. |
| December 10, 2025
Exhibit F | Between 2021 and 2024 a two-story detached garage was built. I reviewed the permitting system and could find no approved permits for the tiny home, converted old accessory/cabin structure or detached garage. |

December 15, 2025
Exhibit G I emailed the planning department regarding the accessory structure being converted to habitable space on the subject property. Senior Planner Nick Bateman responded that from the records that he could find, there is only one permitted dwelling on the property and there is not a pathway to legalize the second dwelling.

December 16, 2025 Jasper called me regarding the alleged letter that he received in the mail. Jasper stated that the tiny home has a loft in it and electrical but no plumbing. The tiny home had been occupied during the summer but was not currently occupied. Jasper stated that he only replaced the siding from the older accessory structure and that it was no longer being used as an Airbnb. I explained to Jasper that it appears a remodel had occurred to the structure including structural, electrical and plumbing without permits. Jasper stated that the two-story detached garage that was built also has electrical and a bathroom inside the structure.

December 16, 2025
Exhibit H I sent a follow up email to Jasper to ask him what was on the lower floor of the older converted accessory/cabin structure. Jasper stated it was a utility room with a water heater in it. Jasper also stated that the structure was being used to house farm workers.

December 17, 2025
Exhibit I A Notice of Violation was mailed to the Respondents with a deadline of January 17, 2026 to abate the violations. I also email the Respondents a copy of the Notice of Violation.

December 20, 2025
Exhibit J The Respondent Jasper Smith requested a hearing.

December 22, 2025
Exhibit K I emailed the planning department regarding the older converted accessory/cabin structure being used as a farm dwelling. Senior Planner Georgia McAlister stated that a Type II land use permit would be required.

December 29, 2025 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 401.04 exists, the County is requesting a Final Order in this matter recommending the following:

- The imposition of civil penalties for the Zoning and Development Ordinance violation for multiple dwellings without land use approval of up to \$2,500.00.
- The imposition of civil penalties for the Building Code violation for a tiny home with porch cover, loft and electrical built without approved permits and approved final inspections of up to \$3,500.00.
- The imposition of civil penalties for the Building Code violation for a remodel to an accessory/cabin structure including structural, electrical and plumbing without approved permits and approved final inspections of up to \$3,500.00.
- The imposition of civil penalties for the Building Code violation for a detached garage with electrical and plumbing built without approved permits and approved final inspections of up to \$3,500.00.
- The imposition of civil penalties for the mechanical equipment installed without approved permits and the expired electrical permit for agricultural building AG019016 of up to \$3,500.00.
- The Administrative Compliance fee to be imposed for December, 2025 until January, 2025 for a total amount due of \$200.00.
- The County requests the Hearings Officer to permanently prohibit the Respondents from violating these laws in the future.
- The County is requesting the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.

OR

Should mitigating factors be presented in the hearing, which the Hearings Officer determines warrants a Continuing Order, the County would recommend the following.

Within 30 days of the date of the order cease the use of any unauthorized additional dwellings without first obtaining land use approval and meeting all conditions of approval.

Within 30 days of the date of the order, submit a complete commercial mechanical permit application and either renew and complete electrical permit E0700717 or have a licensed electrical contractor submit a permit to complete the uninspected electrical work.

Within 60 days of the date of the order, submit a complete building or agricultural exempt permit application and technically complete plans for the tiny home, old accessory structure/cabin and detached garage. For any structure that is not exempt from permitting or does not qualify as an agriculturally exempt building, an architect or engineer will be required to stamp the plans and submit calculations as part of the permit submittal.

- Plan review comments shall be responded to within 14 days of the requested information.
- All Building and trade permits for the structures shall be paid for within 10 days of the payment request from the Building department.
- All inspections including approved final inspection shall be obtained with 90 days of permits being issued.



December 10, 2025

Jasper & Christine Smith
37201 SE Boitano Rd.
Sandy, OR 97055

Subject: Alleged Violations of the Zoning and Development Ordinance, Title 12, Section 401, and the Building Code, Chapter 9.02.040 of the Clackamas County Code

Site Address: 37201 SE Boitano Rd. Sandy, OR 97055
Legal Description: T2S, R4E, Section 26, Tax Lot 401

It has come to the attention of Clackamas County Code Enforcement that violations of conditions of approval may exist on the above-mentioned property.

There may also be multiple dwellings on above referenced property without land use approval.

Additionally, building and mechanical work may have been done without the benefit of permits.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 401, and the Building Code, Chapter 9.02.040 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.

Please note that a \$100.00 monthly Administrative Compliance Fee will be assessed if a violation has been determined and has not been abated.

Department of Transportation and Development

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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

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

환영합니다. Korean

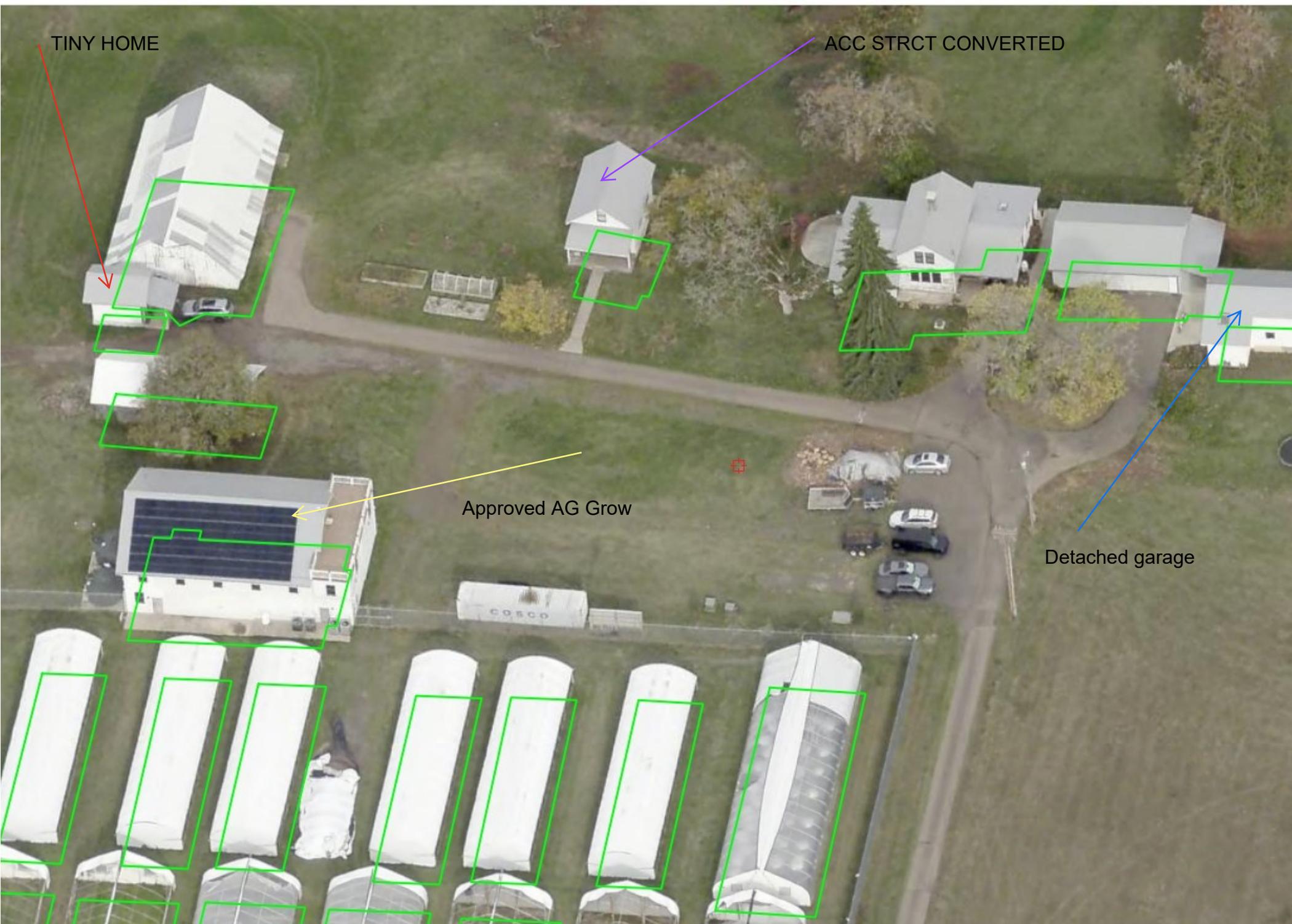
운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination

TINY HOME

ACC STRCT CONVERTED

Approved AG Grow

Detached garage





MIKE McCALLISTER
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

NOTICE OF TYPE I LAND USE ACTION

This document represents the Findings and Conditions of Approval of a Type I Land Use Permit. It contains four parts: 1) Summary; 2) Decision; 3) Conditions of Approval; and 4) Findings.

SECTION I: SUMMARY

Date: April 22, 2016

File No. Z0188-16-MJ

Staff Contact: Ben Blessing (503-742-4521 - bblessing@clackamas.us)

Map & Taxlot: T2S R4E Section 26 Tax Lot 00401

Site Address: 37201 SE BOITANO RD, Sandy, OR 97055

Applicant: Jasper Smith and Christine Smith

Owner of Property: Jasper Smith and Christine Smith

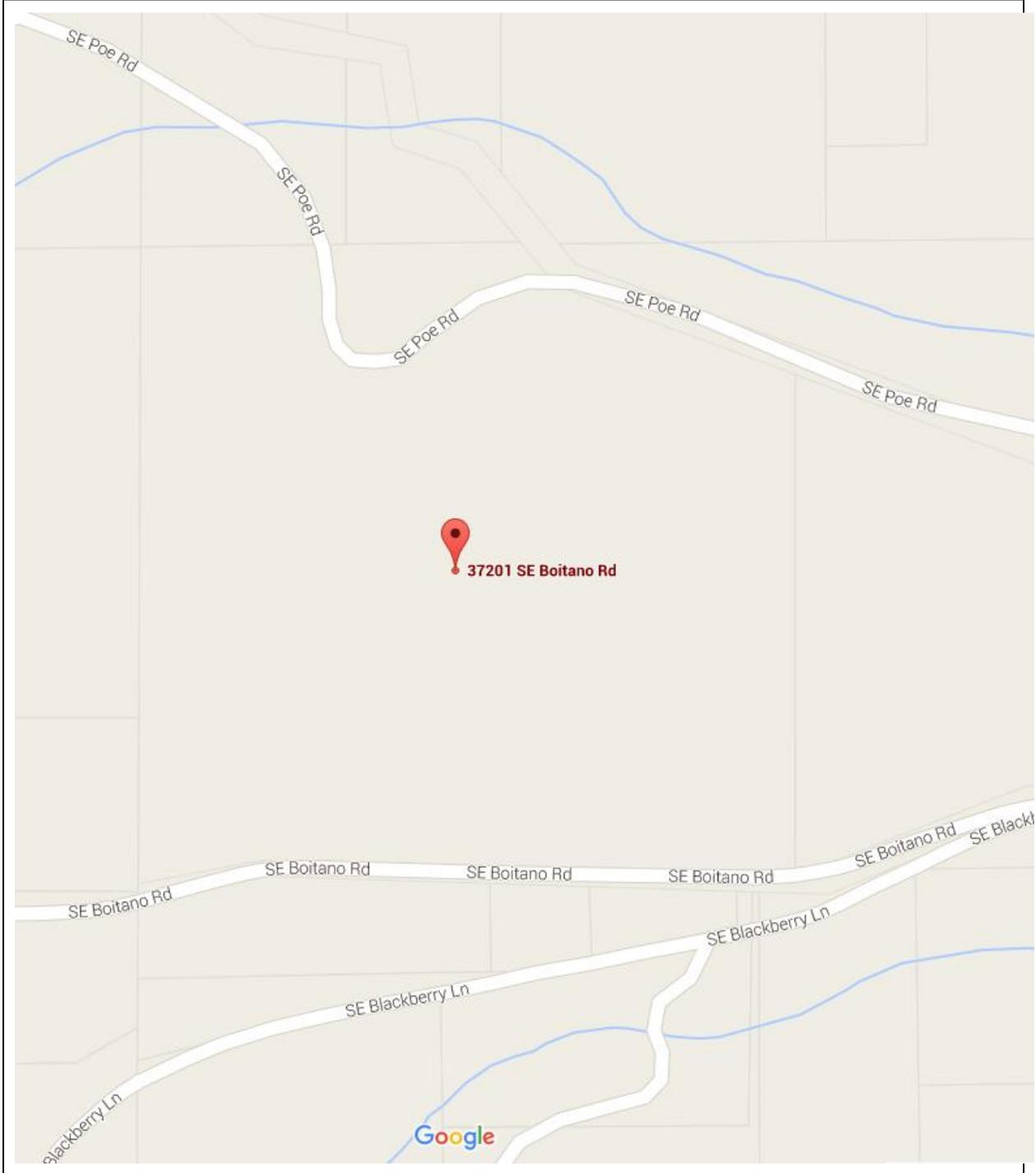
Total Area Involved: Approximately 39.23

Zoning: Exclusive Farm Use District (EFU)

Proposal: Outdoor and indoor production of recreational marijuana.

Applicable Approval Criteria & Review Procedure: This application is subject to the standards and criteria of Clackamas County Zoning and Development Ordinance (ZDO) Section 841 and 401. This application is being processed as a Type I Permit, pursuant to Section 1307. A Type I Permit is ministerial in nature and involves a land use action governed by non-discretionary standards and clear and objective approval criteria.

Location Map



SECTION II: DECISION

It is the decision of the Planning & Zoning Division to preliminarily approve this application for Marijuana Production, subject to the Conditions of Approval outlined below:

SECTION III: CONDITIONS OF APPROVAL

I) General Conditions:

1. Approval of this Marijuana Production application is based on the submitted materials dated March 25, 2016 and April 15, 2016. No work shall occur under this permit beyond that specified in this decision. It shall be the responsibility of the property owner(s) to comply with this decision and the limitations of approval described herein.
2. This application is subject to the applicable standards of the underlying EFU Zoning District.
3. For new structures used for indoor marijuana production:

No new development permits (building, plumbing, electrical, ag exempt) shall be issued until the stamped odor filtration system required under Subsection 841.03(G)(1-7) and the noise study required under Subsection 841.03(H) are submitted and approved by the Planning and Zoning Department

4. Approval Period: Approval of this Marijuana Production application under Subsection 841.03 is valid for four years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void.

- A) Implemented means all major development permits shall be obtained and maintained for the approved Marijuana Production, or if no major development permits are required to complete the development contemplated by the approved Marijuana Production, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:
 - i. A building permit for a new primary structure that was part of the approved development; or
 - ii. A permit issued by the County for parking lot or road improvements required by the approved development.

II) Outdoor Production Setback Conditions:

1. All Outdoor Production, as defined in Subsection 841.03(A)(2), shall be sited a minimum of 100 feet from all lot lines.

III) Access Conditions:

1. Grow site shall be directly accessed from SE Boitano Road.

IV) Lighting Conditions:

1. Light cast by light fixtures inside any building used for Marijuana Production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject property.

V) Building Odor / Filtration Conditions:

1. For any building that is used for Marijuana Production (i.e., Indoor Production), where “building” means the building, or portion thereof, that is used for Marijuana Production:
 - A) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - B) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - C) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - D) Negative air pressure shall be maintained inside the building.
 - E) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - F) The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.03(G).
 - G) An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

VI) Noise Conditions:

1. If generators; mechanical equipment used for heating, ventilating, air conditioning, or odor control; or other machinery is proposed in conjunction with the Marijuana Production, the applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon, demonstrating that said equipment will not produce sound that, when measured at any lot line of the subject property, exceeds 50 dB(A).

VII) Security Camera Conditions:

1. If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the Oregon Liquor Control Commission (OLCC).

VIII) Waste Management Conditions:

1. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee.

SECTION IV: FINDINGS

I. Project Overview:

The 39.23-acre subject property, zoned EFU, fronts on and has direct access to S.E. Boitano Road. The recreational marijuana production activities proposed for the subject property are the following: A total of 35,000 square feet of non-electrified, non-structural hoop houses used for outdoor marijuana production. The hoop houses will be arranged in six 300' by 20' rows and placed south and west of the existing driveway. Additionally, 6,000 square feet of outdoor space shall be used for plant trimming, drying and, vegetation. For indoor production, the applicant proposes a 1,100 square foot portion of the lower level of a proposed three story building. The staff notes that the applicant makes reference to marijuana processing in a kitchen on the main floor of the proposed building. Marijuana processing requires a type II land use application which is reviewed separately from the marijuana production activities reviewed herein. This preliminary decision does not authorize marijuana processing to occur on or in any building or structure, or any portion of the above referenced tax parcel described above.

II. ZDO Section 841:

Section 841 of the ZDO — “Marijuana Production, Processing & Retailing” — sets forth the process, standards and requirements for reviewing the production, processing and retailing of marijuana. The proposed Marijuana Production is subject to the criteria and standards of Section 841 that are outlined below:

841.01 APPLICABILITY

Section 841 applies to:

A. Marijuana production in the AG/F, EFU, FF-10, RRF-5, and TBR Districts;

Finding: The applicant is proposing Marijuana Production in the EFU District. Therefore, Section 841 applies.

B. Marijuana processing in the AG/F and EFU Districts; and

Finding: Marijuana Processing is not being proposed or evaluated through this application.

C. Marijuana retailing in the C-2, C-3, CC, NC, OC, PMU, RC, RCC, RCO, RTC, RTL, and SCMU Districts.

Finding: Marijuana Retailing is not being proposed or evaluated through this application.

841.02 PROCEDURE

Marijuana production and marijuana retailing require review as Type I applications pursuant to Section 1307, *Procedures*. Marijuana processing requires review as a Type II application pursuant to Section 1307.

Finding: The applicant is proposing Marijuana Production, which is being reviewed as a Type I application, subject to Section 1307.

841.03 MARIJUANA PRODUCTION AND MARIJUANA PROCESSING

Marijuana production and marijuana processing shall be subject to the following standards and criteria:

A. Minimum Lot Size. A minimum lot size standard shall apply as follows:

2. In the AG/F, EFU, and TBR Districts, the subject property shall be a minimum of two acres, except that if outdoor production is proposed, the subject property shall be a minimum of five acres. Outdoor production means producing marijuana:
 - a. In an expanse of open or cleared ground; or
 - b. In a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources. A mature marijuana plant is a marijuana plant that is flowering.

Finding: The 39.23-acre subject property is located in the EFU District. Outdoor Production is proposed. Therefore, the subject property meets the 5-acre minimum lot size. This criterion is met.

B. Minimum Yard Depth/Distance from Lot Lines.

In the AG/F, EFU and TBR Districts, outdoor production, as defined in Subsection 841.03(A)(2), shall be sited a minimum of 100 feet from all lot lines.

Finding: The applicable standards of this Subsection are outlined above as Conditions of Approval. This criterion can be met.

E. Access. The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. However, this standard will be waived if the property takes access via a private road or easement which also serves other properties and evidence is provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.

Finding: The subject property has frontage on, and direct access from, SE Boitano Road, which is a constructed county road.

F. Lighting. Lighting shall be regulated pursuant to Subsection 841.03(F):

1. Light cast by light fixtures inside any building used for Marijuana Production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject property.

Finding: Applicant states that the indoor grow rooms are limited to the lower level of the proposed building and no windows are present. The applicant also states that the exterior grow is not intended to be lit in any way and any exterior lighting will be limited to the grow facility. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criterion can be met.

G. Odor. As used in Subsection 841.03(G), building means the building, or portion thereof, used for marijuana production or marijuana processing. However, Subsection 841.03(G) does not apply to a building approved as part of outdoor production pursuant to Subsection 841.03(A)(2)(b).

1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
4. Negative air pressure shall be maintained inside the building.
5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
6. The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.03(G).
7. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

Finding: Applicant states that the indoor grow will comply with 841.03(G) (1) through (7). The staff notes that marijuana production is the only marijuana activity permitted in the proposed building. As mentioned in the project overview, marijuana processing is subject to a type II land use application. The applicable standards of

this Subsection are outlined above as Conditions of Approval. This criterion can be met.

- H. Noise. The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that generators as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measures at any lot line of the subject property, exceeds 50 dB(A).

Finding: Applicant states that a noise report from a licensed acoustic engineer will be provided. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criterion can be met.

- I. Security Cameras. If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the Oregon Liquor Control Commission (OLCC).

Finding: Applicant has stated that any and all cameras will not capture adjacent properties. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criterion can be met.

- J. Water. The applicant shall submit:

1. A water right permit or certificate number for the proposed marijuana production or marijuana processing;

Finding: this criterion is not applicable.

2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or

Finding: this criterion is not applicable.

3. Proof from the Oregon Water Resources Department that the water to be used for marijuana production or marijuana processing is from a source that does not require a water right.

Finding: The applicant has submitted proof from the Oregon Water Resources Department, in the form of Marijuana Producer Exempt Water Form, verifying that the above standard is met.

- K. Waste Management. Marijuana shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee.

Finding: Applicant states that all waste will be contained in a secure area within the fenced area as identified on supporting documents. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criterion can be met.



BUILDING CODES DIVISION

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Permit #: E0700717 Applied: 11/16/2017
 Type: Electrical / Electrical Approved: 11/16/2017
Status: Expired Final:
 Valuation: \$0.00 Expiration: 08/26/2018
 Address: 37201 SE BOITANO RD SANDY, OR 97055

Applicant: TIMBERLINE ELECTRICAL CONTRACTORS INC (503) 459-4089
 Owner: SMITH JASPER
 Contractor: TIMBERLINE ELECTRICAL CONTRACTORS INC (503) 459-4089

Certificate of Occupancy Required:

Taxlot: 24E26 00401 Class:
 Entered By: JENNIFERK Occupancy:
 Insp Area: Units: Bldgs:
 Printed: 12/23/2025 Violation:
 Description: CCTV, SECURITY, AUDIO, UNDERGROUND WIRING & INTERIOR LOW
 VOLT BLDG A
 Conditions:

SFR/Dup 1st Unit(sqft): 0	Additional Unit(sqft):	0
Signal Circuit/Limited Energy Panel, Alteration or Extension	1	\$109.00
Electrical State Surcharge	1	\$13.08
Total Fees:		\$122.08
Total Payments:		\$122.08
Balance Due:		\$0.00

Our goal is to provide you with excellent service. If you would like to discuss your experience with us, contact one of our Customer Service Specialists at 503-742-4400, dtdcustomerinfo@clackamas.us or simply fill out our online survey at <https://www.surveymonkey.com/s/cccustomersurvey>

Clackamas County Inspection History for Record #E0700717

Applicant Name: TIMBERLINE ELECTRICAL CONTRACTORS INC

Work Description: CCTV, SECURITY, AUDIO, UNDERGROUND WIRING & INTERIOR LOW VOLT BLDG A

Address: 37201 SE BOITANO RD, SANDY, OR 97055

Inspection Date	Inspection Type	Inspector	Status	Comments
12/21/2017 1:11:02 PM	100 Service & Rough-In	Gary Lile	Partial Approval	Date: 12/21/2017 Low voltage wiring installed outdoors requires a W rating 2-Ditch cover across gravel drive at the gate by building A is a
2/26/2018 1:09:47 PM	120 Rough-In/Cover	Gary Lile	Approved	Date: 2/26/2018 LV wiring in building "A"

7/20/17

37201 SE Boitano Rd

Skunk Farm

Imagery Date: 7/18/2017 45°22'10.67" N

EXHIBIT D _ PAGE 1 OF 6



Search





37201 SE Boitano Rd

Skunk Farm

Imagery Date: 7/16/2018 45°22'10.46" N 122°16'55.48" W

EXHIBIT D _ PAGE 2 OF 6





Images: Latest ▾ < image 1 of 3 > 10/30/2025



Search





Kauppi, Jennifer

From: Long, Chris
Sent: Tuesday, December 23, 2025 9:50 AM
To: Kauppi, Jennifer
Subject: RE: 37201 SE Boitano Rd - Tiny home with porch,

Hi Jennifer,

Happy to help out, and respond to the questions.

In order for this structure to be exempt (based on the size of the property) It would have to be 400 sq ft or less, not used for habitable space and there could not be a loft area – this is correct? **Correct, as the “loft” could be additional storage or similar in a non-habitable structure.**

If they wanted to keep the porch cover the size that it is now that would be included in the size of the structure based on your response above – correct? **Correct, as below and with those definitions again, this porch area would be included.**

Respectfully,
Chris

Chris Long
(503) 742-4228
Clackamas County

From: Kauppi, Jennifer <JKauppi@clackamas.us>
Sent: Tuesday, December 23, 2025 9:28 AM
To: Long, Chris <CLong@clackamas.us>
Subject: 37201 SE Boitano Rd - Tiny home with porch,

Hi Chris.

This property is EFU – 39.19 acres in size.

The owner of the property built a home with a porch cover without permits. The interior of the structure also has a loft.

The size of the structure plus the porch cover is roughly 420 sq ft. This does not include the loft.

The owner did admit that the structure was being lived in this summer, has a bed in it but is currently not occupied.

You responded to a similar situation on another property –

From the 2023 ORSC section R105.2 item 1 exempts Nonhabitable one-story detached accessory structures, provided that the building area does not exceed 200 square feet and does not exceed a height of 15 feet measured from grade plane to the average height of the highest roof surface.

- If the structure is a tiny home or other ‘habitable’ use, then the size wouldn’t matter, and a permit would be required.

Definitions from the ORSC:

Building, Area: The area included within surrounding exterior walls of a dwelling or accessory structure, Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

-Based on the definition and the roof of this structure, the building area would need to include the area under the extended roof.

Habitable Space: A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, storage, and utility spaces and similar areas are not considered habitable spaces.

In conclusion, the structure in the pictures appears to require a permit based on the size exceeding 200 square feet with the roof overhang and definition of building area.

In order for this structure to be exempt (based on the size of the property) It would have to be 400 sq ft or less, not used for habitable space and there could not be a loft area – this is correct?

If they wanted to keep the porch cover the size that it is now that would be included in the size of the structure based on your response above – correct?

Thank you!

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

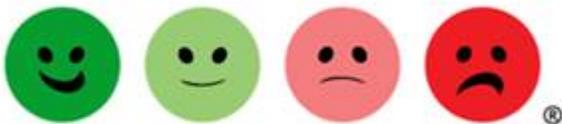
Primary Phone: [503-742-4759](tel:503-742-4759)

www.clackamas.us

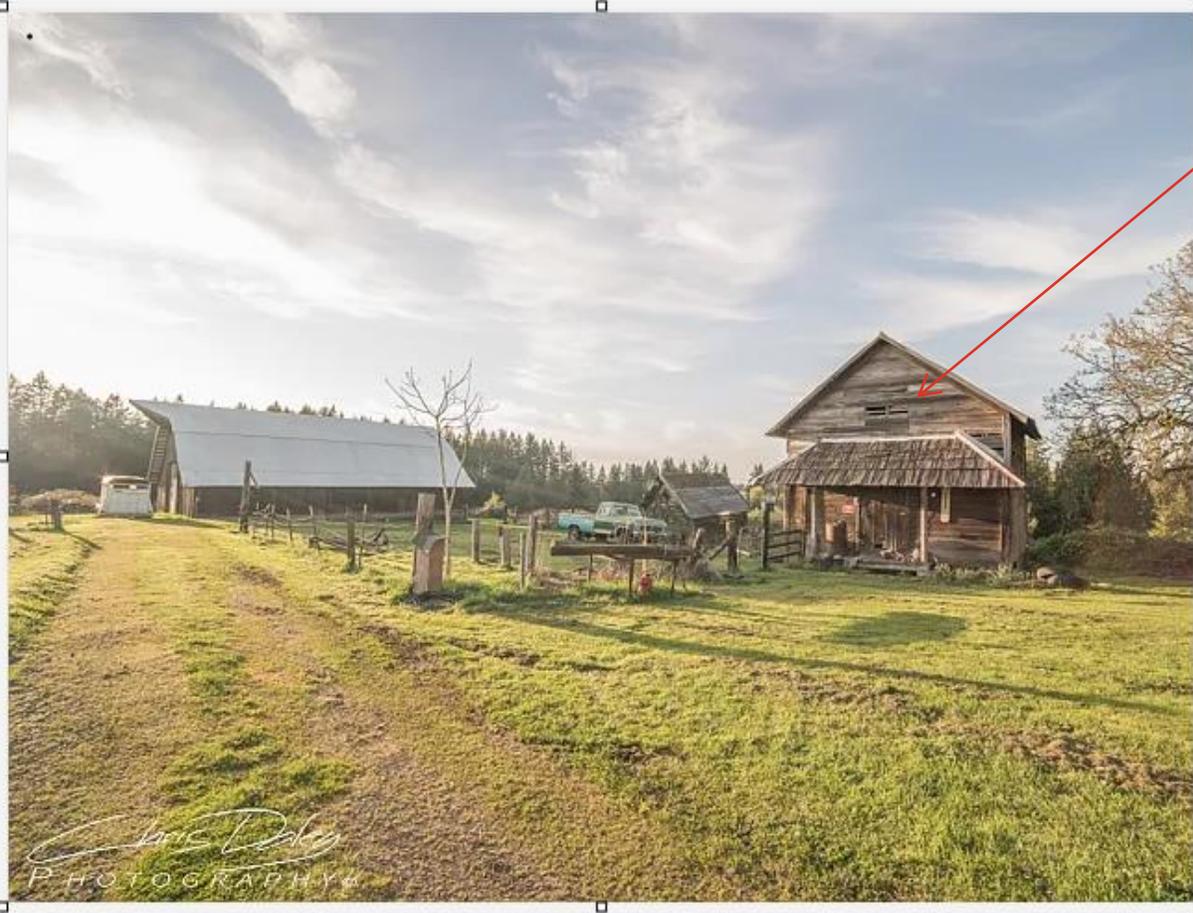
Hours: M-F from 7:30 a.m. until 4:00 p.m.

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







review

Jul 2015 - Jul 2015 ▾

◀ image 1 of 5 ▶

07/07/2015





18 Eagleview

(liques) ▾ Oct 2018 - Nov 2018 ▾ < image 1 of 10 > 11/11/2018



Search ✕

Search by Address ▾

Enter address or landmark 🔍

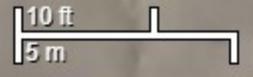


image 1 of 7 > 10/30/2025





EXHIBIT E _ PAGE 6 OF 11



EXHIBIT E _ PAGE 7 OF 11





EXHIBIT E _ PAGE 9 OF 11



EXHIBIT E _ PAGE 10 OF 11



EXHIBIT E _ PAGE 11 OF 11



37201 SE Boitano Rd
Skunk Farm



Search



5/2024

37201 SE Boitano Rd
Skunk Farm

Image © 2025 Airbus

Imagery Date: 5/13/2024 45°22'14.20" N 122°16'

EXHIBIT F _ PAGE 2 OF 5



Search





< image 1 of 17 > 01/15/2025







Kauppi, Jennifer

From: ZoningInfo
Sent: Monday, December 15, 2025 2:51 PM
To: Kauppi, Jennifer
Subject: RE: 37201 SE Boitano Rd - 24E26 00401 - EFU

Hello Jennifer,

1. **Since the property is EFU – would they have to go through a non-conforming use application process for this structure?**
 - a. From the records I can find, there is only one permitted dwelling on the property. This one was likely converted to residential without permit. We do not have a pathway to legalizing it as a residence at this point.

2. **Can the old cabin be rented out to the public if the structure is approved as a 2nd dwelling or guest house?**
 - a. Short term rentals are not permitted in the EFU zone, they will not be able to do it.

Please let me know if you have any other questions.
Thank you,

Nick Bateman, Senior Planner

Clackamas County Transportation & Development
Planning and Zoning Division
150 Beaver Creek Road
Oregon City, Oregon 97045
My office hours are M-F 8:00 am to 6:00 pm, with every other Friday off
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: Friday, December 12, 2025 9:18 AM

To: ZoningInfo <ZoningInfo@clackamas.us>
Subject: 37201 SE Boitano Rd - 24E26 00401 - EFU

Hello

The property is zoned EFU. It appears that the owners have taken the old cabin on the property (photo 1) and have done a complete renovation on it (photo 2). They are allegedly renting this as a guest house on the VRBO and Airbnb sites.

1. Since the property is EFU – would they have to go through a non-conforming use application process for this structure?
2. Can the old cabin be rented out to the public if the structure is approved as a 2nd dwelling or guest house?

Thank you

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

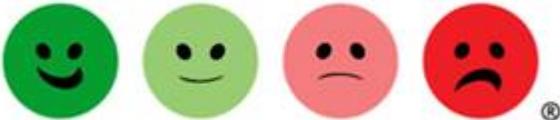
Primary Phone: [503-742-4759](tel:503-742-4759)

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

Kauppi, Jennifer

From: Jasper Smith <jasper@skunkvalleyfarm.com>
Sent: Tuesday, December 16, 2025 12:08 PM
To: Kauppi, Jennifer
Subject: Re: 37201 SE Boitano - Additional Question

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

just the water heater
Thanks, Jasper Smith

On Dec 16, 2025, at 10:46 AM, Kauppi, Jennifer <JKauppi@clackamas.us> wrote:

The utility room....

What is in this space?

Washer/Dryer?
Additional bathroom?

Thank you

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

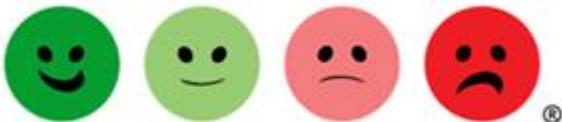
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Lobby hours 8:00 a.m. until 4:00 p.m. Monday – Thursday. Offices are closed to the public on Fridays.

Were you happy with the service you received today?



CLICK A SMILEY

Kauppi, Jennifer

From: Kauppi, Jennifer
Sent: Tuesday, December 16, 2025 10:46 AM
To: 'Jasper Smith'
Subject: RE: 37201 SE Boitano - Additional Question

The utility room....

What is in this space?

Washer/Dryer?
Additional bathroom?

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)

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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?



From: Jasper Smith <jasper@skunkvalleyfarm.com>
Sent: Tuesday, December 16, 2025 10:44 AM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: Re: 37201 SE Boitano - Additional Question

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

It is no longer an Airbnb the farm workers stay there
Thanks, Jasper Smith

On Dec 16, 2025, at 10:42 AM, Jasper Smith <jasper@skunkvalleyfarm.com> wrote:

it's a utility room
Thanks, Jasper Smith

On Dec 16, 2025, at 8:32 AM, Kauppi, Jennifer <JKauppi@clackamas.us> wrote:

Jasper,

Hello. One additional question. It was also reported that the structure that was being used as an Airbnb has an apartment in the lower level of the structure.

Based on the aerial it does appear to be a lower level. Is there an apartment? If so what is included in this space?

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.



NOTICE OF VIOLATION

December 17, 2025

Jasper and Christine Smith
37201 SE Boitano Rd
Sandy, OR 97055

SUBJECT: Violation of the Clackamas County Building Code, Title 9.02.040 (B)(C)(D)(E) and Zoning and Development Ordinance, Title 12, Section 401.04 (A)

VIOLATION: V0047425

SITE ADDRESS: 37201 SE Boitano Rd., Sandy, OR 97055

PRIORITY 1 Building Code Violations

PRIORITY 2 Zoning and Development Ordinance Violations

LEGAL DESCRIPTION: T2S, R4E, Section 26, Tax Lot 00401

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

- Mechanical equipment in approved indoor marijuana grow without approved permits.
- Expired electrical permit E0700717 – Low voltage for CCTV and security
- Tiny home with covered porch and electrical built without approved permits.
- Detached garage with electrical and half bathroom without approved permits.
- Accessory structure converted additional dwelling with electrical, full bathroom and 2nd floor with bed and lower level utility room without approved permits.
- Multiple dwellings without land use approval

VIOLATIONS & HOW TO RESOLVE

On December 16, 2025, I spoke with Jasper regarding the complaint that was received concerning the property at 37201 SE Boitano Rd, Sandy OR.

Based on this conversation, several violations of the Building Code and Zoning and Development Ordinance have been confirmed. In order to abate the violations land use applications may be required for the multiple dwellings and building permits will be required to be submitted, reviewed and final inspections obtained.

Please complete the following no later than January 17, 2026:

Multiple Dwellings without land use approval

There are multiple dwellings on the subject property. Multiple dwellings on the subject property requires land use approval. Please contact the planning department for land use options (if any) for the renovated accessory structure into habitable space and the tiny home and submit any applicable land use application that may apply for the structure(s) by the deadline date provided.

Mechanical Equipment Building AG019016

- Please submit, or have your professional submit, the commercial mechanical permit application(s), technically complete plans and appropriate fee(s) for the mechanical equipment installed in AG019016. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>
 - All requests for additional information to complete plan review must be responded to within ten days of being notified.
 - Submit payment for the permit within 10 days of notification from the building department.
 - Please schedule all inspections so that final inspections may be obtained not later than 60 days of the date of receipt of your approved permit(s).

Expired electrical permit E0700717

- Please contact the building department to renew permit E0700717. This permit was issued to Timberline Electrical Contractors Inc. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>
 - Please schedule all inspections so that final inspections may be obtained not later than 60 days of the date of receipt of your approved permit(s).

Tiny home with loft and electrical – built between 2017 and 2018 – porch cover added on between January 2025 and October 2025

- Please submit, or have your professional submit, a complete building permit or agricultural exempt application, technically complete plans and appropriate fee(s) for the structure.
- - All requests for additional information to complete plan review must be responded to within ten days of being notified.
 - The permit(s) and any required trade permits 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 60 days of the date of receipt of your approved permit(s).

**Renovated accessory structure into habitable space with lower level utility room
– between 2015 and 2018**

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s)
 - All requests for additional information to complete plan review must be responded to within ten days of being notified.
 - The permit(s) and any required trade permits 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 60 days of the date of receipt of your approved permit(s).

Detached garage with bathroom – built between 2021 and 2024

- Please submit, or have your professional submit, the building permit application(s), technically complete plans or agricultural exemption application and appropriate fee(s)
 - All requests for additional information to complete plan review must be responded to within ten days of being notified.
 - The permit(s) and any required trade permits 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 60 days of the date of receipt of your approved permit(s).

*******PLEASE NOTE ******

The permitting of the tiny home and renovated accessory structure into habitable space will be dependent on the determination from planning on what use is allowed for these structures. Permitting requirements may change based on their decision.

An architect or engineer licensed with the State of Oregon may be required.

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 permitting 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.

A handwritten signature in black ink that reads "Jennifer Kauppi". The signature is written in a cursive, flowing style.

Code Enforcement Permit 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 \$100 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, and (3) a lien being placed against the subject property for the amount due from citations and fees which will accrue interest.
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 to codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$514 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. **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.
6. **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.
7. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.

Where construction work has been performed without benefit of a building plan review / permit(s) and / or inspections, plans shall be submitted showing conformance with the life safety provisions of the code and the construction shall be evaluated for structural soundness and conformance to the applicable codes by an Oregon licensed Architect or Engineer. This evaluation along with drawings of the as-built condition shall be presented to the Clackamas County Building Codes Division stamped, signed and dated by the architect or engineer. The evaluation letter accompanying the building permit application and drawings must provide the following

- A statement indicating the date the structure was inspected by the engineer or architect or by the engineer's or architect's authorized representative.
- A statement that summarizes the findings and results of the inspection.
- A copy of the structural analysis / calculations prepared and stamped by the architect or engineer that were used to determine structural adequacy.
- A statement indicating that the structure was built in accordance with all applicable codes and in accordance with the plans submitted to the Clackamas County Building Codes Division for review.
- If the structure is in need of repair or structural modifications to make it sound, a written summary of all work necessary to correct the deficiencies. Where roof or floor trusses are used, the manufacturer's truss details or equivalent engineering must accompany the submittal.
- When structural repairs or modifications are required, the work shall be left open and the applicant shall call for the appropriate inspections. If the engineer of record approves any repairs or modifications a stamped letter from the engineer shall state the description of the inspection, date, approvals and denials.



After recording return to:
Jasper Smith and Christine Smith
37201 SE Boitano Road
Sandy, OR 97055

Until a change is requested all tax
statements shall be sent to the
following address:
Jasper Smith and Christine Smith
37201 SE Boitano Road
Sandy, OR 97055

File No.: 7012-2606664 (BB)
Date: February 26, 2016

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2016-018015

03/18/2016 01:49:41 PM

D-D Cnt=1 Stn=7 CONNIE
\$15.00 \$16.00 \$10.00 \$22.00

\$63.00

STATUTORY WARRANTY DEED

Dolores C. Boitano, Trustee, or their successors in trust, under the Mario & Dolores Boitano Revocable Living Trust dated the 26th day of March, 2008, and any amendments thereto, Grantor, conveys and warrants to Jasper Smith and Christine Smith, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

See Attached Exhibit A

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$550,000.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN 2606664-GR

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.

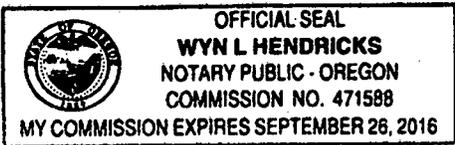
Dated this 18 day of March, 2016.

Mario and Dolores Boitano Revocable Living Trust

Dolores C. Boitano
Dolores C. Boitano, Trustee

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 18 day of March, 2016 by ~~Mario and Dolores Boitano Revocable Living Trust~~, Dolores C. Boitano, Trustee of the Mario and Dolores Boitano Revocable Living Trust



Notary Public for Oregon
My commission expires: 9-26-2016

EXHIBIT A

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

A parcel of land in the Southwest quarter of the Northeast quarter and the Southeast quarter of the Northwest quarter and the Northeast quarter of the Southwest quarter and the Northwest quarter of the Southeast quarter of Section 26 Township 2 South, Range 4 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at the Northwest corner of the Southeast quarter of the Northwest quarter of Section 26; thence East along the North line of the Southeast quarter of the Northwest quarter and the Southwest quarter of the Northeast quarter of a distance of 1388.35 feet; thence South, parallel to the West line of the Southwest quarter of the Northeast quarter 1330 feet more or less to the North line of Boitano Road #2182; thence Westerly along the North line of said Road #2182 to the West line of the Northeast quarter of the Southwest quarter of Section 26; thence North along said West line and the west line of the Southeast quarter of the Northwest quarter to the point of beginning.

EXCEPT that part of the above described tract lying Northerly of the J. M. Poe Road #177.

Also EXCEPT said Road #177.

NOTE: This legal description was created prior to January 1, 2008.

Kauppi, Jennifer

From: Kauppi, Jennifer
Sent: Monday, December 22, 2025 7:42 AM
To: 'skunkvalleyfarm@gmail.com'
Subject: Email re: V0047425 - 37201 SE Boitano Rd

Jasper,

I am acknowledging receipt of your request for a hearing in this matter.

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.

-----Original Message-----

From: Ferber, Christiane <CFerber@clackamas.us>
Sent: Monday, December 22, 2025 7:38 AM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: Email re: V0047425 - 37201 SE Boitano Rd

Hi Jennifer,

Please see email below from owner Jasper Smith. I saved to the file

Thank you,

Tiané Ferber
Code Enforcement Permit Specialist
Clackamas County - Department of Transportation and Development
150 Beaver Creek Rd. Oregon City, OR 97045
503-742-4452
www.clackamas.us/codeenforcement
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.

-----Original Message-----

From: Jasper Smith <skunkvalleyfarm@gmail.com>
Sent: Saturday, December 20, 2025 3:21 PM
To: DTD-CodeEnforcement <CodeEnforcement@clackamas.us>
Subject: T2S R4E Section 26 Tax lot 401

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

I would like to request a hearing to dispute the existence of some of the violations described in a letter sent to me. My name is Jasper Smith my address 37201 SE. Boitano Road Sandy, OR 97055.
Thanks, Jasper Smith

Kauppi, Jennifer

From: ZoningInfo
Sent: Monday, December 22, 2025 9:30 AM
To: Kauppi, Jennifer
Subject: RE: 37201 SE Boitano Rd - 24E26 00401 - EFU

Hi Jennifer,

An Accessory Dwelling in conjunction with farm use may be allowed in the EFU zone. It requires a Type II land use permit, subject to ZDO 401.05(C)12. The dwelling must be occupied by a person or personal who is principally engaged in the farm use and is essential for the operation of the farm. Since the property is majority High-Value soil the farm on which the dwelling is occupied will need to demonstrate that the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years.

In summary, it may be allowed but is not an outright allowed use. It will require that the property owner demonstrates they can meet the criteria for an accessory dwelling in conjunction with farm use.

Thank you,

Georgia McAlister (she/her)
Senior Planner

Planning and Zoning

Clackamas County Department of Transportation and Development

150 Beaver Creek Road, Oregon City, OR 97045

503-742-4521

Work Hours: Mon-Thurs, 7 a.m. – 4:30 p.m. Alternating Fridays, 7 a.m.- 3:30 p.m.

www.clackamas.us

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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?



<https://smiley.link/RLLLK>

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: Monday, December 22, 2025 7:57 AM
To: ZoningInfo <ZoningInfo@clackamas.us>
Subject: 37201 SE Boitano Rd - 24E26 00401 - EFU

Good Morning,

I have an additional question. The owner of the property is stating that he uses this structure for his farm help to live in.

In addition to the non-conforming – would additional land use be required to approved a farm dwelling?

Thank you

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

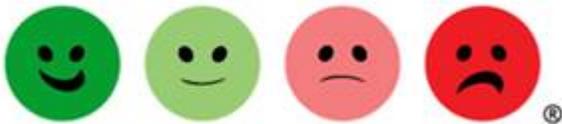
Primary Phone: [503-742-4759](tel:503-742-4759)

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: ZoningInfo <ZoningInfo@clackamas.us>
Sent: Monday, December 15, 2025 2:51 PM
To: Kauppi, Jennifer <JKauppi@clackamas.us>
Subject: RE: 37201 SE Boitano Rd - 24E26 00401 - EFU

Hello Jennifer,

1. **Since the property is EFU – would they have to go through a non-conforming use application process for this structure?**
 - a. From the records I can find, there is only one permitted dwelling on the property. This one was likely converted to residential without permit. We do not have a pathway to legalizing it as a residence at this point.

2. **Can the old cabin be rented out to the public if the structure is approved as a 2nd dwelling or guest house?**
 - a. Short term rentals are not permitted in the EFU zone, they will not be able to do it.

Please let me know if you have any other questions.

Thank you,

Nick Bateman, Senior Planner
Clackamas County Transportation & Development
Planning and Zoning Division

150 Beavercreek Road
Oregon City, Oregon 97045
My office hours are M-F 8:00 am to 6:00 pm, with every other Friday off
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?



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, December 12, 2025 9:18 AM
To: ZoningInfo <ZoningInfo@clackamas.us>
Subject: 37201 SE Boitano Rd - 24E26 00401 - EFU

Hello

The property is zoned EFU. It appears that the owners have taken the old cabin on the property (photo 1) and have done a complete renovation on it (photo 2). They are allegedly renting this as a guest house on the VRBO and Airbnb sites.

1. Since the property is EFU – would they have to go through a non-conforming use application process for this structure?
2. Can the old cabin be rented out to the public if the structure is approved as a 2nd dwelling or guest house?

Thank you

Jennifer Kauppi – Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beavercreek Rd.
Primary Phone: [503-742-4759](tel:503-742-4759)
www.clackamas.us
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