



## NOTICE OF HEARING

September 2, 2025

Lynn Dougherty  
4812 SE Roethe Rd  
Milwaukie, OR 97267

**RE::** County of Clackamas v. Lynn Dougherty  
**File:** V0025122

**Hearing Date:** September 23, 2025

**Time:** This hearing will begin at 10:00 am however it may begin later depending on the length of preceding items.

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

Enclosed you will find the following:

1. Notice of Rights
2. Copy of 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 Kimberly Benthin, Code Compliance Specialist for Clackamas County at (503) 742-4457, 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 20<sup>th</sup> 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.



**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. A copy of the link is provided below. Once you have joined the meeting, please allow the moderator to promote you to a panelist. **Closed captioning is available for the zoom platform upon request.**

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

If you are unable to participate in a hearing through the Zoom platform please contact Kimberly Benthin at 503-742-4457 **within 3 calendar days of receipt of the Notice of Hearing.**

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

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

**Zoom invite**

Topic: Code Enforcement Hearing - Lynn Dougherty - V0025122 - Sept 23 - 10:00 am

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/85014828495?pwd=bOhzhTqAQY2BvEw6384t59eZ20t8ns.1>

Passcode:827695

Phone one-tap:

+16699006833,,85014828495#,,,,\*827695# US (San Jose)

+17193594580,,85014828495#,,,,\*827695# US

Join via audio:

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)



**DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

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+1 669 444 9171 US  
+1 646 876 9923 US (New York)  
+1 646 931 3860 US  
+1 689 278 1000 US  
+1 301 715 8592 US (Washington DC)  
+1 305 224 1968 US  
+1 309 205 3325 US  
+1 312 626 6799 US (Chicago)  
+1 360 209 5623 US  
+1 386 347 5053 US  
+1 507 473 4847 US  
+1 564 217 2000 US

Webinar ID: 850 1482 8495

Passcode: 827695

International numbers available: <https://clackamascounty.zoom.us/j/85014828495>

Join from an H.323/SIP room system:

H.323:

144.195.19.161 (US West)  
206.247.11.121 (US East)  
115.114.131.7 (India Mumbai)  
115.114.115.7 (India Hyderabad)  
159.124.15.191 (Amsterdam Netherlands)  
159.124.47.249 (Germany)  
159.124.104.213 (Australia Sydney)  
159.124.74.212 (Australia Melbourne)  
170.114.180.219 (Singapore)  
64.211.144.160 (Brazil)  
159.124.132.243 (Mexico)  
159.124.168.213 (Canada Toronto)  
159.124.196.25 (Canada Vancouver)  
170.114.194.163 (Japan Tokyo)  
147.124.100.25 (Japan Osaka)

Meeting ID: 850 1482 8495

Passcode: 827695

SIP: [85014828495@zoomcrc.com](mailto:85014828495@zoomcrc.com)

Passcode: 827695

## 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](http://www.clackamas.us/transportation/nondiscrimination), email [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), envíe un correo electrónico a [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), отправьте письмо на адрес эл. почты [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination)，发送电子邮件至 [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), gửi email đến [JKauppi@clackamas.us](mailto: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/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination)을 참조하거나 이메일 [JKauppi@clackamas.us](mailto:JKauppi@clackamas.us), 또는 전화 503-742-4452번으로 연락 주십시오.

BEFORE THE COMPLIANCE HEARINGS OFFICER  
FOR THE COUNTY OF CLACKAMAS

CLACKAMAS COUNTY,

FILE NO(S): V0025122

Petitioner,

v.

LYNN M. DOUGHERTY,

Respondent.

COMPLAINT AND REQUEST FOR HEARING

I, Kimberly Benthin, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondents' mailing address is: 4812 SE Roethe Rd., Milwaukie, OR 97267

2.

The Respondent owns or occupies the address or location of the violation(s) of law alleged in this complaint 4812 SE Roethe Rd., Milwaukie, OR 97267, also known as T2S, R2, Section 18BA, Tax Lot 04600, the property is zoned Urban Low Density Residential Section 315 (R7) and is the location of violations asserted by the County.

3.

On or about the 30<sup>th</sup> day of November, 2022, and on or about the 16<sup>th</sup> day of May 16, 2023, the Respondent violated the following laws, in the following ways:

Title 9 of the Clackamas County Building Code Section 02.040. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violation was given to Respondent in the following manner:  
Notice of Violation dated November 30, 2022 and Citation and Complaint #220251-1 on May 16, 2023. A copy of the notice documents are attached to this Complaint as Exhibits E and H, 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;

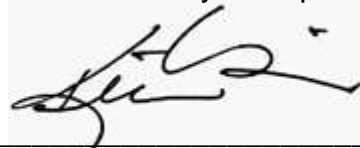
2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the Board of County Commissions. Said range for a Priority 1 for a building code violation being \$750.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code;

3. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to pay an administrative compliance fee as provided by Appendix A to the Clackamas County Code; and

4. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to reimburse the County for any expense the County may incur in collection of any penalties, fines or fees that may be imposed.

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

DATED THIS 2<sup>nd</sup> day of September, 2025

A handwritten signature in black ink, appearing to read 'Kimberly Benthin', is written over a light gray rectangular background.

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Kimberly Benthin  
Code Enforcement Specialist  
FOR CLACKAMAS COUNTY



CLACKAMAS COUNTY,

Petitioner,

v.

LYNN M DOUGHERTY,

Respondent.

File No.: V0025122

STATEMENT OF PROOF

### History of Events and Exhibits:

June 15, 2022 Exhibit A	Clackamas County received complaints regarding a detached accessory structure being converted to habitable space without permits and plumbing and electrical have been added without permits.
June 16, 2022 Exhibit B	Correspondence was mailed to the Respondent requesting contact to discuss the violations of the Building Code.
June 22, 2022	Code Enforcement Specialist (CES) Kimberly Benthin received a phone call from Respondent Stephanie Dougherty who stated they did some work to make the electrical safer due to previous changes that were made before they bought the property.
June 23, 2022 Exhibit C	CES Benthin emailed Respondent Stephanie Dougherty with links to zoning and answered her questions regarding an inspection.
November 29, 2022 Exhibit D	CES Benthin researched the internet and found a photo of the building in question.
November 30, 2022 Exhibit E	A Notice of Violation was mailed to the Respondent requesting the violation be resolved not later than January 3, 2023, the correspondence was mailed via first class mail, and the mail was not returned.
December 5, 8, and 29, 2022	Series of phone calls back and forth between CES Benthin and the Respondent. The Respondent asked several times for clarification on what to do as she was confused with how to proceed. CES Benthin referred the Respondent to the letter on how to address the violation.

January 18, 2023 and January 19, 2023	Respondent came in and met with permitting to discuss the ADU. Respondent submitted a permit application at this time.
April 3, 2023 Exhibit F	Permit status for building permit B0034023.
April 3, 2023 Exhibit G	Email from CES Benthin to Respondent stating the permit is waiting for additional information and the structure remains in violation. Requested the additional information be submitted no later than April 17, 2023.
May 16, 2023 Exhibit H	Citation No. 2200251 issued for Building Code violation sent via first class mail. The first-class mail was not returned. This citation has not been paid.
August 6, 2025	CES Benthin researched the files and found no permit activity had continued.
August 20, 2025	The County referred this matter to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of the Building Code exists on the subject property, the County would request a Final Order be issued.

The County recommends the following:

- Payment of Citation No. 2200251 for \$500.00 for the Priority 1 Building Code violation.
- Assessment of civil penalty between \$? And \$? for Priority 1 Building Code violation for dated cited.
- Assessment of an administrative compliance fee calculated at the rate of \$75 per month starting December 2022 through the end of June 2025, subtotaling \$2,325.00.
- Assessment of an administrative compliance fee calculated at the rate of \$100 per month starting July 2025 through the date of abatement date of final order subtotaling \$200.00 as of the time of this report.
- The County is requesting a reduction of \$1,825.00 in the assessed administrative compliance fee due to 24 months of inactive code enforcement activity and is seeking a total administrative compliance fee of \$700.00.
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.
- The County would also ask that reimbursement be ordered for any expense the County incurs in collection of these monies.

# Property Account Summary



Account Number	00511869	Property Address	4812 SE ROETHE RD , MILWAUKIE, OR 97267	
General Information				
Alternate Property #		22E18BA04600		
Property Description		Section 18 Township 2S Range 2E Quarter BA TAX LOT 04600		
Property Category		Land &/or Buildings		
Status		Active, Locally Assessed		
Tax Code Area		012-057		
Remarks				
Tax Rate				
Description		Rate		
Total Rate		18.726		
Property Characteristics				
Neighborhood		15271: North Clackamas 100, 101		
Land Class Category		101: Residential land improved		
Building Class Category		14: Single family res, class 4		
Year Built		1954		
Acreage		0.44		
Change property ratio		1XX		
Related Properties				
No Related Properties Found				
Parties				
Role	Percent	Name	Address	
Taxpayer	100	DOUGHERTY M LYNN	4812 SE ROETHE RD, MILWAUKIE, OR 97267	

Tax Service Co.	100	CORELOGIC TAX SERVICES	UNKNOWN, MILWAUKIE, OR 00000		
Owner	100	DOUGHERTY M LYNN	4812 SE ROETHE RD, MILWAUKIE, OR 97267		
Mortgage Company	100	MERCURY MORTGAGE CORP	MORTGAGE CO MAILING, UNKNOWN,		
Property Values					
Value Type	Tax Year 2024	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020
AVR Total	\$333,326	\$323,618	\$314,193	\$305,042	\$296,158
Exempt					
TVR Total	\$333,326	\$323,618	\$314,193	\$305,042	\$296,158
Real Mkt Land	\$300,928	\$300,928	\$289,723	\$249,706	\$224,896
Real Mkt Bldg	\$300,920	\$301,460	\$295,440	\$254,870	\$232,700
Real Mkt Total	\$601,848	\$602,388	\$585,163	\$504,576	\$457,596
M5 Mkt Land	\$300,928	\$300,928	\$289,723	\$249,706	\$224,896
M5 Mkt Bldg	\$300,920	\$301,460	\$295,440	\$254,870	\$232,700
M5 SAV					
SAVL (MAV Use Portion)					
MAV (Market Portion)	\$333,326	\$323,618	\$314,193	\$305,042	\$296,158
Mkt Exception					
AV Exception					
Active Exemptions					
No Exemptions Found					
Events					
Effective Date	Entry Date-Time	Type	Remarks		
12/29/2017	01/31/2018 14:27:00	Recording Processed	Property Transfer Filing No.: 328097, Warranty Deed, Recording No.: 2017-087351 12/29/2017 by MEKAOLS		
12/29/2017	01/31/2018 14:27:00	Taxpayer Changed	Property Transfer Filing No.: 328097 12/29/2017 by MEKAOLS		
12/29/2003	12/31/2003 14:24:00	Recording Processed	Property Transfer Filing No.: 89642, Warranty Deed, Recording No.: 2003-165997 12/29/2003 by LAURIEB		
12/29/2003	12/31/2003 14:24:00	Taxpayer Changed	Property Transfer Filing No.: 89642 12/29/2003 by LAURIEB		

GRANTOR'S NAME:  
Hans Kautz

GRANTEE'S NAME:  
M. Lynn Dougherty

AFTER RECORDING RETURN TO:  
Order No.: 472517007298-CK  
M. Lynn Dougherty  
4812 SE Roethe Road  
Milwaukie, OR 97267

SEND TAX STATEMENTS TO:  
M. Lynn Dougherty  
4812 SE Roethe Road  
Milwaukie, OR 97267

APN: 00511869  
4812 SE Roethe Road, Milwaukie, OR 97267

Clackamas County Official Records	2017-087351
Sherry Hall, County Clerk	12/29/2017 11:43:00 AM
D-D                      Cnt=1 Stn=4 STEPHEN	
\$15.00 \$16.00 \$10.00 \$22.00	\$63.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Hans Kautz, Grantor, conveys and warrants to

M. Lynn Dougherty, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

Part of the James McNary Donation Land Claim No. 38 in Section 18, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a stone marking the most Westerly corner of said McNary claim; thence North 45° East along said claim line 393 feet; thence South 42°16' East 135 feet to the most Southerly corner of that tract of land conveyed to Dale L. Oviatt, et ux, by Deed recorded September 19, 1974 as Fee No. 74-26671, Clackamas County Deed Records, said point being the true point of beginning; thence continuing South 42°18' East (South 42°16' East, Deed bearing) 65.11 feet to the Southwest corner of the tract of land previously owned by John Burgoyne which is described in Book 591, Page 573, Clackamas County Deed Records; thence North 79°35 '40" East along the Southerly line of said Burgoyne tract 35.28 feet to a point; thence North 45°00' East 117.37 feet; thence North 1°17' East 40.48 feet to a point; thence North 42°26 '40" West being parallel with and 25 feet Southwesterly of the Northeasterly line of the Burgoyne tract 167.15 feet to a point on the Southeasterly right-of-way line of Roethe Road which is South 45°00' West from a 3/4 inch iron pipe situated at the most Northerly corner of the aforementioned Burgoyne tract; thence South 45°00' West 25.32 feet to the most Northerly corner of that tract conveyed to Dawn A. Sides by Deed recorded October 28, 1975 as Fee No. 75-31626, Clackamas County Deed Records; thence South 42°26 '40" East along the Northeasterly line of said Sides tract 89.90 feet to a 1/2 inch iron pipe found at the most Easterly corner of said Sides tract; thence South 45°00' West 80 feet, more or less, to the most Southerly corner of said Sides tract; thence Northwesterly along the Southwesterly line of said Sides tract 90 feet, more or less, to a point on the Southerly right-of-way line of Roethe Road; thence South 45° West along the South right-of-way line of Roethe Road, 5 feet to the most Northerly corner of the Dale Oviatt Deed recorded September 19, 1974 as Fee No. 74-026671, Clackamas County Deed Records; thence Southeasterly along the Northeasterly line of said Oviatt tract 110 feet to the most Easterly corner thereof; thence South 45° West 65 feet, more or less, to the true point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$350,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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

CHICAGO TITLE  
572517007298-CK

# STATUTORY WARRANTY DEED

(continued)

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.

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

Dated: 12-28-17

Hans Kautz  
Hans Kautz

State of Oregon  
County of Clatsop

This instrument was acknowledged before me on 12-28-17 by Hans Kautz.

Cynthia Lynn Kerr-Sizer  
Cynthia Lynn Kerr-Sizer, Notary Public - State of Oregon

My Commission Expires: May 1, 2018



**EXHIBIT "A"**  
Exceptions

**Subject to:**

Regulations, levies, liens, assessments, rights of way and easements of Oak lodge Water Services District

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Adjoining property  
Purpose: Underground utilities  
Recording Date: June 16, 1980  
Recording No: 80-022211  
Affects: Reference is hereby made to said document for full particulars

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Adjoining property  
Purpose: Ingress and egress  
Recording Date: June 16, 1980  
Recording No: 80-022212  
Affects: Reference is hereby made to said document for full particulars

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Adjacent property owners  
Purpose: Not set forth  
Recording Date: February 16, 1995  
Recording No: 95-009036  
Affects: The Easterly portion





June 16, 2022

M Lynn Dougherty  
4812 SE Roethe Rd  
Milwaukie, OR 97267

**Subject: Alleged Violation of the Building Code, Chapter 9.02.040 of the  
Clackamas County Code**

Site Address: 4812 SE Roethe Rd, Milwaukie, OR 97267  
Legal Description: T2S, R2E, Section 18BA, Tax Lot 04600

It has come to the attention of Clackamas County Code Enforcement that electrical and plumbing may have been added to a detached accessory structure to create habitable space without the benefit of permits.

This may constitute a violation of the Building Code, Chapter 9.02.040 Clackamas County Code.

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

E-mail address is [kimben@clackamas.us](mailto:kimben@clackamas.us)

Telephone number is 503-742-4457

*\*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](http://www.clackamas.us/transportation/nondiscrimination), email [JKauppi@clackamas.us](mailto:JKauppi@clackamas.us) or call (503) 742-4452.

### **¡LE DAMOS LA BIENVENIDA!** Spanish

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### **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](http://www.clackamas.us/transportation/nondiscrimination), отправьте письмо на адрес эл. почты [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination)，发送电子邮件至 [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), gửi email đến [JKauppi@clackamas.us](mailto: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/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination)을 참조하거나 이메일 [JKauppi@clackamas.us](mailto:JKauppi@clackamas.us), 또는 전화 503-742-4452번으로 연락 주십시오.

오.

**From:** [Benthin, Kim](#)  
**To:** ["stephanie.dougherty@icloud.com"](mailto:stephanie.dougherty@icloud.com)  
**Subject:** 4812 SE Roethe Rd Violation File # V0025122  
**Date:** Thursday, June 23, 2022 9:29:00 AM  
**Attachments:** [image003.png](#)

---

Good morning Stephanie,

I got your second voice mail message.

The zoning applied to the property is Urban Low Density Residential R-7 Section 315 can be found here:

<https://dochub.clackamas.us/documents/drupal/a7c6fa2c-d411-4418-91e0-3a73ef1e71ab>

Information for an Accessory Dwelling Unit Section 839 can be found here:

<https://dochub.clackamas.us/documents/drupal/f7bbf150-a067-4e9e-a7ca-27fd02ef1d83>

Information for a Guest House Section 833 link :

<https://dochub.clackamas.us/documents/drupal/dff81b0d-fe66-414a-9679-fe7a1b69da15>

I can schedule a building inspector to come out to make a determination on the structure. Please let me know what day works for you. They never know their workload or schedule until they open up the inspections assigned to them for the day. But if you have a morning or afternoon preference or wish to be called in the morning with an estimated time of arrival I can request that they do that.

Also just a heads up– my shift ends today at 3pm. I won't be available until the afternoon of Tuesday.

Let me know what day would work for an inspection!

Kimberly Benthin  
Code Enforcement Specialist

Clackamas County – Transportation & Development  
Code Enforcement Section  
[kimben@clackamas.us](mailto:kimben@clackamas.us)  
503-742-4457  
Development Services Building | 150 Beavercreek Road | Oregon City OR 97045

*My office hours are Monday through Friday from 7am to 4:30 pm.*







November 30, 2022

Violation File #V0025122

M. Lynn Dougherty  
4812 SE Roethe Rd  
Milwaukie, Or 97267

**Subject: Violations of the Clackamas County Building Code Chapter 9.02.040(A,B,C,D, E) and the Clackamas County Zoning and Development Ordinance Title 12 Section 315**

Site Address: 4812 SE Roethe Rd., Milwaukie, OR 97267  
Legal Description: T2S, R2E, Section 18BA, Tax Lot 04600

This letter is in follow up of the telephone conversation held with Stephanie Dougherty in June 2022. She stated she was updating the structure and making repairs to it since the prior occupant used it for a marijuana grow. The electrical installation for the marijuana grow was not permitted, and Ms. Dougherty's work to improve and repair the electrical work would require permits and inspections. The 1993-1994 structure has no related permits and there are no permits for its conversion to habitable space, electrical or plumbing.

The work without permits and inspections are violations of Chapter 9.02 as it pertains to the Application and Enforcement of the Clackamas County Building Code and the habitable space is a violation of the Clackamas County Zoning and Development Ordinance (ZDO).

The zoning applied to the subject property is Urban Low Density Residential R-7 Section 315. In this zone, accessory dwelling units, guest houses and other habitable spaces are allowed subject to the standards and permit requirements set forth in Section 839, 822 and 315 of the Clackamas County Zoning and Development Ordinance. However, there is no zoning approval nor are there building permits and inspections related to the structure for this use.

In order to abate the Building Code violations, please complete **one of the following** options for the structure **not later than January 3, 2023**.

1. Please submit, or have your professional submit, the building, electrical and plumbing applications and the technically complete plans and appropriate fees for the structure

- a. Respond to requests for clarification or additional information from permitting staff within 15 days of receiving such request.
- b. The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes.
- c. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

Or:

2. Obtain permits to decommission the plumbing and electrical installed and demolish the structure.
  - a. Complete the demolition and cleanup of associated waste not later than 30 days of the issued Demolition permits.

Or:

3. Obtain permits to decommission the plumbing and electrical installed and schedule an inspection to confirm the structure meets building code exemptions and/or land use requirements. It may be possible to keep some electrical and plumbing but it must be permitted and be allowed by the Zoning District applied to the property.

Or:

4. If the structures do not have electricity and plumbing and meet requirements and standards of the zoning district and are exempt from the Building Code they may be allowed. Please schedule an inspection not later than 30 days of the date of this letter to confirm compliance with the Building Code and Zoning and Development Ordinance.

Building permit documents are subject to the review and approval of the Planning and Zoning Division. If you have questions regarding the standards and requirements, and/or wish to explore all options available to you; you may contact the Planning and Zoning Division at 503-742-4500 or by email at [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us)

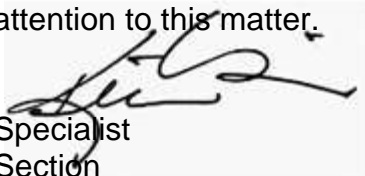
At this time, documents and applications for building permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>.

For additional questions concerning these permit requirements or the online submittal process, you may contact the Building Codes Division at 503-742-4240, via email at [bldservice@clackamas.us](mailto:bldservice@clackamas.us) or, you may stop by our offices at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. The County buildings are closed to the public on Fridays.

If you have any questions for me, you may contact me at 503-742-4457 or my email is [kimben@co.clackamas.or.us](mailto:kimben@co.clackamas.or.us).

Thank you for your attention to this matter.

Kimberly Benthin  
Code Enforcement Specialist  
Code Enforcement Section



### **Important Notices**

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at [codeenforcement@clackamas.us](mailto: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.



## Department of Transportation and Development

### **Nondiscrimination Policy:**

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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

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### **환영합니다.** Korean

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홈페이지 [www.clackamas.us/transportation/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination)을 참조하거나 이메일

[JKauppi@clackamas.us](mailto:JKauppi@clackamas.us), 또는 전화 503-742-4452 번으로 연락 주십시오.



# B0034023 - V0025122 -ADU - Small Home 766 SQ FT -

Menu

Help

Opened Date: [01/19/2023](#)

Record Status: [In Review](#)

Record Detail: [Detail](#)

Application Type: [Building - Residential New](#)

Address: [4812 SE ROETHE RD , MILWAUKIE, OR 97267](#)

Owner Name: [DOUGHERTY M LYNN](#)

Owner Address: [4812 SE ROETHE RD, MILWAUKIE, OR 97267](#)

Application Name: [V0025122 -ADU - Small Home 766 SQ FT -](#)

Parcel No: [00511869](#)

Contact Info:	Name	Organization Name	Contact Type	Relationship	Address	Status
	<a href="#">Stephanie Dougherty</a>		Applicant		4812 Se Roethe ...	Active
	<a href="#">Stephanie Dougherty</a>		Point of Contact			Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
------------------------------	---------	----------------	--------------	------	---------------	--------------------

Detailed Description: [V0025122 - Accessory Building with additional dwelling area - Small Home - 766 SQ FT ADU including loft space an additional dwelling on the property is an ADU regardl](#)

Job Value: [\\$3,500.00](#)

Total Fee Assessed: [\\$746.92](#)

Total Fee Invoiced: [\\$64.87](#)

Balance: [\\$0.00](#)

## Custom Fields: B\_RESNEW\_ASI

Construction Type		Other Construction Type		Location		
<a href="#">Addition/Alteration</a>		-		-		
Plan Check Expiration		Permit Expiration				
-		-				
Insp Area	Reinspection (Hours)	Jurisdiction		Publicly Owned	Ping Surcharge	Driveway
-	-	<a href="#">Clackamas County</a>			<a href="#">Yes</a>	
Class Code				Septic Review	In Metro	Metro Tax
-						
Occupancy Group		Construction Type		WES Permit Boundary	Solar	System Capac
-		-		<a href="#">No</a>		-
Replaced Existing Footage		Replacement Dwelling	Plans Examiner	School District Tax		School Distric
-			-			<a href="#">North Clackam</a>
Code Edition		Investigation Fee (Hours)	Eave Height			Middle Housir
-		<a href="#">2</a>	-			-
NumBedrooms	NumNewBedrooms	Insulation	Bathroom			Middle Housir
<a href="#">1</a>	<a href="#">1</a>					-
AreaSqFt	Fire Sprinkler Area SqFt	Floor Slab				Middle Housir
<a href="#">0</a>	-					-
GarageAreaSqFt	PatioAreaSqFt					
<a href="#">0</a>	<a href="#">0</a>					
DeckAreaSqFt		Special Type				
<a href="#">0</a>		-				
OtherSqFt						
-						

## B\_RESNEW\_FILO

Planning Review	Engineering Review
Inside UGB	Sidewalk Requested
<a href="#">Yes</a>	
On EPN	Path Required
Engineering FILO Review Required	FILO Required
Review Completed	

## B\_RESNEW\_SDC

Parks SDC				
Park SDC Zone/SSV	Parks SDC	PSDC Install Plan	PSDC Appeal	PSDC Notes
-				
PSDC Total	PSDC Adjustment	PSDC Assessment		
-	-	=	-	

Trans SDC

TSDC Area	TSDC Install Plan	TSDC Appeal	Condo/Townhouse
-			
Fee Schedule Year			
-			
Assessment Code 1	Quantity 1	Subtotal 1	Credit Adjustment 1
-	-	-	-
Assessment Code 2	Quantity 2	Subtotal 2	Credit Adjustment 2
-	-	-	-
Assessment Code 3	Quantity 3	Subtotal 3	Credit Adjustment 3
-	-	-	-
TSDC Total	TSDC Adjustment	Credit Adjustments	TSDC Assessment
-	-	-	= 0
TSDC Notes			
-			

ACTIVITY LOG

Date	DESCRIPTION	Value (Money)
------	-------------	---------------

DEFERRED SUBMITTAL

Deferred Item	Other	Received Date	Release Date	Value (Money)	PreProcessed	Processed
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INTERNAL NOTES

Date	General
------	---------

<b>Workflow Status:</b>	Task	Assigned To	Status	Status Date	Action By
	<a href="#">Prescreen Review</a>		Approved - I...	01/19/2023	Shirley Ann Cas...
	Septic Check				
	Land Use Planning Check				
	<a href="#">Intake Payment Verific...</a>		Paid	01/19/2023	Shirley Ann Cas...
	<a href="#">Engineering</a>		No Review Re...	01/21/2023	Amanda Rozzell
	<a href="#">Utilities</a>		Corrections ...	04/30/2024	Admin User
	<a href="#">Structural</a>				
	<a href="#">Septic</a>				
	<a href="#">Fee In Lieu Of (FILO)</a>				
	<a href="#">Planning City</a>				
	<a href="#">Building</a>		Corrections ...	04/25/2024	Chris Long
	<a href="#">System Development Cha...</a>				
	<a href="#">Planning County</a>		Approved	05/08/2024	Lizbeth Dance
	<a href="#">Review Complete</a>				
	Final Payment Verifica...				
	Issue Permit				
	WES Review				
	<a href="#">Application Submittal</a>				
	<a href="#">Water Environment Serv...</a>				
<a href="#">Building Site Plan Screen</a>					
<a href="#">Fire</a>					
<a href="#">Signals</a>					

<b>Condition Status:</b>	Name	Short Comments	Status	Apply Date	Severity	Action By

**Initiated by Product:** AV360

<b>Scheduled/Pending Inspections:</b>	Inspection Type	Scheduled Date	Inspector	Status	Comments

<b>Resulted Inspections:</b>	Inspection Type	Inspection Date	Inspector	Status	Comments

**From:** [Benthin, Kim](#)  
**To:** [stephanie.dougherty@icloud.com](mailto:stephanie.dougherty@icloud.com)  
**Subject:** 4812 SE Roethe Rd Permit # B0034023  
**Date:** Monday, April 3, 2023 2:05:00 PM  
**Attachments:** [image001.png](#)

---

Stephanie,

Your permit is waiting for you to submit additional information.  
The structure remains in violation.

Please submit all requested information not later than April 17, 2023 to avoid further enforcement action.

Kimberly Benthin, Code Enforcement Specialist  
Clackamas County Department of Transportation and Development  
Code Enforcement  
150 Beaver Creek Road, Oregon City, OR 97045  
Primary phone: 503.742.4457  
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, Tuesday, and Thursday  
[www.clackamas.us](http://www.clackamas.us)



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Citation No. 220251-1

Case No. V0025122

# ADMINISTRATIVE CITATION

Date Issued: May 16, 2023

**Name and Address of Person(s) Cited:**

Name: M. Lynn Dougherty  
Mailing Address: 4812 SE Roethe Rd  
City, State, Zip: Milwaukie, OR 97267

Date Violation(s) Confirmed: On the 30<sup>th</sup> day of November, 2022, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 4812 SE Roethe Rd., Milwaukie, OR 97267

Legal Description: T2S, R2E Section 18BA, Tax Lot(s) 04600

**Law(s) Violated**

- ☐ Chapter 7.03 of Clackamas County Code, Road Use, Section  
☐ Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section  
☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040 (A,B,C,D,E)  
☐ Chapter 9.03 of CCC Excavation and Grading, Section  
☐ Chapter 10.03 of CCC Solid Waste and Wastes Management, Section 10.03.060 (A,B,C)  
☐ Title 12 and 13 of CCC Zoning and Development Ordinance, Section  
☐ Other law: \_\_\_\_\_

**Description of the violation(s):**

- 1) The submittal of the application and plan's for the detached structure remains incomplete. Therefore, the detached structure remains without any permits or inspections for structural, plumbing and electrical.

Maximum Civil Penalty \$1000.00

Fine \$500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$500.00. 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: Kimberly Benthin  
Telephone No.: 503-742-4457

Date: May 16, 2023  
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 Beavercreek 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](mailto: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: \_\_\_\_\_

Violation File # : V0025122