



NOTICE OF HEARING

November 29, 2022

James Patrick Nash
Clara Nash
21695 S Hwy 213
Oregon City, OR 97045

RE:: County of Clackamas v. James Patrick Nash and Clara Nash
File: V0038016

Hearing Date: January 10, 2023

Time: This item will not begin before 12:00 pm however it may begin later depending on the length of preceding items.

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

Enclosed you will find the following:

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

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

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

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

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

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

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



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

You must have access to the internet or to a telephone line to use the Zoom platform. Please contact Diane Bautista to receive either the link or the phone number with password in order to attend the hearing.

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

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

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

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

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

Department of Transportation and Development

Nondiscrimination Policy:

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

¡LE DAMOS LA BIENVENIDA! Spanish

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

ДОБРО ПОЖАЛОВАТЬ! Russian

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

欢迎! Chinese (Mandarin)

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

CHÀO MỪNG! Vietnamese

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

환영합니다. Korean

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

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

COUNTY OF CLACKAMAS,

Petitioner,

v.

JAMES PATRICK NASH, and
CLARA NASH,

Respondents.

File No: V0038016

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's place of residence is: 21695 S. Hwy 213, Oregon City, OR 97045.

2.

The location of the violation(s) of law alleged in this Complaint is: 21695 S. Hwy 213, Oregon City, OR 97045, also known as T3S, R2E, Section 21DB, Tax Lot 00501, and is located in Clackamas County, Oregon.

3.

On or about the 30th day of December 2020, Respondents violated the following laws, in the following ways:

- a. Respondents violated the Clackamas County Solid Waste and Waste Management Code, Chapter 10.03 by storing inoperable and non-currently licensed vehicles and miscellaneous debris. This violation is a Priority 3 violation pursuant to the Clackamas County Violation Priorities.

On or about the 18th day of August 2021, Respondents violated the following laws, in the following ways:

- a. Respondents violated the Clackamas County Solid Waste and Waste Management Code, Chapter 10.03 by storing inoperable and non-currently licensed vehicles and miscellaneous debris. This violation is a Priority 3 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: Citation and Complaint #1600380-1 in the amount of \$50.00 was mailed via first class mail on January 4, 2021. A copy of the notice document is attached to this Complaint as Exhibit F, and incorporated by this reference.

Notice of the violations was given to Respondents in the following manner: Citation and Complaint #1600380-2 in the amount of \$300.00 was mailed via first class mail on August 25, 2021. A copy of the notice document is attached to this Complaint as Exhibit 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 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 Solid Waste and Waste Management, Chapter 10.03 Priority 3 violation being \$250.00 to \$1,500.00 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 18th day of November, 2022.



Diane Bautista
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

JAMES PATRICK NASH, and
CLARA NASH,

Respondents.

File No.: V0038016

STATEMENT OF PROOF

History of Events and Exhibits:

June 22, 2016	Clackamas County received a complaint regarding solid waste and inoperable and/or non-currently licensed vehicles.
March 26, 2018 Exhibit A	I conducted research and found that James C. Nash sold this property to his son James Patrick Nash and Clara Nash. I waived all previous fees and updated the ownership information.
October 22, 2019 Exhibit B	Code Enforcement Specialist Michael Barnes conducted a site inspection and confirmed the solid waste violation and building code violation for the 40' containers.
October 31, 2019 Exhibit C	I conducted research of the property on County program Pictometry which showed a large amount of vehicles and debris. This aerial view is dated November 3, 2018.
November 4, 2019 Exhibit D	Correspondence was sent to the Respondents regarding building and solid waste code violations. I waived all the previous fees prior to December 2019.
December 30, 2020 Exhibit E	I conducted a site inspection and found inoperable and non-currently licensed vehicles and miscellaneous debris.
December 31, 2020	I conducted research and the County tax map shows this as 2.04 acre parcel so the cargo containers do not require a building permit for this site.
January 4, 2021 Exhibit F	Citation 1600380-1 was issued for zoning and solid waste violations. The Respondents did not receive proper notice for the zoning violation for the business Oregon Lift Truck. This business is currently listed as inactive on the Oregon State Business Registry. This fee has been voided.

August 18, 2021 Exhibit G	I conducted a site inspection and confirmed inoperable and non-currently licensed vehicles and miscellaneous debris.
August 25, 2021 Exhibit H	Citation 1600380-2 was issued for zoning and solid waste violations. The Respondents did not receive proper notice for the zoning violation for the business Oregon Lift Truck. This business is currently listed as inactive on the Oregon State Business Registry. This fee has been voided.
October 20, 2021 Exhibit I	I conducted a site inspection and confirmed the solid waste code violations remain.
October 25, 2022 Exhibit J	I conducted a site inspection and confirmed the solid waste code violations remain.
November 18, 2022	The County referred this matter to the Code Enforcement Hearings Officer.

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

- The Respondents be ordered to bring the property into compliance with the solid waste code within 30 days of the date of the Continuing Order by screening all non-putrescible waste and up to 2 inoperable and/or non-currently licensed vehicles. Render all remaining vehicles that are registered to this property licensed and operable or remove the vehicles from the subject property.
- The Respondents allow the County to conduct a site inspection of the subject property to verify compliance of the Solid Waste and Waste Management Code.
- Code Enforcement to confirm compliance of the above item and the County will submit a Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondents.
- The report may include the following recommendations:
- The imposition of civil penalties for the solid waste code violation of up to \$1,500.00 for each date cited December 30, 2020 and August 18, 2021. For a total amount due of \$3,000.00.
- Payment for Citation No. 1600380-1 issued on January 4, 2021 for \$50.00 for the solid waste violation and Citation No. 1600380-2 for the solid waste violation issued on August 25, 2021 for \$300.00. For a total amount due of \$350.00.

- The administrative compliance fee to be imposed from December 2019 until the violation is abated. As of this report the total is \$2,625.00.
- The County requests the Hearings Officer to permanently prohibit the Respondents from violating this law in the future.

If the Respondents fail to comply with the Hearings Officer's Continuing Order the County will request the Hearings Officer to issue a Final Order and will also



150 Beaver Creek Rd
Oregon City, OR 97045
503-655-8671

Property Account Summary

3/26/2018

Account Number	00889961	Property Address	21695 S HWY 213 , OREGON CITY, OR 97045
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General Information

Alternate Property #	32E21DB00501
Property Description	474 BROWNS ACRES PT LT 10
Last Sale Price	\$225,000.00
Last Sale Date	01/17/2018
Last Sale Excise Number	326644
Property Category	Land &/or Buildings
Status	Active, Host Other Property, Locally Assessed
Tax Code Area	086-024
Remarks	

Property Characteristics

Neighborhood	13141: Carus 100, 101
Land Class Category	101: Residential land improved
Change property ratio	1XX

Property Details

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths

Parties

Role	Percent	Name	Address
Taxpayer	100	NASH CLARA MAE & JAMES PATRICK	21695 S HWY 213, OREGON CITY, OR 97045
Owner	100	NASH CLARA MAE & JAMES PATRICK	21695 S HWY 213, OREGON CITY, OR 97045

Property Values

Value Type	Tax Year 2017	Tax Year 2016	Tax Year 2015	Tax Year 2014	Tax Year 2013
AVR Total	\$124,476	\$120,850	\$117,330	\$113,913	\$110,595
Exempt					
TVR Total	\$124,476	\$120,850	\$117,330	\$113,913	\$110,595
Real Mkt Land	\$221,743	\$203,734	\$165,463	\$150,831	\$141,826
Real Mkt Bldg	\$9,510	\$8,990	\$6,370	\$6,190	\$5,530
Real Mkt Total	\$231,253	\$212,724	\$171,833	\$157,021	\$147,356
M5 Mkt Land	\$221,743	\$203,734	\$165,463	\$150,831	\$141,826
M5 Mkt Bldg	\$9,510	\$8,990	\$6,370	\$6,190	\$5,530
M5 SAV					

OLD REPUBLIC TITLE 5513005661

Clackamas County Official Records **2017-081028**
Sherry Hall, County Clerk 11/30/2017 12:17:01 PM
D-D Cnt=1 Str=0 KARLYN \$63.00
\$15.00 \$16.00 \$10.00 \$22.00

After Recording Return To:
Clara Mae Nash and James Patrick Nash
21695 S Highway 213
Oregon City, OR 97045

Until Requested Otherwise, Send All Tax Statements To:
Clara Mae Nash and James Patrick Nash
21695 S Highway 213
Oregon City, OR 97045

Order No.: 5513005661
APN No.: 00889961

SPACE ABOVE RESERVED FOR RECORDER'S USE

WARRANTY DEED

James C. Nash, Grantor, conveys and warrants to Clara Mae Nash and James Patrick Nash, as tenants by the entirety, Grantee, the following described real property in the County of Clackamas, State of Oregon, described as follows:

See "Exhibit A" attached hereto and made a part hereof.

The described real property is free of all liens and encumbrances except (if none, so state):

See "Exhibit A" attached hereto and made a part hereof.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$225,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS 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 27 day of November, 2017.

James C. Nash
James C. Nash

STATE OF OREGON
County of Clatsop

This instrument was acknowledged before me on this 27 day of November, 2017 by James C. Nash.

Cheri Ruth Breck
Notary Public for Oregon
My Commission Expires: June 11, 2018



EXHIBIT A**32E21DB00501****00889961**

A tract of land situated in Lot 10, BROWN'S ACRES, situated in the Southeast one-quarter of in Section 21, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Commencing at the most Southwesterly corner of said Lot 10; thence South 72°25'57" East, along the Southerly line thereof, a distance of 420.00 feet to the point of beginning; thence North 17°28'47" East, parallel with the Westerly line of said Lot 10 a distance of 220.16 feet to a point that is 40.00 feet, when measured at right angles, from the Northerly line of that certain tract of land conveyed to Portland General Electric Company as described in Deed recorded October 5, 1979, Fee No. 79-44184, Deed Records, said county; thence South 71°46'24" East, parallel with said Northerly line, 414.51 feet to the Easterly line of said Lot 10; thence South 7°21'30" West, along the Easterly line thereof, a distance of 218.86 feet to the most Southeasterly corner of said Lot 10; thence North 72°25'57" West, along the Southerly line thereof; a distance of 452.94 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying within or on State Highway 213, a 60 foot wide road. AND FURTHER EXCEPTING THEREFROM that portion described in Stipulated Final Judgment dated March 24, 1995, Suit #94-3-575.

Exceptions:

1. Matters in an instrument excepting the Manufactured Home from Oregon titling requirements,
Recorded : October 02, 2017 in Official Records under Document No. 2017-067055
2. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following
Granted To : Portland General Electric Company, an Oregon corporation
For : Electric power line
Recorded : February 18, 1982 in Official Records under Document No. 824891
Affects : Southerly 15 feet
3. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following
Granted To : Portland General Electric Company
For : Electric overhead and underground power lines
Recorded : November 21, 2001 in Official Records under Document No. 2001-097736

djs

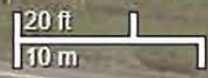








Click a starting point.



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Auto (Oblique) | Dates: Latest | image 1 of 8 | 11/03/2018

EXHIBIT C - PAGE 1 OF 1



November 4, 2019

James and Clara Nash
21695 S. Hwy 213
Oregon City, OR 97045

SUBJECT: Violation of Clackamas County Solid Waste and Waste Management Code, Title 10, Chapter 10.03.060 (A) and (B) and Clackamas County Building Code, Title 9.02.040 (A) and (E)

SITE ADDRESS: 21695 S. Hwy 213., Oregon City, OR 97045
LEGAL DESCRIPTION: T3S, R2E, Section 21DB, Tax Lot 00501

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

- Cargo (shipping) containers placed without permit
- Accumulation of solid waste
- Inoperable and/or non-currently licensed vehicles

VIOLATIONS & HOW TO RESOLVE

Cargo (shipping) containers placed without permits

Shipping containers over 200 square feet placed on properties less than 2 acres in size require a building permit. Please complete one of the following **no later than December 4, 2019:**

- Please contact the Building Department at 503-742-4240 regarding Plan Review submittal requirements and submit the building permit application and appropriate fee(s).
 - The permit must be picked up within ten days of being notified.
 - Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued, **or;**
- Remove the container and place at a legal location.

Solid Waste

This constitutes a violation of Clackamas County Code Title 10.03.060 (A) and (B) as it provides a condition of unsightliness and is considered a public nuisance. In order to abate the violations, you must complete the following **no later than December 4, 2019**:

- Remove all solid waste, including but not limited to appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material, or other similar non-putrescible solid waste or wastes, that is visible from the road or surrounding properties.

Inoperable and/or Non-Currently Licensed Vehicles

- Remove the inoperable and/or not currently licensed vehicles from the subject property, **and/or**;
- Render the inoperable and/or currently licensed vehicles, operable and licensed to persons currently residing on the subject property, **and/or**;
- Place the inoperable and/or not currently licensed vehicles that are owned by person currently residing on the subject property inside a permitted structure, **and/or**;
- Screen no more than two (2) vehicles from view of the road and surrounding properties, in accordance with the minimum screening requirements of the code (see Title 10.03.060 (c)). Please note: placing vehicles under tarps or tarp structures does not remedy the violation.
-

CONTACT INFORMATION

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

Planning – If you have questions concerning land use requirements please contact the Land Use and Planning Department at 503-742-4500 or on-line at ZoningInfo@clackamas.us.

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beaver Creek Road, Oregon City. The lobby is open between the hours of 8:00 a.m. to 4:00 p.m. Monday through Thursday and 8:00 a.m. to 3:00 p.m. on Fridays.

ITEMS INCLUDED IN THIS PACKET

1. Violation Letter
2. Required Notice of Fines and Penalties
3. Policies and Procedures for Cargo (Shipping) Containers
4. Copy of Solid Waste Code

A handwritten signature in blue ink that reads "Diane Bautista". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Diane Bautista
Code Enforcement Specialist
Clackamas County Code Enforcement

REQUIRED NOTICE OF FINES AND PENALTIES

It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. Failure to resolve those violations may result in one or more of the following: (1) a citation and fine, (2) assessment of a \$75 per month administrative compliance fee, and (3) referral of this matter to the County Code Enforcement Hearings Officer.

Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties 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 Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

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.

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 Road.

Also, be advised that non-compliance with a Hearing 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.

Finally, recurrence of abated violations may result in the issuance of a citation without prior notice.

Excerpts:

10.03.06 Solid Waste or Waste Accumulation Prohibited

- A. Except as provided in subsection D of this Section, no person shall store, collect, maintain, or display on private property, solid waste or wastes or recyclable material that is offensive or hazardous to the health and safety of the public, or which creates offensive odors, or a condition of unsightliness. Storage, collection, maintenance, or display of solid waste or wastes in violation of this Section shall be considered to be a public nuisance which may be abated as provided in 10.03.070 of this chapter.
- B. In addition to the provisions of subsection A, the following conditions or actions are also specifically identified as creating a public nuisance under this chapter:
1. Placing tarp, plastic, cloth, or similar screening apparatus over or around solid waste or wastes for purposes of keeping it out of sight from the road or surrounding properties.
 2. Placing a tarp, plastic cloth, or similar screening apparatus over or around solid waste or wastes that is stored in a utility trailer, pickup truck, semi-trailer or similar device for purposes of keeping it out of sight from the road or surrounding properties.
 3. Constructing a tire fence for any purpose.
 4. Storing waste tires except as permitted pursuant to OAR Chapter 340.
 5. Storing putrescible waste, whether it is visible or not visible from the road or adjacent properties, that is not kept in a rodent proof container with a tight-fitting lid, and not removed from the property in an authorized disposal facility within seven (7) days.
 6. Composting which causes offensive odors, or creates a health hazard, or which is capable of attracting or providing food for potential disease carriers such as birds, rodents, flies and other vectors.
 7. Storing, collecting, maintaining, or displaying any licensed or unlicensed special vehicle or equipment that is immobile, inoperable, partially dismantled or dismantled, dilapidated, or fire damaged and is visible from the road or surrounding properties.
 8. Storing, collecting, maintaining, or displaying a mobile home or trailer house, which is dilapidated or partially dismantled, or fire damaged, and is visible from the road or surrounding properties.
 9. Storing, collecting, maintaining or displaying: residential, commercial and industrial appliances, equipment and furniture; vehicle parts; tires; scrap metal, or any other useless, unwanted or discarded material, or other similar non-putrescible solid waste or wastes, that is visible from the road or surrounding properties.
 10. Storing, collecting, maintaining or displaying any antique, classic, race car or collectible vehicle that is inoperable and is visible from the road or surrounding properties.
 11. Storing any inoperable vehicles unless said vehicle or vehicles are housed within a permitted structure or development, except up to two vehicles per premise may be stored behind a sight-obscuring screen, in accordance with 10.03.060 C, and shall not be visible from the road or surrounding properties. For purposes of Subsection 11, two or more contiguous tax lots that are under common ownership shall be considered one premise.
 12. When commercial, industrial, multi-family or residential developments that use a compactor or compactors for on-site waste management, do not keep the areas around the compactor free of solid waste and debris, and washed down on a regular basis.
- C. Any sight obscuring screen used to abate a solid waste nuisance shall consist of one of the following options:
1. Construct a wood fence unpainted or painted with neutral or earth tone colors of which the upright posts shall consist of a decay resistive material a minimum of four (4) inches in diameter and anchored a minimum of eight (8) feet. The railings shall be a minimum of 2-inch by 4-inch lumber with the 4-inch side attached vertically to the posts. The attached vertical or horizontal fence boards shall be set with a maximum separation of 1/4 inch.
 2. Construct a metal fence consisting of chain link or woven fabric with metal upright posts anchored a minimum of two (2) feet below ground level with metal railings and connectors. Water and insect resistive wood or plastic slats shall be inserted in the chain link or woven fabric, with a maximum separation of 3/8 inch between slats.

3. Construct a combination fence consisting of a metal sheeting attached to wood framing as defined in Section C-1 above, or durable metal framing, which is painted a neutral or earth tone color.
4. Construct a wall consisting of solid material, built of concrete, masonry, brick, stone, or other similar materials or combination thereof.
5. Construct an earthen berm consisting of dirt, soil, sand, clay or any combination thereof and shall be planted with grass and/or ornamental plantings and shall be maintained at all times.
6. Plant a hedge consisting of evergreen plantings or other ornamental plantings a minimum of six (6) feet in height, planted not more than two (2) feet on center and which is maintained at all times.

In addition to the minimum fencing requirements, wood, metal, masonry fences or combination thereof greater than six (6) feet in height are subject to County review pursuant to the County's Grading and Excavation Chapter.

For purposes of this chapter, no sight obscuring screen shall be located, placed, constructed or installed contrary to the Clackamas County Zoning Development Ordinance.

10.03.030 Definitions

(32). **INOPERABLE VEHICLE** for the purpose of the Nuisance Abatement provisions of this chapter, shall mean a vehicle designed for use on a public highway which has been left on public or private property thirty (30) days or more and is not currently licensed, or not in operating condition, or which has been extensively damaged, vandalized or stripped, including, but not limited to, missing wheels, tires, motor or transmission. An inoperable vehicle shall not mean an unlicensed operable vehicle or vehicles, which are used on private property for the production, propagation or harvesting of agricultural products grown or raised on such lands.

(47). **PUTRESCIBLE MATERIAL** means solid waste or wastes, including: bones; meat and meat scraps; fat; grease; fish and fish scraps; food containers or products contaminated with food wastes, particles or residues; prepared vegetable and fruit food wastes or scraps; manure; feces; sewer sludge; dead animals or similar wastes which cause offensive odor or create a health hazard, or which are capable of attracting or providing food for potential disease carriers, such as birds, rodents, flies and other vectors.

(58). **SOLID WASTE OR WASTES** shall include all putrescible and non-putrescible waste, including but not limited to, garbage; compost; organic waste; yard debris; brush and branches; land-clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicles or vehicle parts and vehicle tires; special vehicles and equipment that are immobile and/or inoperable, mobile homes or trailer houses which are dilapidated, partially dismantled or fire damaged; manure; feces; vegetable or animal solid and semi-solid waste and dead animals; and infectious waste. Waste shall mean useless, unwanted or discarded materials. The fact that materials which would otherwise come within the definition of solid waste may, from time to time, have value and thus be utilized shall not remove them from the definition.













Citation No. 1600380-1

Case No. V0038016

ADMINISTRATIVE CITATION

Date Issued: January 4, 2021

Name and Address of Person(s) Cited:

Name: James and Clara Nash
Mailing Address: 21695 S. Hwy 213
City, State, Zip: Oregon City, OR 97045

Date Violation(s) Confirmed: On the 30th day of December, 2020, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 21695 S. Hwy 213, Oregon City OR 97045

Legal Description: T3S, R2E Section 21DB, Tax Lot(s) 00501

Law(s) Violated:

- Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.060
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 316.03 (A)

Description of the violation(s):

- 1) Operating Oregon Lift Truck without land use approval

Maximum Civil Penalty \$2,500.00 **Fine \$75.00 Fee voided**

- 2) Accumulation of solid waste and inoperable and non-currently licensed vehicles

Maximum Civil Penalty \$1,500.00 Fine \$50.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$125.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: January 4, 2021
Department Initiating Enforcement Action: Code Enforcement













Citation No. 1600380-2

Case No. V0038016

ADMINISTRATIVE CITATION

Date Issued: August 25, 2021

Name and Address of Person(s) Cited:

Name: James and Clara Nash
Mailing Address: 21695 S. Hwy 213
City, State, Zip: Oregon City, OR 97045

Date Violation(s) Confirmed: On the 30th day of December, 2020 and continues to exist on the 18th day of August 2021, 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): 21695 S. Hwy 213, Oregon City, OR 97045

Legal Description: T3S, R2E Section21DB, Tax Lot(s) 00501

Law(s) Violated:

- Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.030
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 316.03(A)

Description of the violation(s):

- 1) Operating Oregon Lift Truck without land use approval

Maximum Civil Penalty \$2,500.00 Fine \$400.00 **FEE VOIDED**

- 2) Accumulation of solid waste and inoperable and non-currently licensed vehicles

Maximum Civil Penalty \$1,500.00 Fine \$300.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$700.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

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

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

Date: August 25, 2021
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

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

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

Options:

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

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

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

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

STATEMENT OF UNDERSTANDING

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

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

Signature: _____ Date: _____

Address: _____
City, State, Zip

Contact Number: _____ Email: _____





























