



NOTICE OF HEARING

April 24, 2025

John A. Cimino Co-Trustee
7104 SE Gladstone St
Portland, OR 97206

John B. Cimino Co-Trustee
7104 SE Gladstone St
Portland, OR 97206

John A. Cimino Investment Property Trust Grantee
7104 SE Gladstone St
Portland, OR 97206

RE:: County of Clackamas v. John A. Cimino Co-Trustee, John B. Cimino Co-Trustee, John A. Cimino Investment Property Trust Grantee

File: V0006725

Hearing Date: June 24, 2025

Time: This item will not begin before 9:30 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 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

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You must have access to the internet or to a telephone line to use the Zoom platform. A Zoom invite has been sent to sunnysideautomotive@comcast.net and JohnLucyIV@gmail.com. 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 your evidence to Jennifer Kauppi at JKauppi@clackamas.us 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 Jennifer Kauppi at 503-742-4759 **within 3 calendar days of receipt of the Notice of Hearing.**

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

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

Zoom invite

Topic: Code Enforcement Hearing - John A Cimino and John B Cimino Co-Trustee - V0006725 - June 24 - 9:30 am

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/88045218780?pwd=4KEVbrCObajr5qygokc4Y8z0OVjab0.1>

Passcode:306036

Phone one-tap:

+17193594580,,88045218780#,,,,*306036# US

+12532050468,,88045218780#,,,,*306036# US

Join via audio:

+1 719 359 4580 US

+1 253 205 0468 US



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+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 646 931 3860 US
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+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
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+1 360 209 5623 US
+1 386 347 5053 US
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+1 564 217 2000 US
+1 646 876 9923 US (New York)

Webinar ID: 880 4521 8780

Passcode: 306036

International numbers available: <https://clackamascounty.zoom.us/j/88045218780>

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: 880 4521 8780

Passcode: 306036

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Passcode: 306036

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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，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
COUNTY OF CLACKAMAS

COUNTY OF CLACKAMAS,

Petitioner,

v.

JOHN A. CIMINO CO-TRUSTEE,
JOHN B. CIMINO CO-TRUSTEE,
THE JOHN A. CIMINO INVESTMENT
PROPERTY TRUST, GRANTEE

Respondents.

File No: V0006725

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: 7104 SE Gladstone St, Portland, OR 97206.

2.

The Respondent(s) own/owns or occupies the address or location of the violation(s) of law alleged in this Complaint is 25421 SE Rugg Rd, Damascus, OR 97089 also known as T1S, R3E, Section 26A, Tax Lot 00601, and is located in Clackamas County, Oregon. The property is zoned RREF5 and is the location of violation(s) asserted by the County.

3.

On or about the 10TH day of March, 2025 the Respondents violated the following laws, in the following ways:

- a. Respondents violated the Clackamas County Zoning and Development Ordinance by failing to implement the Conditions of Approval in land use decision Z0519-17. This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities.
- b. Respondents violated the Clackamas Building Code, Chapter 9.02.040 by installing mechanical equipment without approved permits and approved final inspections. 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 violations was given to Respondents in the following manner:

Violation Notice was mailed via first class mail on March 10, 2025. A copy of the notice document is attached to this Complaint as Exhibit E and incorporated by this reference.

6.

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

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

1. Pursuant to Clackamas County Code Section 2.07.090, ordering 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 Zoning and Development Ordinance Priority 2 violation being \$500.00 to \$2,500.00 per occurrence and said range for a Building Code Priority 1 violation being \$750.00 to \$1,000.00 per occurrence as provided by Appendix B to the Clackamas County Code;
 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 16th day of April, 2025.



Jennifer Kauppi
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

JOHN A. CIMINO CO-TRUSTEE,
JOHN B. CIMINO CO-TRUSTEE, THE
JOHN A. CIMINO INVESTMENT
PROPERTY TRUST, GRANTEE,

Respondents.

File No.: V0006725

STATEMENT OF PROOF

History of Events and Exhibits:

February 11, 2025	Clackamas County received a complaint regarding a licensed marijuana grow operating without having met the Conditions of Approval.
March 4, 2025 Exhibit A	Correspondence was sent to the Respondents regarding the alleged violation.
March 4, 2025 Exhibit B	I conducted research of County records and found Land Use decision Z0519-17 for the subject property. The owner of the property is an OLCC licensed grower. The land use approval provided the Respondents 4 years to implement the conditions of approval. The conditions that are the focus of this hearing are General Conditions 4A and II. Access Conditions. The deadline date to implement these conditions was October 5, 2021.
March 4, 2024 Exhibit C	I submitted a public records request to the Oregon Liquor and Cannabis Commission (OLCC) to inquire if any site inspections have been conducted of the licensed grow. I received a site inspection report that was conducted on April 3, 2024. The report noted that air conditioning units were actively running during the inspection and the grow was operational. I reviewed County records and found no approved commercial mechanical permits for the equipment. In addition, the land use decision stated that the easement could not be used to access the grow. I found no development permits for a new access from Rugg Rd to the back of the subject property where the building is located.
March 5, 2025	I spoke with John Cimino on the phone regarding the violation. I let John know that I confirmed that mechanical equipment had been installed as noted in the OLCC report that I received. In addition, the land use decision specifically stated that the easement could not be used to access the grow. John stated that he now has easement rights.

March 6, 2025
Exhibit D

I emailed Senior Planner Ben Blessing regarding the easement and specifically if the easements rights overrode the land use decision requirement. Ben stated that they cannot use the shared access for the grow and that new land use would need to be obtained.

March 10, 2025
Exhibit E

A Notice of Violation was mailed to the Respondents regarding the Zoning and Building Code violations. A deadline date of April 10, 2025 was provided to the Respondents to abate the Zoning violation. As addressed in the letter, a mechanical permit can be applied for once new land use is obtained.

April 9, 2025
Exhibit F

I received a request for a hearing from the Respondents attorney John Lucy IV.

April 16, 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 316.03(A) exists, 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 Zoning and Development Ordinance within 30 days of the date of the Order by completing one of the following.
- Discontinue the use of the indoor marijuana grow.
- Move the grow to an authorized location.
- Pause the use and apply for land use. If land use is approved, all conditions of approval must be completed within 90 days of approval before the business can resume operating on the subject property.
- 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 Building Code violation of up to \$1,000.00 for date noticed March 10, 2025.
- The imposition of civil penalties for the Zoning and Development violation of up to \$2,500.00 for date noticed March 10, 2025.
- The administrative compliance fee to be imposed from March, 2025 until the violation is abated. As of this report the total is \$75.00.
- 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 request the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

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March 4, 2025

John A Cimino Investment Property Trust
7104 SE Gladstone St
Portland, OR 97206

**Subject: Alleged Violations of the Zoning and Development Ordinance,
Title 12, Section 316.03 and Building Code, Chapter 9.02.040 of
the Clackamas County Code**

Site Address: 25421 SE Rugg Rd, Damascus, OR 97089
Legal Description: T1S, R3E, Section 26A, Tax Lot 00601

It has come to the attention of Clackamas County Code Enforcement that the above mentioned property may be in violation of the Conditions of Approval as stated in Clackamas County Planning Decision Z0519-17. In addition, mechanical equipment may have been installed without approved permits.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 316.03 and 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.

Email address is JKauppi@clackamas.us

Telephone number is 503-742-4759

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

Department of Transportation and Development

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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。

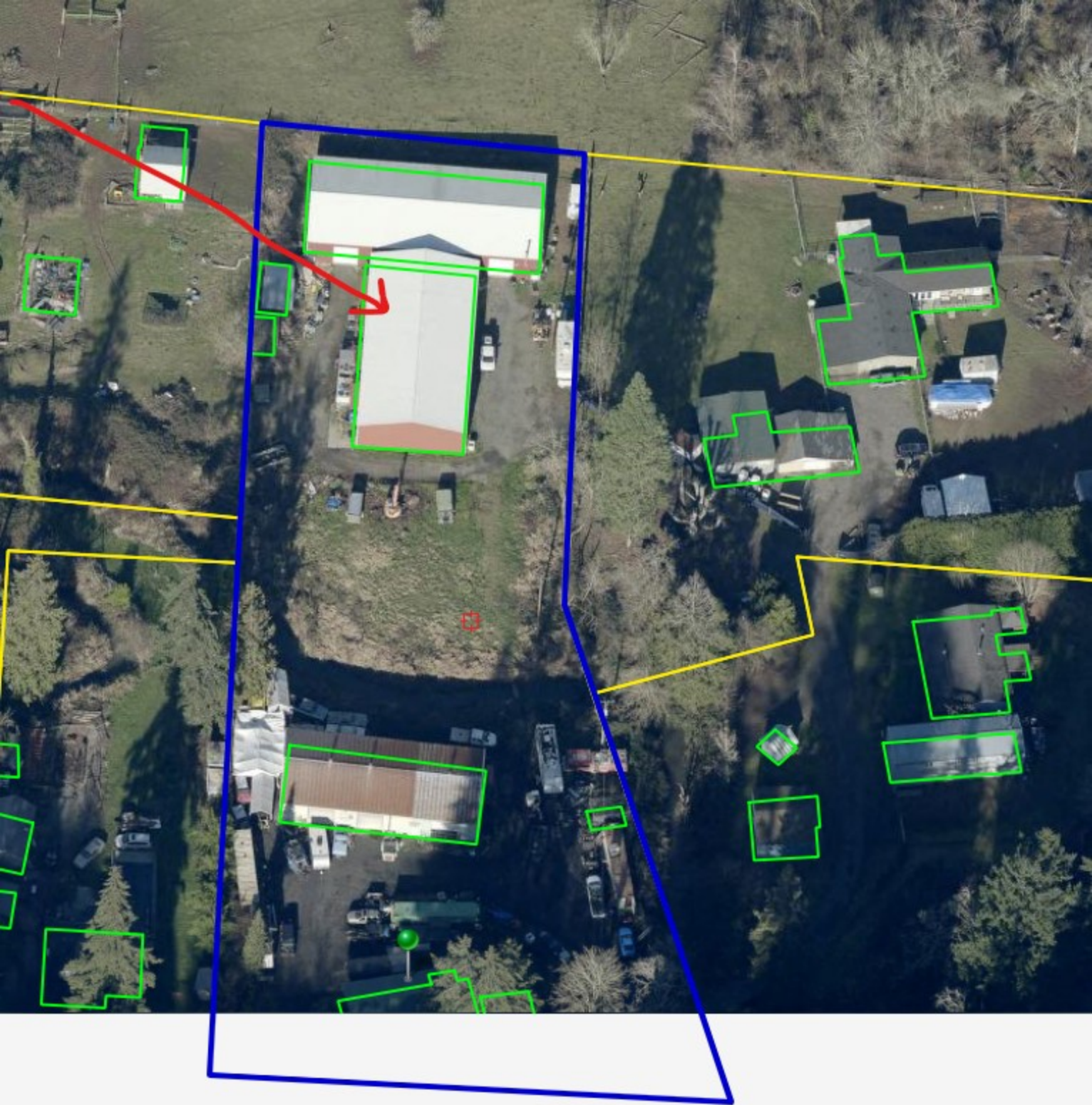
CHÀO MỪNG! Vietnamese

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

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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: October 5, 2017

File No. Z0519-17-MJ

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

Map & Taxlot: T1S R3E Section 26A Tax Lot 00601

Site Address: 25421 SE Rugg Road

Applicant: John Cimino, 25421 SE Rugg Rd.

Owner of Subject Tract: Same as Applicant

Total Area Involved: Approximately 2.01 Acres

Zoning: Rural Residential Farm Forest 5-Acres (RRFF-5)

Proposal: A new 5,000 square foot pole structure for indoor marijuana production.

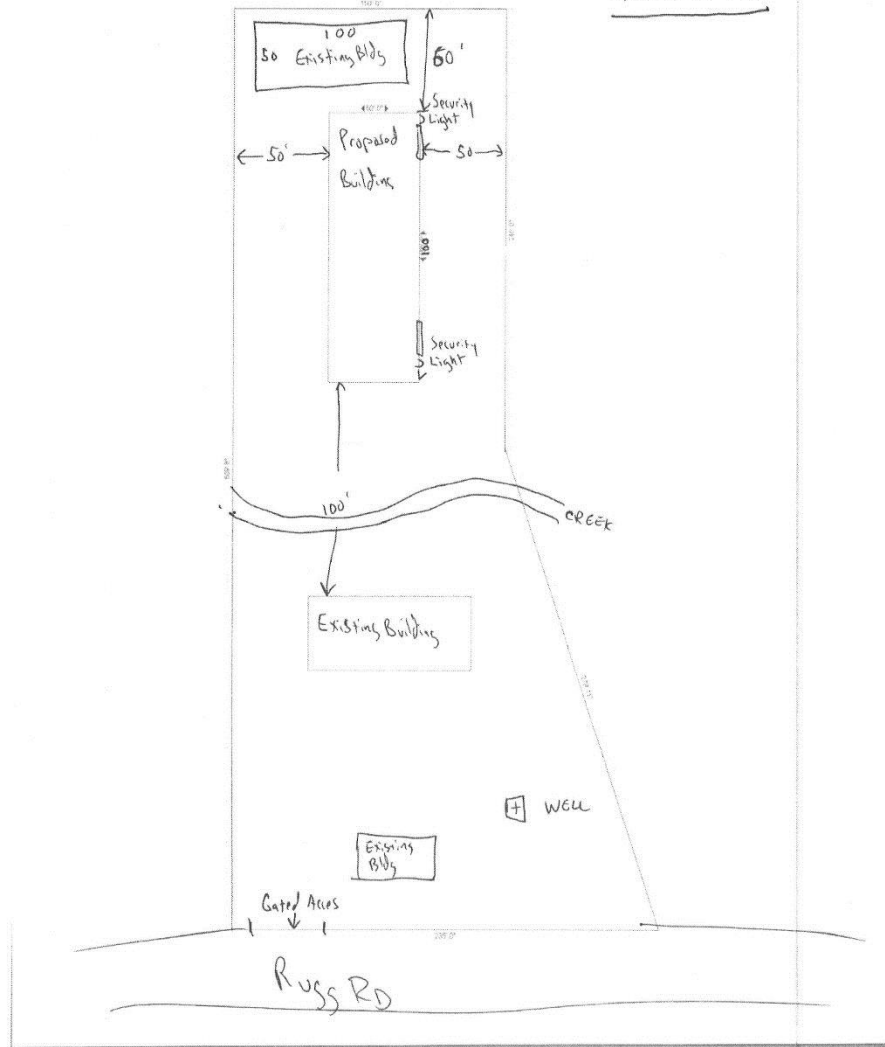
Applicable Approval Criteria & Review Procedure: This application is subject to the standards and criteria of Clackamas County Zoning and Development Ordinance (ZDO) Section 841 and 316. This application is being processed as a Type I Permit, pursuant to Section 1307. A Type I Permit is ministerial in nature and involves a land use action governed by non-discretionary standards and clear and objective approval criteria.

Location Map



Site Plan

ATTACHMENT A



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 October 5, 2017. 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 RRFF-5 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(H)(1-7) and the noise study required under Subsection 841.03(I) 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) Access Conditions:

1. The subject property shall have direct access to SE Rugg Road, a County Road. The property is bisected by Badger Creek and a new pole structure will be located in the rear of the property, on the opposite side (northerly half) of the existing residence. The applicant **must** have direct access to the rear portion. Use of surrounding access

easements, such as the 20' road delineated on Partition Plat 1992-165 is not allowed with this land use permit.

2. Applicant must use an existing stream crossing to access the rear (northerly of Bager Creek) portion of the property. Any proposed stream crossings, must first be approved by County Engineering and the Dept. of State Lands.

III) 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 tract.

IV) 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(H).
 - 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.

V) 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 tract, exceeds 50 dB(A).

VI) Security Camera Conditions:

1. If used, security cameras shall be directed to record only the subject tract 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) or registration requirements of the Oregon Health Authority (OHA).

VII) 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 or OHA registrant.

IX) Residency Conditions:

1. A minimum of one of the following shall reside in a dwelling unit on the subject tract:
 - A) An owner of the subject property; or
 - B) A holder of an OLCC license for Marijuana Production, provided that the license applies to the subject property.
 - C) A person registered with the OHA as a person designated to produce marijuana by a registry identification cardholder, provided that the registration applies to the subject property.

X) Fencing Conditions:

1. The maximum height of any fencing on the subject tract shall be 10 feet. Fences, walls, or other barriers shall not be electrified, or use barbed wire, razor wire, concertina coils, anti-climb spikes or any other similar security feature designed to discourage ingress through the potential of causing bodily harm.

XI) Construction Management Plan Conditions:

1. The subject property contains a Habitat Conservation Area (HCA) and Water Quality Resource Area (WQRA). Pursuant to ZDO Section 706 and 709, any parcel containing HCA or WQRA requires a Construction Management Plan (CMP) if development is proposed. Therefore, a **Construction Management Plan is required prior to the issuance of building, electrical, or mechanical permit.**

XII) Natural Resource Assessment:

1. Water features in the WQRA are generally field identified by a Natural Resource Specialist. Applicant shall provide a Natural Resource Assessment (NRA) prepared by a qualified natural resource specialist; or sufficient evidence that no water features, other than the Unnamed Creek, are present on the site. The Natural Resource Specialist shall use the criteria in ZDO Section 709 to determine the location of the vegetated corridor.

SECTION IV: FINDINGS

I. Project Overview:

The subject property, zoned RRFF-5, fronts on and has direct access to SE Rugg Road. The marijuana business activities for this site are as follows: Indoor marijuana production inside a new 5,000 square foot pole structure.

The subject property contains a Habitat Conservation Area (HCA) and Water Quality Resource Area (WQRA). Development on properties with an HCA and WQRA requires a Construction Management Plan (CMP) prior to the issuance of a building permit. Additionally, a Natural Resource Assessment will be required to ensure that no additional protected waters are present on the subject lot. This requirement is detailed above in the Conditions of Approval.

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, RRFF-5, and TBR Districts;

Finding: The applicant is proposing Marijuana Production in the RRFF-5 District. Therefore, Section 841 applies.

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

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

A. Outdoor Production.

1. 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.

2. Outdoor production is prohibited in the FF-10 and RRFF-5 Districts but is permitted in the AG/F, EFU, and TBR Districts. Where permitted, outdoor production is subject to the same standards and criteria as indoor production, except where specifically noted.

Finding: Outdoor Production is not permitted in the RRFF-5 or FF-10 Zoning Districts

B. Minimum Tract Size. A minimum tract size standard shall apply as follows:

1. In the FF-10 and RRFF-5 Districts, the subject tract shall be a minimum of five acres, except that if the majority of abutting lots of record are equal to or greater than two acres, the subject tract shall be a minimum of two acres. Abutting lots of record include lots of record that are contiguous to the subject tract, as well as lots of record directly across any access drive, or private, public, or county road, provided the functional classification of the road is below that of a collector.
2. In the AG/F, EFU, and TBR Districts, the subject tract shall be a minimum of two acres, except that if outdoor production is proposed, the subject tract shall be a minimum of five acres.

Finding: The 2.01-acre subject tract is located in the RRFF-5 Zoning District.

According to County Assessor maps, the majority of adjoining lots of record are greater than 2 acres. Therefore, the property meets the 2-acre minimum requirement.

C. Minimum Yard Depth/Distance from Lot Lines. The following standards shall apply:

1. In the FF-10 and RRFF-5 Districts, the minimum front, rear, and side yard depths for any structure used for marijuana production shall be 50 feet.
 - a. Pursuant to Oregon Revised Statutes (ORS) 475B.340(2)(b), these yard depth standards do not apply to an agricultural building used to produce marijuana located on a premises for which a license has been issued under ORS 475B.070 if the agricultural building:
 - i. Was constructed on or before July 1, 2015, in compliance with all applicable land use and building code requirements at the time of construction;
 - ii. Is located at an address where a marijuana grow site first registered with the Oregon Health Authority (OHA) under ORS 475B.420 on or before January 1, 2015;

- iii. Was used to produce marijuana pursuant to the provisions of ORS 475B.400 to 475B.525 on or before January 1, 2015; and
- iv. Has four opaque walls and a roof.

Finding: According to the applicant's site plan, a 50 feet minimum setback can be met. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criteria can be met.

- F. Access. The subject tract 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 tract. However, this standard will be waived if the subject tract 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 described in the application. Such evidence shall include any conditions stipulated in the agreement.

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

Finding: Staff notes that the proposed structure will be located north of an Unknown seasonal stream, which divides the property into north and south halves. Access to the structure must be from a driveway completely contained on the property. Applicant is not permitted to use shared access easements to access the north half of the subject property because a signed petition was not included in the land use permit. This requirement is detailed above in the Conditions of Approval.

- G. Lighting. Lighting shall be regulated as follows:

- 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. Marijuana grow lights located outside a building 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 tract.

Finding: Applicant cites that the new building will have no windows and that exterior lighting will be directed on the subject property. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criteria can be met.

- H. 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 “negative air pressure” system will be used. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criteria can be met.

- I. 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 tract, exceeds 50 dB(A).

Finding: Applicant states he will comply with this standard. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criteria can be met.

- J. Security Cameras. If used, security cameras shall be directed to record only the subject tract 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) or registration requirements of the Oregon Health Authority (OHA).

Finding: Applicant states that a reputable engineer will be obtained to meet this standard. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criteria can be met.

K. Water. The applicant shall submit proof of a legal source of water as evidenced by:

2. A statement from a public or private water provider that water is supplied by that water provider. The statement shall include the name and contact information of the water provider; or

Finding: The applicant has submitted a statement and receipt from Boring Water District that water will be sold to the applicant from a district fire hydrant. This criteria is met.

L. Waste Management. Marijuana shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.

Finding: The applicable standards of this Subsection are outlined above as Conditions of Approval.

M. Residency:

In the FF-10 and RRFF-5 Districts, a minimum of one of the following shall reside in a dwelling unit on the subject tract:

1. An owner of the subject tract;
2. A holder of an OLCC license for marijuana production, provided that the license applies to the subject tract; or
3. A person registered with the OHA as a person designated to produce marijuana by a registry identification cardholder, provided that the registration applies to the subject tract.

Finding: Applicant has submitted a DMV address renewal form that shows the applicant is renewing his driver's license using the address of the subject lot. Staff notes that the applicant must maintain residency on the subject lot while production marijuana. This criteria can be met.

N. Fencing. The maximum height of any fencing on the subject tract shall be 10 feet. Fences, walls, or other barriers shall not be electrified, or use barbed wire, razor wire, concertina coils, anti-climb spikes or any other similar security feature designed to discourage ingress through the potential of causing bodily harm.

Finding: The applicable standards of this Subsection are outlined above as Conditions of Approval.



PUBLIC SAFETY DIVISION

INTAKE/COMPLIANCE ACTION REPORT

- ☐ Alcohol
☒ Marijuana
☐ Medical Marijuana

Case#:	M24-02537	Received By:	Mandy McDonough
License / Premises #	10120674794	Complainant:	Pat
License Type:	Producer	Phone:	971-334-9701
Licensee:	3 J's Investment Properties LLC	Email:	N/A
Tradename:	3J	Assigned To:	Metro
Address:	25421 SE Rugg Rd.	Complainant Requests Contact: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
City/Zip:	Damascus, 97089		
Phone:	503-318-6293		

Complaint Received By:	Jason Tallmadge
Date/Time Complaint Received:	03/20/2024

PERSONS INVOLVED

Name (LN, FN, MI)	Permit #	Sex	DOB	Phone / Email	Address
Cimino, John	6J999Q	Male	12/21/1976	503-318-6293, sunnysideautomotive@comcast.net	1098 SE Mimosa Dr. Gresham, OR. 97086

REPORT SUMMARY

The Oregon Liquor and Cannabis Commission, (OLCC), received a complaint regarding the licensee "backdooring" marijuana into the secondary market and the air conditioners of the property are too loud. Closed with no action.

REPORT NARRATIVE

On or around 03/20/2024, the OLCC received a voicemail message from a person later known to be "Pat". According to the voicemail complaint, the licensed premises was running air conditioners on the property that was loud and keeping him and his family up at night. Further, the complainant indicated the possibility of marijuana being diverted from a back storage building into the secondary, "Black", market.

Based on this information, Inspector Stephanie Humphreys contacted the complainant to follow-up. In summary, the complainant indicated he was the neighbor of the licensee and did make a small reference to possible diversion of marijuana, but spent most of the phone call complaining about what

he claimed to be excessive noise coming from the licensed premises, due to multiple air conditioners at the property. Humphreys then called and spoke with John Cimino, licensee for the business. In summary, during that phone call, Cimino revealed a possible hostile relationship between his business and the neighbor, which resulted in a restraining order being issued to the neighbor, (possible complainant of this report). During that message, a visit to the licensed premises was scheduled for 03/28/2024, at 10:00 AM.

On 03/27/2024, at about 3:45 PM, I reached out to Cimino for a follow-up conversation. During that phone call, I learned that the neighbor had been quite aggressive, which resulted in Cimino being concerned for his safety and was hesitant to meet at the licensed premises for what he believed to be a "false allegation". Cimino also mentioned the neighbor was creating a dangerous situation that included the discharging of a firearm and leaving bullet casings viewable to those who drive by the home. I took the time to explain to Cimino that, as a complaint driven agency, we were mandated to follow-up on all complaints. Cimino understood and we discussed moving the site visit to a date/time that he could arrange to be safer. Ultimately we agreed to meet, at the licensed premises, on 4/3/2024, at 10:00 AM. Cimino indicated the neighbor would not be home at that time.

On 04/03/2024, at about 10:00 AM, Inspector Natasha Morris and I arrived at the licensed premises. Once there, we met with Cimino. After exchanging greetings, I was requested to take note of the lack of noise coming from any air conditioning system. From our location, standing on the side of the licensed premises building, between the building and that of the neighbor, (complainant), I could not hear any sound of an air conditioner. We then made our way around the south side of the building, to the opposite side, where I could see air conditioners that were actively running. While standing within 10 feet of the units, I could hear them running, but not on the other side of the premises. We then made our way into the licensed premises to tour the facility.

While inside, Inspector Morris and I walked with Cimino who showed us his entire marijuana facility and talked in detail to the business model and operation. During this tour, I took note of multiple security features, all of which were in compliance, with no deficiencies identified.

At the completion of the tour of the licensed premises, Cimino voluntarily walked us into a second building, directly adjacent and attached to the limited access area. Once inside, I could see it was full of personal items, none of which were identified as being part of the marijuana business. During our entire time at the licensed premises and property, I found nothing that appeared to be a potential violation of Oregon Administrative Rule. I then explained part of the process of obtaining a copy of reports related to his licensed premises, based on his request for information. We then ended our visit of the licensed premises and left the area.

This report is for information only.

CHARGES RECOMMENDED FOR LICENSEE / PERMITTEE

Include relevant OAR or ORS reference

OAR 845-025-7540 SEED-TO-SALE – CTS USER REQUIREMENTS

EVIDENCE / ATTACHMENTS

1. N/A

Assessment:	<input checked="" type="checkbox"/> Open Investigation	<input type="checkbox"/> Close at Intake
Action:	<input type="checkbox"/> Verbal Instruction	<input type="checkbox"/> Send to AHD <input checked="" type="checkbox"/> No Action
Refer to External Agency:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Name of Agency:
Supplemental Report:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Licensee Contact:	John Cimino	Date/Time:
Contact Phone:	503-318-6293	Contact Email:
Contact Type:	<input type="checkbox"/> In Person <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Email <input type="checkbox"/> Other	sunnysideautomotive@comcast.net

Licensee Represented By An Attorney: ☐ Yes ☐ No ☒ N/A

Attorney Contact Information: N/A

INSPECTOR:	DPSST #	DATE
Jason Tallmadge	46193	Apr 5, 2024
<i>Jason Tallmadge</i>		
Print Name	Sign Name	

APPROVED BY:	DPSST #	DATE
Michelle Cate	60773	Apr 5, 2024
<i>Michelle Cate</i>		
Print Name	Sign Name	

REVIEWED BY:	DPSST #	DATE
Print Name	Sign Name	

M24-02537_3J INVESTMENT PROPERTIES_TALLMADGE

Final Audit Report

2024-04-05

Created:	2024-04-05
By:	Jason Tallmadge (jason.tallmadge@olcc.agency)
Status:	Signed
Transaction ID:	CBJCHBCAABAAajg9KwlfJ04LcvOhcXAZw5DmDk_hZ1Eo

"M24-02537_3J INVESTMENT PROPERTIES_TALLMADGE" History

-  Document created by Jason Tallmadge (jason.tallmadge@olcc.agency)
2024-04-05 - 7:37:51 PM GMT
-  Document emailed to Jason Tallmadge (jason.tallmadge@olcc.agency) for signature
2024-04-05 - 7:37:56 PM GMT
-  Document e-signed by Jason Tallmadge (jason.tallmadge@olcc.agency)
Signature Date: 2024-04-05 - 7:38:14 PM GMT - Time Source: server
-  Document emailed to Michelle Cate (michelle.cate@olcc.agency) for signature
2024-04-05 - 7:38:15 PM GMT
-  Document e-signed by Michelle Cate (michelle.cate@olcc.agency)
Signature Date: 2024-04-05 - 7:38:44 PM GMT - Time Source: server
-  Agreement completed.
2024-04-05 - 7:38:44 PM GMT

From: [Blessing, Ben](#)
To: [Kauppi, Jennifer](#)
Subject: RE: V0006725 - 25421 SE Rugg Rd
Date: Thursday, March 6, 2025 4:47:46 PM
Attachments: [image001.jpg](#)

Yes if they want to continue with mj grow they cannot use shared access. If they want to use shared access, they need to do another Mj land use permit since the condition is very specific. That is my take. A new MJ application would be needed.

From: Kauppi, Jennifer <JKauppi@clackamas.us>
Sent: Thursday, March 6, 2025 6:35 AM
To: Blessing, Ben <BBlessing@clackamas.us>
Subject: FW: V0006725 - 25421 SE Rugg Rd

Ben,

Good Morning. I have attached the approved land use decision from 2017 for 25421 SE Rugg Rd. Under the conditions of approval – Access Conditions the land use specified that the easement could not be used to access the grow.

In 2019 there was an easement agreement reached. (see attached). Does the signing of this easement agreement override the County land use requirement? If so, is there a modification to the land use agreement that will need to be done to reflect that the easement can be used?

Please advise
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.



From: JOHN CIMINO <sunnysideautomotive@comcast.net>

Sent: Wednesday, March 5, 2025 4:59 PM

To: Kauppi, Jennifer <JKauppi@clackamas.us>; Forsell, Erik <EForsell@clackamas.us>; Karsten Rasmussen <karsten@khrmediation.com>; Potter, Shane <SPotter@clackamas.us>; Rozzell, Matt <MRozzell@clackamas.us>; tim@heinsonlaw.com

Subject: Re: V0006725 - 25421 SE Rugg Rd

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

Good afternoon Jennifer And Erik.

Jennifer I received a copy of our 2017 Approved Land use permit with highlighted areas of concern. The parts you have highlighted were completed Before the deadline of 2021 . Erick has on file our approved construction management plan. Erick also Has our Noise and odor study. The OLCC has been to the facility and approved us to grow . They inspected the facility and found we met the conditions you outlined in the Land use approval at the time of inspection.

The county has also inspected our facility on more than three occasions and chose to close the previous violation file with the same complaints as the new violation. because the complaints were not warranted. We got an approved electrical permit as well.

There is over a decade of confusion caused by my neighbor and his unwarranted complaints. We have done everything we can to address the concerns the county has. How ever we maintain that we were approved to Grow by the county and by the OLCC and now years latter we are being told we need a whole new land use approval. The county has allowed my Neighbor who I have a stalking protective order against to Harass Me . This makes it very difficult to deal with the neighbor and the county and it clouds things creates tons of confusion.

Any permits that we need moving forward we will get but we should not be forced to get a new LUCS when we met the conditions . The county even told the OLCC we were approved to grow or they would not have passed us for growing. Further there was never an outlined way or request by the county for anything else and again you have the construction management plan and the Noise and odor and the electrical permit and all were approved.

Lastly through out this process we paid for ac permits and were never refunded fees for ac units. There is zero reason why the permits I filed and paid for were not refunded so we could continue the ac mechanical permit. We have heard the county say again and again you missed this date for refund . That's not our fault we have pursued these permits constantly it was by Matt Rozzell request we remove the ones that we did not need and pursue the ac permits we did but how are we supposed to

do that when you kept our money ?

We are eager to resolve these issues with the county we are requesting that the county recognized that they gave us land use approval and that we within the first 4 years we have done everything we can to satisfy the county's concerns and at that time we met all requirements .

Erik can you please forward Jennifer our approved Construction management plan noise and odor study and anything else you think would be relevant.

I am attaching the easement agreement. All parties to the agreement agreed that the easement maybe used for accessing the Grow. The same neighbor making this complaint has all ready admitted to Shane Potter he signed off on use of the easement for cannabis. I am the grantor of this easement I grant my neighbor the right to access their properties not the other way around. This matter was settled with Judge Karsten Rasmussen who I am copying on this email . If you read the easement you will see that Judge Rasmussen is the sole decision maker on this easement and karsten will tell you that Both Patrick Cook and Cynthia Wyatt agreed to the use of the road for cannabis. And Karsten has all ready discussed this with Shane potter to verify and Pat cook told Shane Potter he gave permission.

In closing forcing us to do another land use will cause great harm to me and my business. I believe this is not necessary and will work with the county to get any permit needed for anything that was done after 2021 we have operated legally and lawfully and done our best to this point.

Please let me know next steps? Thank you Jennifer/Erik I look forward to resolving this with the county .

Sunnyside automotive%0D%0A%0D%0AOwner %0D%0A%0D%0A John
Cimino%0D%0A%0D%0A13588 se 152nd Drive%0D%0A%0D%0AClackamas Oregon
97015%0D%0A%0D%0APhone 5033186293 %0D%0ASunnysideautomotive%40comcast.net

On 03/05/2025 9:28 AM -08 Kauppi, Jennifer <jkauppi@clackamas.us>
wrote:

John,

Thank you for speaking with me today. Per our conversation.

1. I have attached your 2017 land use decision and have highlighted the areas we discussed.
2. Public Records Request – please complete the form and when done you can send it back to me. I will then forward it for processing.
3. Below is planning's contact information. They are open Monday-Thursday 8 am – 4 pm.
Planning Dept – 503-742-4500

zoninginfo@clackamas.us

4. I've attached the permit history of the property for your records. Not listed on this spreadsheet is the approved 1987 permit for your pole building up by the house. I am happy to provide you with a copy of the 1987 permit if you want it. Just let me know.

Please feel free to give me a call if you have any questions.

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.





DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

NOTICE OF VIOLATION

March 10, 2025

John A Cimino Co-Trustee
John B Cimino Co-Trustee
7104 SE Gladstone St
Portland, OR 97206

The John A. Cimino Investment Property Trust, Grantee
7104 SE Gladstone St
Portland, OR 97206

SUBJECT: Violation of the Clackamas County Zoning and Development Ordinance, Title 12, Section 315.03(A) and Building Code, Title 9.02.040 (B)

VIOLATION: V0006725

SITE ADDRESS: 25421 SE Rugg Rd., Damascus, OR 97089

LEGAL DESCRIPTION: T1S, R3E, Section 26A, Tax Lot 00601

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

- Operating marijuana grow without approved land use
- Mechanical equipment installed in approved agricultural exempt building AGM16417 without approved permits.

VIOLATIONS & HOW TO RESOLVE

On February 11, 2025 the County received an alleged complainant regarding the marijuana grow on the subject property not having met the conditions of approval as referenced in land use decision Z0519-17. The approved decision dated October 5, 2017 noted that all conditions of approval needed to be met within four years of the approval or the land use decision would be voided.

A public records request obtained from OLCC found that in 2024 a site visit was done by OLCC representatives who noted the marijuana grow was operational and that mechanical equipment was installed onsite and was in working order. I reviewed the County records and found the conditions of approval had not all been met within the 4 years of approval.

In addition, I could not find approved commercial mechanical permits for the mechanical equipment for the indoor grow.

Operating without approved land use and the installation of mechanical equipment without approved permits or approved final inspections constitutes a violation of Zoning and Development Ordinance, Title 12, Section 315.03(A) and Building Code, Title 9.02.040 (B). In order to abate the violations, please complete one of the following **no later than April 10, 2025**.

1. Discontinue the use;
2. Move the use to an approved parcel; or
3. Obtain land use approval. We have identified a new land use application for the marijuana grow is required. However, we encourage you to reach out to Planning and Zoning by phone at 503-742-4500 or by email at zoninginfo@clackamas.us to determine whether other options exist.
 - a. If you pause the use and begin the land use process, we will pause the enforcement of this file. If the use continues on the property before you obtain land use approval, we will continue with the enforcement of this file.
 - b. If you obtain land use approval, you must implement all conditions of approval before staff will close this file. A final inspection may be required to confirm that all conditions of approval have been implemented.

Mechanical Equipment in building AGM16417

Once land use is approved, you will have 30 days from the date of approval to submit a complete commercial mechanical permit application and any other trade permits that may apply.

- All requests for additional information in order to complete plan review must be responded to within ten days of being notified.
- The permit(s) must have the fee(s) paid in full within ten days of your being notified by Building Codes that the permit is ready to be issued.
- 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).

****Please note – land use must be approved first before any mechanical applications for the building AGM16417 can be submitted.****

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.

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beavercreek 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 script is cursive and fluid.

Code Enforcement Specialist
Clackamas County Code Enforcement

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer, 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 at codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.

Property Search (/default.aspx) / Search Results (/results.aspx) / Property Summary

Property Account Summary



00130487

Account Number	00130487	Property Address	25421 SE RUGG RD , DAMASCUS, OR 97089		
General Information					
Alternate Property #	13E26A 00601				
Property Description	400 BOTEFUHR TRACTS PT BLK 90				
Property Category	Land &/or Buildings				
Status	Active, Host Other Property, Locally Assessed				
Tax Code Area	026-027				
Remarks					
Tax Rate					
Description	Rate				
Total Rate	15.8005				
Property Characteristics					
Neighborhood	16081: City of Damascus 100, 101				
Land Class Category	101: Residential land improved				
Change property ratio	1XX				
Related Properties					
01142187 is Located On this property					
Parties					
Role	Percent	Name	Address		
Taxpayer	100	CIMINO JOHN A CO-TRUSTEE	7104 SE GLADSTONE ST, PORTLAND, OR 97206		
Owner	100	CIMINO JOHN A CO-TRUSTEE	7104 SE GLADSTONE ST, PORTLAND, OR 97206		
Owner	100	CIMINO JOHN B CO-TRUSTEE	7104 SE GLADSTONE ST, PORTLAND, OR 97206		
Property Values					
Value Type	Tax Year 2024	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020
AVR Total	\$464,146	\$450,628	\$437,503	\$424,761	\$412,390
Exempt					
TVR Total	\$464,146	\$450,628	\$437,503	\$424,761	\$412,390
Real Mkt Land	\$470,930	\$465,618	\$456,766	\$393,030	\$345,230
Real Mkt Bldg	\$412,150	\$411,530	\$407,750	\$355,100	\$315,640
Real Mkt Total	\$883,080	\$877,148	\$864,516	\$748,130	\$660,870
M5 Mkt Land	\$470,930	\$465,618	\$456,766	\$393,030	\$345,230
M5 Mkt Bldg	\$412,150	\$411,530	\$407,750	\$355,100	\$315,640
M5 SAV					
SAVL (MAV Use Portion)					
MAV (Market Portion)	\$464,146	\$450,628	\$437,503	\$424,761	\$412,390
Mkt Exception					
AV Exception					
Active Exemptions					

John A. Cimino, Grantor
John A. Cimino and John B. Cimino,
as Co-Trustees of The John A. Cimino Investment
Property Trust, Grantee

After recording return to:
Sara L. Butcher, Attorney at Law
520 SW Yamhill, Suite 206
Portland, OR 97204

Clackamas County Official Records
Sherry Hall, County Clerk

2018-000330



\$53.00

02112083201800003300010012

01/02/2018 02:11:04 PM

D-D Cnt=1 Stn=4 STEPHEN
\$5.00 \$16.00 \$22.00 \$10.00

Until a change is requested, all tax statements
shall be sent to the following address: *grantee*
7104 SE Gladstone Street
Portland, OR 97206

STATUTORY WARRANTY DEED

John A. Cimino, Grantor, hereby conveys and warrants to John A. Cimino and John B. Cimino, as Co-Trustees of The John A. Cimino Investment Property Trust, under Trust Agreement dated December 21, 2017, Grantee, the following described real property and improvements more particularly described as follows:

Parcel 3, PARTITION PLAT NO. 1992-165, in the City of Damascus, Clackamas County, Oregon.

This property is subject to all covenants, conditions, restrictions and/or easements of record 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 \$ -0- (Transfer to Grantor's Trust)

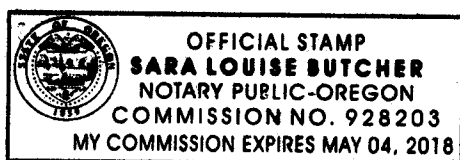
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 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 DEC 21, 2017.

John A. Cimino
John A. Cimino, Grantor

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me on December 21st, 2017,
by John A. Cimino, as Grantor.



Sara Butcher
Notary Public for Oregon
My Commission Expires: 5/4/18

John C. Lucy IV, Attorney at Law
2800 N Lombard St. #577
Portland, OR 97217
(503)-227-6000
JohnLucyIV@gmail.com

REQUEST FOR HEARING

This letter serves as notice of a **REQUEST FOR HEARING** as to alleged violation(s) of the Clackamas County Code. This letter is sent while awaiting an extension request to ensure adequate time for counsel's response currently due April 10th, 2025 as counsel has just been hired on. My client would prefer a reasonable resolution with the County and believe such is possible. Thank you for attention to this matter and please acknowledge receipt of this letter.

Please let this letter serve as notice of such dispute of the violations described in the

NOTICE OF VIOLATION LETTER

DATED March 10th. 2025

John A Cimino Co-Trustee

John B Cimino Co-Trustee

7104 SE Gladstone St

Portland, OR 97206

The John A. Cimino Investment Property Trust, Grantee

7104 SE Gladstone St

Portland, OR 97206

SUBJECT: Violation of the Clackamas County Zoning and Development Ordinance, Title 12, Section 315.03(A) and Building Code, Title 9.02.040 (B)

VIOLATION: V0006725

SITE ADDRESS: 25421 SE Rugg Rd., Damascus, OR 97089

John C. Lucy IV, Attorney at Law
2800 N Lombard St. #577
Portland, OR 97217
(503)-227-6000
JohnLucyIV@gmail.com

1 **LEGAL DESCRIPTION:** T1S, R3E, Section 26A, Tax Lot 00601

2
3 This request is pursuant to Letter Content Section

4 **"Request for a Hearing:** If you dispute the existence of the violations described
5 in the enclosed letter you may request a hearing before the Hearings Officer by
6 sending a written request for a hearing, including your name and address to:

7 Code Enforcement Section, 150 Beavercreek Rd., Oregon City, OR 97045, or at
8 codeenforcement@clackamas.us."

9
10 Thank You,

11
12 DATED:Wednesday, April 9, 2025

13 s/ John C. Lucy IV

14 **John C. Lucy IV, OSB #074730, Attorney for Mr. Cimino**

15 **MAILING ADDRESS FOR COUNSEL**
16 **2800 N Lombard St. #577**
17 **Portland, OR 97217**

18 **Direct (503)-227-6000**
19 **Mobile (919)-720-2513**
20 **Fax (503)-227-4702**
21 **JohnLucyIV@gmail.com**

Kauppi, Jennifer

From: John Lucy <johnlucyiv@gmail.com>
Sent: Monday, June 23, 2025 8:27 AM
To: Kauppi, Jennifer
Subject: Fwd: Re: Easement clarification
Attachments: M22114794 Svc Easement (Cimino) 13E26A 00601.pdf; Cimino complaint 1(1).pdf

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

Please mark this email for evidence particularly as it relates to the man bridge and air conditioners.

----- Forwarded message -----

From: JOHN CIMINO <sunnysideautomotive@comcast.net>
Date: Tue, Jun 17, 2025 at 12:51 PM
Subject: Fwd: Re: Easement clarification
To: johnlucyiv@gmail.com <johnlucyiv@gmail.com>, mia@miagetlin.com <mia@miagetlin.com>

Good afternoon.

As you can see the judge has signed off on the road use. His decision was made before the Land use was done. However we did not record the easement till after the LUCS. My perspective is that we have recorded permission from both neighbors and arguing over the road is pointless. Its even more pointless to force another lucs on us. What if a new road was added to a property by the county seems like it would not necessitate another lucs just because another road became available to us. as it stands we have both the man bridge and the road that are available to us so again seems petty to fight over this. Lastly I have attached mr cooks who is the one causing all this mess complaint with the county where both he and the county state in writing that he has given permission.

The air conditioners is the next thing they are complaining about. I did not start using them till this summer before that I was not using them. Also I got permit for them we were not able to final it because the neighbor made more complaint and anytime he makes complaints the county wont inspect or final any permits as they hold your permits and inspections hostage till you address complaints.

My perspective is I not only bought permits I also tried to get them inspected. But at some point we were quitting and the county decided it was best to have me cancel all permits . My perspective is that if I was not using them there should be no reason after the four year period I cant add them. The county is claiming that just because they were sitting there I did not final them so Im in violation. They inspected them and know they were not in use. We have never had a problem having them inspected and paying for the permits . The county is also refusing to give us the ac permit money back.

Mia I hope you are able to attend the meeting tomorrow ?
Thanks guys .

Sunnyside automotive%0D%0A%0D%0AOwner %0D%0A%0D%0A John Cimino%0D%0A%0D%0A13588 se 152nd Drive%0D%0A%0D%0AClackamas Oregon 97015%0D%0A%0D%0APhone 5033186293
%0D%0ASunnysideautomotive%40comcast.net

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

From: Karsten Rasmussen <karsten@khrmediation.com>

To: JOHN CIMINO <sunnysideautomotive@comcast.net>

Cc: "johnlucyiv@gmail.com" <johnlucyiv@gmail.com>

Date: 06/16/2025 6:15 PM PDT

Subject: Re: Easement clarification

The easement says "any use permitted under state and federal law" and says "commercial use." So long as the use is permissible under the law, ie a legal marijuana use, then it is permitted.

KHR

Judge Karsten H. Rasmussen
Senior Judge and Mediator
KHR Mediation
541-521-1997
karsten@khrmediation.com

On Jun 16, 2025, at 5:40 PM, JOHN CIMINO

<sunnysideautomotive@comcast.net> wrote:

Here you go Karsten. Paragraph 3 was intended for Cannabis I'm just looking for you to back this up. I am asking because its looking like I will have to get another Land use application done. Thank you .

Sunnyside automotive%0D%0A%0D%0AOwner %0D%0A%0D%0A John Cimino%0D%0A%0D%0A13588 se 152nd Drive%0D%0A%0D%0AClackamas Oregon 97015%0D%0A%0D%0APhone 5033186293
%0D%0ASunnysideautomotive%40comcast.net

<AMENDED ROAD EASEMENT AGREEMENT (2019.9.25 final) (3).pdf>

1. Asked if I could review the easement to see if they can use it for business in back buildings. Said they signed off on giving them access through there. But now it is 30-40 trips per day.

2. Did not get an OLCC license from the State but is still growing MJ. I will need to check with the State and our owner approval to see what is allowed there.

In Cimino's land use application Z0519-17-MJ line #18, he has checked the box Recreational marijuana. I have checked with the OLCC and they have told me that he does not have a licence with them. line 18. also says if medical marijuana production pursuant to registration with the OHA, then a minimum 100 foot setback is needed. This building has a 50 foot setback. I understand to mean if he does not have an OLCC license then he is not permitted to grow in the building. See photos and video of grower and John Cimino moving grow equipment, co2 tanks ,fans. Grower meeting people on foot on the easement to sell marijuana. Constant smell of marijuana. See photos of hvac units on the west side of the building. White pvc pipe from south building crossing creek to grow building. It is easy to hear the fans, hvac units roaring inside the building from the property line. This noise has been a problem for my next door neighbor. 4 months of Hvac and electrical contractor traffic, see photos. 3 hvac units installed on the west side of the north grow building, and grow rooms built inside without permits. See photos

3. Numerous vehicles running a repair shop in the back.

DJS Automotive moved into the north AG Exempt **building**, AG017416 on 9/15/19. Run by Daniel Shipman 360-609-7993 LIC plate , WA BRG2957. Employee, Brandon Wilson 503-933-9165, and three other unknown workers. 30 to 40 trips a day ,Constat customer traffic, Oreillys parts trucks everyday ,Zbest body shop supplies parts truck 503-708-0997, LKQ and B&R auto wrecking traffic. Discovery auto glass and Progressive auto insurance adjuster traffic. Damaged vehicles going in and coming out repaired.see photos. Paint booth equipment fan system, tool boxes, transmission jack, air compressor, tire changing machine,all moved in by pickup truck or tractor, see photos. Snapon and Mac tool truck traffic. Shelby O'Brien Shapon dealer 503-997-9668 . Mac Tool dealer Fadi Atiyeh 503-799-0049. Tristen from the south building and Djs auto are working together, lots of traffic to and from both buildings. I talked to the parts driver from Advanced auto parts and he said he has been in the north building and saw many cars inside, a big office, big paint booth. See photos of paint booth equipment arriving on Rugg RD. and then moved to the north building. Tristen who is the son of one of the DJS auto employees is running the south auto shop and Djs auto have been towing cars and pushing them from south shop to north building. Same five people arrive in the morning and leave in the evening seven days a week. Constant engine and air tool noise. See daily log of photos of over 40 trips per day. DJ'S is doing a lot of body work for Gresham Toyota, Cars and trucks with Gresham Toyota plates here everyday. see photos.

DJ's Automotive is on Facebook and gives their address as 25421 SE. Rugg RD.
<https://www.facebook.com/DjsautomotiveLLC/>

4. Did not complete their permits they took out.

Electrical and building permits for north AG building expired. B0560317 AG EXEMPT BUILDING permit for north building expired. E0569116 ,800 AMP SERVICE TO AG EXEMPT BUILDING - expired. B0563117 ,AG EXEMPT BUILDING - MECHANICAL EQUIPMENT INSIDE- HEATER. Lobby B0563317 AG EXEMPT BUILDING - HEATER - 4 PERSONAL MATURE MARIJUANNA PLANTS ONLY -Lobby.

5. Supposed to truck in water but instead he ditch witched a line across the creek into the barn. There are obvious signs of disturbance along the creek.

Z0519-17-MJ K. Water. The applicant shall submit proof of a legal source of water as evidenced by:

2. A statement from a public or private water provider that water is supplied by that water provider. The statement shall include the name and contact information of the water provider; or

Finding: The applicant has submitted a statement and receipt from Boring Water District that water will be sold to the applicant from a district fire hydrant. This criteria is met.

See Video of John Cimino clearing the HCA area next to creek with his tractor for access and then digging hole with ditch witch to run pipe to north building. Pipe is visible running across the creek then underground. See letter from John Cimino to my lawyer stating his intentions of running a water line across the creek to the north side and complaining that I would contact the County. He also claims that I have an illegal auto shop which is false while he now is running two of them. This is typical behavior for Mr. Cimino.

6. Put in a foot bridge. The foot bridge was built by Allen Hoeger and John Cimino moved it from the north to south side on 11/7/19 and finished that day. See photos

7. Vehicles next to the creek. Wrecked cars and trucks are near the creek on both sides. some missing fenders, one has no front end and missing engine. Also there is a large 20x20 foot box made from wood pallets with a shredded blue tarp on it that is on the east side of the south building next to a parted out truck that is in plain view from my front window. This is a big eye sore. As of 5/1/20 I can count 9 cars behind the south shop next to the creek.

8. Will provide us drone footage. I said I need to check if we can use that or not.

10. Auto shop in the front building by the street as well.

Tristen is running the south auto shop. I met Tristen 2 months and also on 5/28/20 on the easement. I was walking to rugg road to get my mail and he stopped and asked if he could help me and I asked him who he was and told him that I lived here. He then said he was Tristen and was renting the south building from John Cimino. He has been renting the south shop next to Rugg Rd. for at least 5 months. I also met Tristen on 5/28/20 when I asked him where he was going on his dirt bike in front of my house. He said he was going over to DJS

Auto to borrow a brake bleeder from his dad Allen who works at DJS and his is renting the south shop. Tristen and his friends are in their early twenties and are into Subaru cars but often the doors are open and he is working on all different types of cars and trucks. Three car lifts, allways cars in the air being worked on and a full parking lot of at least 8 cars at all times. Car bumpers, engines, transmissions, used parts on the ground in front of the shop. Djs and Tristen and friends are doing a lot of trips from shop to shop daily. I believe Djs auto is doing body work for Tristen. see photos and video. This group is a problem for the neighborhood. Loud race exhaust systems, air tool noise, constant revving of engines until late into the evening, in shop burnouts, burnouts on Rugg Road, riding dirt bikes and 4wheelers on Rugg Road and on my property and I know three neighbors that have contacted the sheriff's dept. Firing shotguns and handguns into the creek near the footbridge behind the front shop. Is it legal to fill the creek full of lead in an HCA zone? They seem to get started working 300pm to all hours 7 days a week.

11. Said there has been lots of police activity here.

I have talked with the Sheriff's dept and they said that they are aware of the problem and they have increased patrol of the road. Many burnout tracks in front of 25421 on Rugg RD. On 8/11/19 Manny lost control of his car and crashed through the neighbors fence. After this they quit with the burnouts for a couple months but are now at it again.

13. Living quarters in front of the building. Photos he showed me show stairs to a 2nd story with lots of piping done without permits.

Last summer the east side of the front building was built into living quarters upstairs and below a marijuana grow room. see photos of stairs leading up to the living quarters. 4 inch ABS pipe for black water and a smaller pipe for grey water on the back of the building. 4 inch pipe runs to the west side to the ground and looks like it is being hidden behind a piece of metal sheeting and foam insulation. This is also the area where the water line comes from the building to run across the creek. The 2 inch ABS pipe runs to the ground on the north east where it drains into a french drain built by Cimino 3 years ago to dump his marijuana waste water. Front of the building has 2 inch pvc from the ground entering the building, south east side. I believe this is the water line from the well house. Tankless water heater was installed 8/10/19. See photos. This building does not have a plumbing permit.

A Biker and woman and child were living in the building for about 4 months and growing marijuana in the grow room that is under the living quarters. They moved out months ago. As of 12/24/19 there has been a pellet stove pipe installed on the east side. See photos of smoke from the pipe and the pallet of bags of wood pellets that are just inside the door that is now being left half way open with a fence around it for the renter's dog. Kenneth Macdaniels I believe is the new renter because he is on the app nextdoor. He posted ".Hi neighbors. I recently moved to the area and my dog wandered off. Lots of large wooded properties hard to see where he went. He has a collar and his name and my number on it. He's a little skittish but hopefully he will come say hi.". He has listed his address as 25421 se. rugg rd. The dog behind the fence matches the description and the photo of Kenneth is the same person in my photos and the man going in and out of the building as the man on the nextdoor app.

14. Cable running across the creek to 2 back buildings

Last summer John Cimino was on a ladder securing a cable from the south building across creek to north building. There is also an orange extension cord that runs across the creek near the new foot bridge. see photos

15. Expired permits on a lot of the buildings. In July of last year large power supply put in. check approvals to compare with what they have.

Electricity was installed on the north building with these permit numbers, B0560317, B0563317 B0560317. The first two of these permits were not picked up and B0560317 has expired. The electrical permit E0716417 was withdrawn and says locked. A Dual transformer 3 phase system has been installed to the north building . 3 feeder circuits were also installed and one of these feeders is supplying the grow building next to it via a conduit between the buildings. see photos. On 8/7/19 the third feeder was installed after receiving a violation for the electrical work. see photos

16. Heaters installed on both north buildings , heater permits expired

See photos

17. DJ's vehicle with stickers on the car showing it is them.

See photos

18. Largo industries automotive and motorcycle repair - 971-407-6188

Many trips from this vehicle. see photos

One of the DJS auto guys is running his own side work from this vehicle. I believe he's the one doing all the painting for DJ'S. see photos of Largo traffic

19. Barrels outside

Looks like oil barrels on the east side of north building

20. Numerous cars outside without licenses came from an auction,

see photos of cars and trucks with auction stickers.

21. Three car lifts and three 240 volt circuits for the lifts installed in the south building. I have photos of inside this building when it was a marijuana grow. These lifts have been installed recently.



CLACKAMAS COUNTY OREGON
PUBLIC RECORDS REQUEST

(For Office Use Only)

DATE RECEIVED _____

REQUEST # _____

REQUESTOR INFORMATION

Name:

Date of Request:

Mailing Address:

City, State, Zip:

Daytime Phone:

Email Address:

Fax Number:

Preferred Method of Contact (check one)

Mail ☐

Phone ☐

Email ☐

Fax ☐

Is this request related to a lawsuit in which Clackamas County is a party, or a tort claims notice filed with the County?

Yes ☐

No ☐

Copies may be furnished without charge or at a substantially reduced fee if the County Administrator or designee determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public. Does this request primarily benefit the general public? If Yes, please describe the public benefit in the below description of your request.

Yes ☐

No ☐

DESCRIPTION OF RECORDS REQUESTED

Please describe the materials you are requesting in as much detail as possible: type of document, date, author, title, etc. If you need more room, please attach additional sheets. Please indicate the date the information is desired. Indicate if you want to inspect the records or if you need certified copies of the records. If no indication is made, regular copies will be provided.

(Attach additional sheets as necessary.)

- The County will respond to your request within 5 working days, or as indicated on page 2 of this form.
- If the estimated costs involved in fulfilling your request exceed \$25, the County will advise you of the estimated costs and require your approval before beginning work.
- Pre-payment of the estimated costs may be required before taking further action on your request.
- Full payment of the total amount of costs incurred is required before the public records are inspected or copies are released.

I HAVE READ AND AGREE TO COMPLY WITH THE ABOVE CONDITIONS, and further agree to pay the cost of fulfilling this Public Records Request according to the conditions set forth above. These costs may include the cost of locating records, reviewing records to redact exempt material, supervising the inspection of records, copying records, certifying records and mailing records. I agree to pay a maximum of \$25 without further approval.

Signature of Requestor

Date



CLACKAMAS COUNTY OREGON

PUBLIC RECORDS REQUEST

(For Office Use Only)

DATE RECEIVED _____

REQUEST # _____

Clackamas County acknowledges receipt of your Public Records Request and responds as follows:

Page 2 of this form is for office use only: County Department Records Custodians complete PART A: Check box(es) that apply to this request; date and print your name next to checked box(es) in the column on left. If estimate is over \$25, also complete PART B below.

	PART A
	<input type="checkbox"/> 1. Enclosed are copies of all requested public records for which the County does not claim an exemption from disclosure. \$ _____ payable in full at the time the copies are provided. (For fees not exceeding \$25.00 – if fees exceed \$25 Part B must be completed)
	<input type="checkbox"/> 2. The County will provide copies of all requested public records for which the County does not claim an exemption from disclosure, as soon as practicable. \$ _____ payable in full at the time the copies are provided. (For fees not exceeding \$25.00 – if fees exceed \$25 Part B must be completed)
	<input type="checkbox"/> 3. Some or all of the public records requested are exempt from disclosure and will be redacted or not provided. _____ (applicable State or Federal Law must be listed)
	<input type="checkbox"/> 4. The County requests additional information or clarification before County staff can search for the records and make an appropriate response. Please contact _____ to provide more detail on the type of document, date, author, title, etc.
	<input type="checkbox"/> 5. The County is uncertain whether it possesses the public records, and will search for the records and make an appropriate response as soon as practicable.
	<input type="checkbox"/> 6. The County does not possess or is not the custodian of the requested public records.
	<input type="checkbox"/> 7. _____ (applicable State or Federal Law must be listed) prohibits the County from acknowledging whether the record exists; or acknowledging whether the record exists would result in the loss of federal benefits or other sanctions.
	<input type="checkbox"/> 8. The County is the custodian of at least some of the requested public records and an estimate of the time and fees for disclosure of the public records will be provided by the County within a reasonable time.
	<input type="checkbox"/> 9. The request pertains to the records of an elected official; a response will be provided within seven days. ORS 192.465(2).
	PART B (When fees exceed \$25 PART B is to be completed by County Records Custodians then signed and dated by the Requestor)
	<input type="checkbox"/> 1. The County is the custodian of at least some of the requested public records and the estimated fees exceed \$25.00. Please sign and return the following agreement to proceed. Estimated time the County requires before the public records may be inspected or copies provided: _____. Estimated fees that the requestor must pay as a condition of proceeding with this request: \$ _____. <u>AGREEMENT TO PAY COST OF PROCEEDING WITH YOUR PUBLIC RECORDS REQUEST when estimated fees exceed \$25.00:</u> A deposit in the amount indicated will be required to proceed with your request. Full payment of the total amount of costs incurred is required before the public records are inspected or copies are released. I HAVE READ AND AGREE TO COMPLY WITH THE ABOVE CONDITIONS, and further agree to pay the costs of fulfilling this Public Records Request according to the condition set forth above. These costs may include the cost of locating records, reviewing records to redact exempt material, supervising the inspection of records, copying records, certifying records and mailing records, including the cost of searching for records. _____ Signature of Requestor _____ Requestor Name (Please type or print clearly) After signing, return to: _____ (County Contact) _____ _____ Date of Pmt
Research/labor Charges \$ _____	
Reproduction Charges _____ pages \$ _____	
\$ _____ Total Pmt Received	