



NOTICE OF HEARING

August 7, 2023

Victor Williamson
19360 SE Hwy 212
Damascus, OR 97089

RE:: County of Clackamas v. Victor Williamson
File: V0008223

Hearing Date: September 26, 2023

Time: This item will not begin before 11:00am 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 Officer's 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.



You must have access to the internet or to a telephone line to use the Zoom platform, a copy of the link is provided below.

If you would like to present evidence at the Hearing please email or mail your evidence to Jennifer Kauppi at 150 Beaver Creek Rd, Oregon City, Oregon 97045, **no later than 4 working days prior to the hearing**. Staff will 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.

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

Zoom invite

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://clackamascounty.zoom.us/j/82864039633?pwd=UKY0TDEwOFg1SU8zazBxY1I0b1RQUT09>

Passcode: 453278

Or One tap mobile:

+14086380968,,82864039633# US (San Jose)

+16694449171,,82864039633# US

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 408 638 0968 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 876 9923 or +1 646 931 3860

Webinar ID: 828 6403 9633

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.

VICTOR WILLIAMSON,

Respondent.

File No: V0008223

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: 19360 SE Hwy 212, Damascus, OR 97089.

2.

The address or location of the violation(s) of law alleged in this Complaint is:

19360 SE Hwy 212, Damascus, OR 97089 also known as T2S, R3E, Section 08A, Tax Lot 02200,
and is located in Clackamas County, Oregon.

3.

On or about the 21st day of March, 2023 the Respondent violated the following law,
in the following way:

- a. Respondent violated the Clackamas County Solid Waste and Waste Management Code, Chapter 10.03 by accumulating inoperable and/or non-currently licensed vehicles and non-putrescible waste. This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities.

4.

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

5.

Notice of the violation was given to Respondent in the following manner: Administrative Citation #2300082 in the amount of \$400.00 was mailed via first class mail on March 22, 2023. A copy of the notice document is attached to this Complaint as Exhibit C, and incorporated by this reference.

6.

Based on these allegations, petitioner requests that a hearing be set in this matter. Petitioner seeks an Order from the Hearings Officer granting the following relief:

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

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the Board of County Commissioners. Said range for a Solid Waste and Waste Management Code Priority 2 violation being \$500.00 to \$2,500.00 per occurrence as provided by Appendix B to the Clackamas County Code

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

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

and

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

DATED THIS 3 day of August, 2023.

Jennifer Kauppi

Jennifer Kauppi
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

VICTOR WILLIAMSON

Respondent.

File No.: V0008223

STATEMENT OF PROOF

History of Events and Exhibits:

- March 7, 2023 Clackamas County received a complaint regarding an occupied recreational vehicle, miscellaneous debris, inoperable vehicles and shipping containers placed without permits.
- March 9, 2023 Correspondence was sent to the Respondent regarding the alleged violations.
Exhibit A
- March 21, 2023 I conducted a site inspection and found miscellaneous debris, several
Exhibit B inoperable or non-currently licensed vehicles, commercial vehicles and shipping containers. There was a recreational vehicle on site, however, it did not appear to be occupied.
- March 21, 2023 I conducted online research of the subject property. The property is over 2 acres in size, therefore, the shipping containers are exempt from permitting for the use of additional storage. In addition, the Respondent had a previous Code Enforcement case V0005320 that he was given a violation letter and citation regarding solid waste on the subject property.
- March 21, 2023 I called the Respondent and spoke with him over the phone. I explained to him that I had conducted a site inspection and confirmed a violation for the solid waste and storing commercial vehicles without land use approval. I explained to Victor that because he had been previously issued a violation letter and a citation for a solid waste violation, I would be issuing a citation for the current solid waste code violation.
- March 22, 2023 Citation 2300082 was issued on March 22, 2023 for \$400.00 for the Priority
Exhibit C 2 Solid Waste and Waste Management Code violation. This citation was sent first class mail and was not returned. The citation remains unpaid.
- March 22, 2023 Correspondence was sent to the Respondent with a deadline of April 22,
Exhibit D 2022 to abate the Zoning violation for the commercial vehicles and June 22, 2023 to abate the Solid Waste and Waste Management Code violation.
- May 2, 2023 I met with the Respondent onsite. I confirmed the commercial vehicles had
Exhibit E been removed from the property. There had been very little progress on the solid waste removal onsite.

May 5, 2023
Exhibit F

I sent the Respondent a text message stating that I would be out on June 27 to conduct another site inspection.

June 27, 2023
Exhibit G

I conducted a site inspection and found the property remained in violation. The Respondent and I met on site and I walked both the front and part of the back of the property explaining to Victor what needs to occur in order to abate the violation. Victor stated that he could take care of 4 inoperable vehicles per month and will work on screening the debris from view. I explained that I would be back to the property on August 1, 2023.

August 1, 2023
Exhibit H

I conducted a site inspection and found the property remained in violation of the Solid Waste and Waste Management Code.

August 3, 2023

This matter was referred to the Hearings Officer.

If the Compliance Hearings Officer affirms the County's position that a violation of the Solid Waste and Waste Management Code, Chapter 10.03.060(A)(B) exists, the County may request a Continuing Order in this matter recommending the following:

- The Respondent be ordered to bring the property into compliance with the Solid Waste and Waste Management Code within 60 days of the date of the Order. The Respondent can keep no more than 2 inoperable or non-currently licensed vehicles on the subject property but they must be screened from view of the road and surrounding properties using a County approved screening method. All remaining vehicles can be stored inside a permitted structure on the property, they can be currently licensed to someone living onsite and operable, or they will need to be removed to an authorized location. All miscellaneous debris must be screened from view of the road and all surrounding properties or removed from the subject property to an authorized disposal facility.
- 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 Respondent.
- The report may include the following recommendations:
- The imposition of civil penalties for the Solid Waste and Waste Management Code violation of up to \$2,500.00 for date cited March 22, 2023.
- Payment for Citation No. 2300082 issued on March 21, 2023 for \$400.00.
- The administrative compliance fee to be imposed from March, 2023 until the violation is abated. As of this report the total is \$300.00
- The County requests the Hearings Officer to permanently prohibit the Respondent from violating this law in the future.
- If the Respondent fails to comply with the Hearings Officer's Continuing Order the County will request the Hearings Officer to issue a Final Order and will also request the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.



March 9, 2023

Victor Williamson
19360 SE Hwy 212
Damascus, OR 97089

Subject: Alleged Violations of the Zoning and Development Ordinance, Title 12, Section 316 and the Building Code, Chapter 9.02.040 of the Clackamas County Code

Site Address: 19360 SE Hwy 212 Damascus, OR 97089
Legal Description: T2S, R3E, Section 08A, Tax Lot 02200

It has come to the attention of Clackamas County Code Enforcement that shipping containers may have been placed on the property without the benefit of permits.

Additionally, unauthorized occupied recreational vehicles may be occupied on the above referenced property. And, there may be an accumulation of solid waste including putrescible (household) waste and numerous inoperable vehicles on the above referenced property.

This may constitute a violation of the Solid Waste Code, Title 10.030.060 of the Clackamas County Code the Zoning and Development Ordinance, Title 12, Section 316 and the Building Code, Chapter 9.02.040 of the Clackamas County Code.

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

E-mail address is JKauppi@clackamas.us

Telephone number is 503-742-4759

**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.*

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CHÀO MỪNG! Vietnamese

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환영합니다. Korean

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Citation No. 2300082

Case No. V0008223

ADMINISTRATIVE CITATION

Date Issued: March 22, 2023

Name and Address of Person(s) Cited:

Name: Victor Williamson
Mailing Address: 19360 SE Hwy 212
City, State, Zip: Damascus, OR 97089

Date Violation(s) Confirmed: On the 21st day of March, 2023, 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): 19360 SE Hwy 212., Damascus, OR 97089

Legal Description: T2S, R3E Section 08A, Tax Lot(s) 02200

Law(s) Violated:

Chapter 10.03 of CCC Solid Waste and Waste Management, Section 10.03.060 (A), (B)

Description of the violation(s):

- 1) Accumulation of solid waste including but not limited to miscellaneous debris and inoperable or non-currently licensed vehicles.

Maximum Civil Penalty \$2,500.00

Fine \$400.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$400.00. 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: Jennifer Kauppi

Date: March 22, 2023

Telephone No.: 503-742-4759

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: _____



March 22, 2023

Victor Williamson
19360 SE Hwy 212
Damascus, OR 97089

SUBJECT: Violation of Clackamas County Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B) and Clackamas County Zoning and Development Ordinance, Title 12, Section 316.03(A)

VIOLATION: V0008223

SITE ADDRESS: 19360 SE Hwy 212, Damascus, OR 97089

LEGAL DESCRIPTION: T2S, R3E, Section08A , Tax Lot 02200

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

- Accumulation of solid waste
- Inoperable and/or non-currently licensed vehicles
- Storing commercial vehicles in a residential zone

VIOLATIONS & HOW TO RESOLVE

On March 21, 2023, I conducted a site inspection and confirmed a violation of the Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B) and Zoning and Development Ordinance, Title 12, Section 316.03. In order to abate the violation(s), you must complete the following **by the deadline dates provided below.**

Solid Waste

The accumulation of solid waste causes a condition of unsightliness and is a safety and health hazard and constitutes a violation of Clackamas County Code Title 10.03.060 (A) and (B). 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. In order to abate the violation, **you must complete the following no later than June 22, 2023:**

- 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 to an authorized disposal facility and store out of sight all articles and solid waste that you wish to keep.

Covering solid waste with a tarp or tarp like structure does not remove the items from violation.

Inoperable and/or Non-Currently Licensed Vehicles

Please abate vehicle violations of the Solid Waste and Wastes Management Code, by utilizing the following options for all inoperable and/or not currently licensed vehicles that includes motorcycles, boats and/or boat trailers, and/or motor-homes, travel trailers, recreational vehicles etc.

- 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.

****Please note:** I will be conducting a site inspection on **June 27, 2023** to confirm the solid waste code violation has been abated.**

Commercial vehicles in residential zone

Currently commercial vehicles in excess of 11,000 GVW are being store on this site. This constitutes a violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 316.03. The subject property is zoned Rural Residential Farm Forest 5-Acre (RRFF-5). In this zone this activity is not allowed. You must abate the violation by completing the following **no later than April 22, 2022:**

- Cease the unauthorized use by removing the commercial vehicle and trailers from the subject property and schedule an inspection to confirm.

OR

Contact our Planning Department to determine if there is an option to obtain land use approval to keep the commercial vehicle and trailers on site.

- ****Please note.** I will be conducting a site inspection on **April 25, 2022** to confirm the removal if land use has not been applied for.**

CONTACT INFORMATION

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, Tuesday and Thursday. The lobby is closed to the public on Wednesdays and Fridays, however, staff are available by phone and email from 8:00 a.m. to 4:00 pm on Wednesday and 8:00 am and 3:00 p.m. on Fridays.

If you have any questions my direct telephone number is 503-742-4759 and my email is JKauppi@Clackamas.us

Jennifer Kauppi

Code Enforcement Specialist
Clackamas County Code Enforcement

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.

**CLACKAMAS COUNTY CODE ORDINANCE TITLE 10.03 SOLID WASTE AND
WASTE MANAGEMENT CODE (This is a portion of the code the remainder of the
code can be found on the Clackamas County Website)**

10.03.030 Definitions

(33). **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.

(48). **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 to 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.

(59). **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 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. There is a series of items identified in this section that are not included in this definition such as fertilizer for agricultural purposes. Please see the code for additional items.

10.03.060 Solid Waste or Wastes 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 a 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, semitrailer 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 to an authorized disposal facilities 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 care 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 sigh 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 $\frac{1}{4}$ 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 $\frac{3}{8}$ 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 Oregon State Uniform Building Code, and all earthen berms are subject to County review pursuant to the County's Grading and Excavation Chapter.

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

Grantor: Bart Grabhorn
32821 Wikstrom Road
Scappoose, OR 97056

Clackamas County Official Records
Sherry Hall, County Clerk

2017-015745



\$53.00

02031398201700157450010017

03/08/2017 10:41:29 AM

After Recording Return to:
Mail Tax Statements to:
Grantee: Victor Williamson
19360 SE Hwy 212
Damascus, OR 97089

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

BARGAIN AND SALE DEED

Bart Grabhorn, Grantor, conveys to Victor Williamson, Grantee, the real property located at 19360 SE Hwy 212, Damascus, Oregon 97089, more specifically described as:

23E08A 02200

00616499

Parcel 1, PARTITION PLAT 2001-100, in the City of Damascus, Clackamas County, Oregon.

The true consideration for this conveyance is less than \$100.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

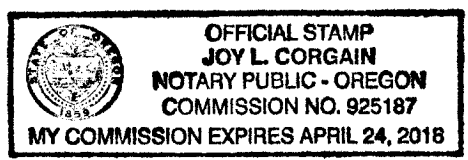
Dated this 28 day of February, 2017.

Bart Grabhorn

STATE OF OREGON)
)ss.
County of Washington)

Signed or attested before me on this 28 day of February, 2017 by Bart Grabhorn.

djs



NOTARY PUBLIC FOR OREGON
My Commission Expires: 4.24.18



Hi Victor, this is Jennifer with Clackamas County code enforcement. My next inspection of your property is scheduled for June 27. Please make substantial progress on the cleanup of the property removal of the cars etc. before that inspection. If you have any questions, please let me know.

























