



## NOTICE OF HEARING

May 22, 2023

James & Brianna Loucks  
24400 SE Hoffmeister Rd.  
Damascus, OR 97089

**RE::** County of Clackamas v. James & Brianna Loucks  
**File:** V0019321

**Hearing Date:** June 8, 2023

**Time:** This item will not begin before 12:00pm 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 20<sup>th</sup> Street, #D-5**  
**Bellevue, WA 98007**
5. **Right to Recess.** If, during the course of the hearing, Respondent or the County requests a recess or postponement, or additional time to present crucial evidence, the Hearings Officer may allow a continuance of the hearing for good cause. The Respondent may also request that the proceeding be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.
6. **Right to Appeal.** The Final Order of the Hearings Officer shall set forth the right of the respondent to appeal any adverse Order. Appeal may be taken pursuant to Section 2.07.130 of the Clackamas County Hearings Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, appellant is responsible for all costs of appeal including preparation of transcript.



**DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

**DEVELOPMENT SERVICES BUILDING**

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Clackamas County is abiding by social distancing requirements during the coronavirus pandemic, so your hearing will be conducted virtually using the Zoom platform.

You must have access to the internet or to a telephone line to use the Zoom platform. We have sent you the Zoom invite to [Bloucks2014@gmail.com](mailto:Bloucks2014@gmail.com) [jloucks@iecon.us](mailto:jloucks@iecon.us) Please contact Jennifer Kauppi if you are unable to find the email.

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

If you are unable to participate in a hearing through the Zoom platform please contact Jennifer Kauppi at 503-742-4759 **within 3 calendar days of receipt of the notice of hearing packet.**

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

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

## Department of Transportation and Development

### **Nondiscrimination Policy:**

The Department of Transportation and Development is committed to non-discrimination. For more information go to:

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

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

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

### **ДОБРО ПОЖАЛОВАТЬ!** Russian

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

### **欢迎!** Chinese (Mandarin)

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

### **CHÀO MỪNG!** Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng:

[www.clackamas.us/transportation/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination), gửi email đến [JKauppi@clackamas.us](mailto:JKauppi@clackamas.us) hoặc gọi điện thoại theo số 503-742-4452.

### **환영합니다.** Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 [www.clackamas.us/transportation/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination)을 참조하거나 이메일 [JKauppi@clackamas.us](mailto:JKauppi@clackamas.us), 또는 전화 503-742-4452번으로 연락 주십시오.



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

COUNTY OF CLACKAMAS,

Petitioner,

v.

JAMES AND BRIANNA LOUCKS,

Respondents.

File No: V0019321

COMPLAINT AND REQUEST FOR HEARING

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

1.

Respondent's mailing address is: 24400 SE Hoffmeister Rd., Damascus, OR 97089

2.

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

26948 E Arlie Mitchell Rd., Rhododendron, OR 97049 also known as T3S, R7E, Section 11AB, Tax Lot 02100, and is located in Clackamas County, Oregon.

3.

On or about the 11<sup>th</sup> day of April, 2023 the Respondents violated the following law, in the following was:

- a. Respondents violated the Clackamas County Solid Waste and Waste Management Code, Chapter 10.03 by accumulating miscellaneous debris on the subject property. This violation is a Priority 4 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 Respondents in the following manner: Administrative Citation #2100193 in the amount of \$200.00 was mailed via first class mail on April 17, 2023. A copy of the notice document is attached to this Complaint as Exhibit G, 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 violation 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 Solid Waste and Waste Management Code Priority 4 violation being \$100.00 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 19 day of May, 2023.

*Jennifer Kauppi*

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Jennifer Kauppi  
Code Enforcement Specialist  
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

JAMES AND BRIANNA LOUCKS

Respondents.

File No.: V0019321

STATEMENT OF PROOF

History of Events and Exhibits:

May 7, 2021	Clackamas County received a complaint regarding a dangerous accessory structure that had a roof collapse.
May 13, 2021 Exhibit A	Building Inspector Robert Fix conducted a site inspection and confirmed the accessory structure as a dangerous building.
June 20, 2021 Exhibit B	Code Enforcement Specialist Michael Barnes posted the accessory building as a dangerous building. The building was to remain vacated until such time as permits were obtained for repair of the structure. The dangerous building notice was mailed to the owner at the time of the posting.
April 7, 2022	The property was sold to the Respondents. All previous fines and fees were voided.
December 13, 2022 Exhibit C	I conducted a site inspection. More than half of the accessory structure had been removed.
December 13, 2022 Exhibit D	I sent an email to the Respondents regarding the demolition of the accessory structure. I asked the Respondents an estimated date for completion of the demolition of the building and removal of all associated debris. The Respondents did not reply to my email.
January 23, 2023 Exhibit E	Correspondence was sent to the Respondents with a deadline of March 9, 2023 to complete to removal of the accessory structure and all associated debris from the subject property.
April 11, 2023 Exhibit F	I conducted a site inspection. The remainder of the building had been taken down, however, the debris from the demolition remained on the subject property.
April 17, 2023 Exhibit G	Citation 2100193 for \$200.00 for the Priority 4 Solid Waste and Waste Management Code violation was sent first class mail. The first class mail was not returned. This citation remains unpaid.

May 16, 2023  
Exhibit H

I conducted a site inspection. The building debris remained on the subject property.

May 19, 2023

I referred this matter 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 Respondents be ordered to bring the property into compliance with the Solid Waste and Waste Management Code within 30 days of the date of the Order by removing all remaining building debris and miscellaneous solid waste including but not limited to discarded paint cans, miscellaneous chemicals, concrete, scrap metal, discarded fencing and miscellaneous trash.
- Code Enforcement to confirm compliance of the above item and the County will submit a Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondents.
- The report may include the following recommendations:
- The imposition of civil penalties for the Solid Waste and Waste Management Code violation of up to \$1,000.00 for date cited April 11, 2023.
- Payment for Citation No. 2100193 issued on April 17, 2023 for \$200.00.
- The administrative compliance fee to be imposed from January, 2023 until the violation is abated. As of this report the total is \$225.00
- 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.

# Clackamas County

150 Beaver Creek Rd  
Oregon City, OR 97045

Tel: Inspection: 503-742-4720

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**Location:**

26919 E CHINOOK LN RHODODENDRON OR  
97049

**Inspection Date:**

Thu, 13 May 2021

**Record Type:**

Code Enforcement - Violation

**Record ID:**

V0030420

**Inspection Type:**

270 Miscellaneous/Consultation

**Inspector:**

Robert Fix

**Inspector Phone:**

503-519-1661

**Inspector Email:**

rfix@clackamas.us

**Result:**

In Violation

**Submit Time:**

Thu, 13 May 2021 12:45:PM

**Comments:**

This is a very dangerous building should be posted as such.









**NOTICE AND ORDER OF DANGEROUS BUILDING**

**DO NOT ENTER THIS BUILDING**

**UNSAFE TO OCCUPY**

**IT IS A MISDEMEANOR CRIME TO OCCUPY, ENTER, OR**

**REMAIN IN THIS BUILDING**

**VIOLATORS ARE SUBJECT TO ARREST**

**DO NOT REMOVE OR DEFACE THIS NOTICE]**

**Issued by Matt Rozzell, Building Official of Clackamas County**

**TO:** Jamie Stein and Occupants

**SITE ADDRESS:** 26948 E Arlie Mitchell Rd., Rhododendron, OR 97049.  
T3S, R7E, Section 11AB, 02100

**AUTHORITY:** Chapter 9.01 of the Clackamas County Code

**DATE:** May 20, 2021

Pursuant to Chapter 9.01 of the Clackamas County Code the Building Official for Clackamas County have inspected or caused to be inspected the storage building at the above referenced location and have determined that such building is a dangerous building and is an immediate danger to life, limb, and safety of its occupants and the public for the following reasons:

- The building or structure is being used or occupied contrary to the manner in which it was approved and such use creates a life or fire safety hazard to the property owners pursuant to §9.01.100(C).
- The building or structure or portion thereof is manifestly unsafe for the purpose for which it is being used. The accessory structure by allowing individuals to be inside the structure is unsafe due to a large tree falling on the structure making it unsafe to occupy pursuant to §9.01.100 (E).



As a result of this notice and order you must take the following action(s) as required by the Building Official:

**This building is to remain vacated and you must not re-occupy this building until required permits are obtained the structure is made safe.**

See Clackamas County Code §9.01.110(A)(3)(b).

The Building Official has ordered the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and charge the costs thereof against the property and its owner(s).

Any person having any record title or legal interest in the building may appeal from this notice and order and any action of the building official to the board of appeals, **provided the appeal is made in writing as provided in this chapter and filed with the building official within 30 days from the date of service of this notice and order.** See §9.01.150. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

This notice and order is being served upon the owner of record and posted on each known exit of the subject building. In addition, this notice and order is being served on other potential legal interest holders including but not limited to mortgage, deed of trust, or lien holders, and known tenants or occupants. Mailings shall be accomplished by certified mailing, return receipt requested, to the person or entity entitled to service of the notice and order as required by §9.01.110(C).



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Matt Rozzell, Building Official  
Clackamas County, Oregon

















## Kauppi, Jennifer

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**From:** Kauppi, Jennifer  
**Sent:** Tuesday, December 13, 2022 3:55 PM  
**To:** 'bloucks2014@gmail.com'  
**Subject:** 26919 E Chinook Ln and 26948 E Arlie Mitchell Rd - V0019321

**Importance:** High

Hello,

I did a site inspection on the open violation file V0019321 located at 26948 E Arlie Mitchell Rd today. I can see that the building is currently being demolished.

A couple of questions

1. What is your current expected date for completion of the removal of the rest of the building and all the associated debris from the demolition?
2. The house on Chinook that is right next to this building – are you currently waiting for another dumpster to be delivered?

Please advise

Thank you

*Jennifer Kauppi*

Code Enforcement Specialist

Clackamas County – Transportation & Development

Code Enforcement

JKauppi@clackamas.us

503-742-4759

150 Beaver Creek Rd

Oregon City, OR 97045

Office hours are Monday-Thursday 8:00 am – 4:00 pm

**\*\*PLEASE NOTE: Beginning Friday, August 5<sup>th</sup> our lobbies will be CLOSED on Fridays to in-person customer service. \*\***

Staff is still available by phone from 8 am – 4 pm.

Were you happy with the service you received today?



CLICK A SMILEY



January 23, 2023

James & Brianna Loucks  
24400 SE Hoffmeister Rd  
Damascus, OR 97089

**SUBJECT: Violation of Clackamas County Abatement of Dangerous Building 9.01.100 (C), (E) and Solid Waste and Waste Management Code, Title 10, Chapters 10.03.060 (A) and (B)**

**VIOLATION:** V0019321

**SITE ADDRESS:** 26948 E Arlie Mitchell Rd., Rhododendron, OR 97049

**LEGAL DESCRIPTION:** T3S, R7E, Section 11AB, Tax Lot 02100

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

- Accumulation of solid waste
- Dangerous Building open and accessible to public

### **VIOLATIONS & HOW TO RESOLVE**

On May 20, 2021 County staff posted the accessory structure onsite as a dangerous building. The structure was damaged in a storm due to a tree strike. The structure was accessible to the public, therefore, was posted until such time as permits were issued to repair or remove the structure.

On December 13, 2022 I conducted a site inspection of the property. The structure was in the process of being demolished. I noted that the property was not secured from the public and there was building debris onsite from the demolition. I scheduled a follow up inspection for January 19, 2023 to check progress. The site inspection on January 19, 2023 found that no further progress had been made on the removal of the building and debris remained onsite.

Failure to secure previously posted dangerous building from the public constitutes a violation of the Abatement of Dangerous Building Code 9.01.100 (C),(E) and the accumulation of miscellaneous solid waste debris onsite constitutes a violation of Clackamas County Solid Waste and Waste Management Code Title 10.03.060 (A) and (B). In order to abate the violations, you must complete the following **no later than March 9, 2023:**

## Accessory Structure

- Please submit, or have your professional submit, the building permit application(s), technically complete plans and appropriate fee(s) for a demolition permit.
  - All requests for additional information in order to complete plan review must be responded to within 10 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.
  - The removal of the remainder of the building and all associated debris onsite must be removed to an authorized disposal facility **no later than March 9, 2023.**

## CONTACT INFORMATION

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beaver Creek Road, Oregon City. The lobby is open between the hours of 8:00 a.m. to 4:00 p.m. Monday through Thursday. The lobby is closed to the public on Friday, however, staff is available by phone or email.

If you have any questions my direct telephone number is 503-742-4759 and my email is [JKauppi@Clackamas.us](mailto: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](mailto:codeenforcement@clackamas.us).
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.

**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



After recording return to:  
James W. Loucks and Brianna N.  
Loucks  
24400 SE Hoffmeister Road  
Damascus, OR 97089

Until a change is requested all tax  
statements shall be sent to the  
following address:  
James W. Loucks and Brianna N.  
Loucks  
24400 SE Hoffmeister Road  
Damascus, OR 97089

File No.: 7012-3886187 (sb)  
Date: January 18, 2022

THIS SPACE RESERVED FOR RECORDER'S USE	
Clackamas County Official Records Sherry Hall, County Clerk	<b>2022-016556</b> 03/18/2022 01:51:09 PM
D-D                      Cnt=1 Stn=7 LISA \$20.00 \$16.00 \$10.00 \$62.00	<b>\$108.00</b>

**STATUTORY WARRANTY DEED**

**Jamie Stein**, Grantor, conveys and warrants to **James W. Loucks and Brianna N. Loucks, as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

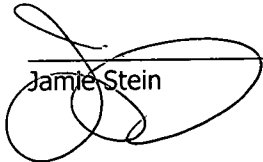
**Subject to:**

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

The true consideration for this conveyance is **\$100.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

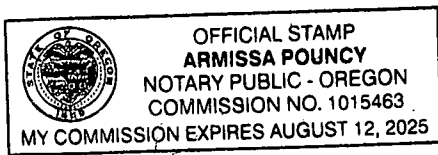
Dated this 17 day of March, 2022.

  
\_\_\_\_\_  
Jamie Stein

STATE OF Oregon )  
ap Multnomah ) ss.  
County of Clackamas )

This instrument was acknowledged before me on this 17 day of March, 2022 by **Jamie Stein**.

  
\_\_\_\_\_



Notary Public for Oregon  
My commission expires: 8-12-2025

**EXHIBIT A**

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

**PARCEL I: 37E11AB02100 00981398**

**A TRACT OF LAND BEING A PART OF BLOCK "A", PLAT OF RHODODENDRON, IN SECTION 11, TOWNSHIP 3 SOUTH, RANGE 7 EAST OF THE W.M., DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT THAT IS SOUTH, A DISTANCE OF 377.00 FEET AND EAST A DISTANCE OF 180.00 FEET FROM THE NORTHWEST CORNER OF SAID BLOCK "A", SAID POINT BEING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF MT. HOOD HIGHWAY NO. 26 AT THE MOST NORTHERLY CORNER OF A TRACT OF LAND CONVEYED AS PARCEL I TO STATE OF OREGON BY AND THROUGH ITS STATE HIGHWAY COMMISSION BY DEED RECORDED APRIL 12, 1954 IN BOOK 480, PAGE 300, FEE NO. 4511, DEED RECORDS, SAID POINT ALSO BEING ON THE SOUTH LINE OF A TRACT OF LAND CONVEYED TO JOIE SMITH BY DEED RECORDED JUNE 22, 1962 IN BOOK 605, PAGE 675, FEE NO. 13391, DEED RECORDS; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID PARCEL I, STATE OF OREGON TRACT, A DISTANCE OF 70.00 FEET TO THE SOUTHEASTERLY CORNER THEREOF, SAID POINT ALSO BEING ON THE NORTH LINE OF A TRACT OF LAND CONVEYED AS PARCEL II, TO STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, BY DEED RECORDED APRIL 12, 1954 IN BOOK 480, PAGE 300, FEE NO. 4511, DEED RECORDS; THENCE EAST ALONG SAID NORTH LINE AND ITS EASTERLY EXTENSION THEREOF, A DISTANCE OF 83.75 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY LINE OF BARLOW TRAIL; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO A POINT DUE EAST OF THE PLACE OF BEGINNING, SAID POINT BEING THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO GEORGIA M. CORE BY DEED RECORDED FEBRUARY 13, 1937 IN BOOK 235, PAGE 553, FEE NO. 31947, DEED RECORDS; THENCE WEST ALONG THE SOUTH LINE OF SAID CORE TRACT AND THE SOUTH LINE OF SAID SMITH TRACT, A DISTANCE OF 164.00 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.**

**pt. 2100****PARCEL II:**

**A TRACT OF LAND BEING A PART OF BLOCK "A" PLAT OF RHODODENDRON, IN SECTION 11, TOWNSHIP 3 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT THAT IS SOUTH A DISTANCE OF 437.00 FEET AND EAST A DISTANCE OF 238.00 FEET FROM THE NORTHWEST CORNER OF SAID BLOCK "A", SAID POINT BEING ON THE NORTHEASTERLY RIGHT OF WAY OF MT. HOOD HIGHWAY NO. 26 AT THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED AS PARCEL II, TO STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION BY DEED RECORDED APRIL 12, 1954 IN BOOK 480, PAGE 300, FEE NO. 4511, DEED RECORDS; THENCE EAST ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID PARCEL II, STATE OF OREGON TRACT, A DISTANCE OF 70.75 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY LINE OF BARLOW TRAIL; THENCE SOUTHWESTERLY ALONG SAID WESTERLY LINE, A DISTANCE OF**

**14.87 FEET; MORE OR LESS, TO A POINT; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE A DISTANCE OF 47.31 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF A TRACT OF LAND CONVEYED TO STATE OF OREGON BY AND THROUGH ITS STATE HIGHWAY COMMISSION, BY DEED RECORDED FEBRUARY 20, 1954 IN BOOK 478, PAGE 480, FEE NO. 2370, DEED RECORDS; THENCE WEST ALONG SAID NORTH LINE, A DISTANCE OF 31.93 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF THE AFOREMENTIONED PARCEL II, STATE OF OREGON TRACT, THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID PARCEL II, STATE OF OREGON TRACT, A DISTANCE OF 70.00 FEET TO THE PLACE OF BEGINNING.**

**EXCEPTING THEREFROM THAT PORTION ACQUIRED BY THE STATE OF OREGON THROUGH EMINENT DOMAIN CASE NO. CV04020301 FILED FEBRUARY 5, 2007.**

















Citation No. 2100193

Case No. V0019321

# ADMINISTRATIVE CITATION

Date Issued: April 17, 2023

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

Name: James and Brianna Loucks  
Mailing Address: 24400 SE Hoffmeister Rd  
City, State, Zip: Damascus, OR 97089

Date Violation(s) Confirmed: On the 11th day of April, 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): 26948 E Arlie Mitchell Rd., Rhododendron, OR 97049

Legal Description: T3S, R7E Section 11AB, Tax Lot(s) 02100

**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) Failure to remove all associated debris from the demolition of the accessory structure from the subject property.

Maximum Civil Penalty \$1,000.00

Fine \$200.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$200.00. 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  
Telephone No.: 503-742-4759

Date: April 17, 2023  
Department Initiating Enforcement Action: Code Enforcement













